MINUTES

WEDNESDAY, 10TH MARCH, 1976

PRESENT WERE:-

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.V. WATLER, CBE., JP.	FIRST OFFICIAL MEMBER
HON. G.E. HUTCHINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER
HON. A.B. BUSH, JP.	CAYMAN ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B.O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (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, MRLT, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T.W. FARRINGTON, CBE., JP.	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H. BODDEN, OBE.	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. C.T. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDERS OF THE DAY

WEDNESDAY, 10th MARCH, 1976

SEE PROGRAMME FOR STATE OPENING.

ADJOURNMENT

RESUMPTION.

1. PRESENTATION OF PAPERS.

TO BE LAID ON THE TABLE - BY HON. V.G.JOHNSON,OBE., FINANCIAL SECRETARY

(i) The Accounts of the Government Savings Bank for the financial year ended 31st December, 1974.

(ii) The Accounts of the Government of the Cayman Islands for the financial year ended 31st December, 1974.

2. QUESTIONS -

MR. JAMES M.BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE BENSON O. EBANKS, RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES,ETC.

(i) What is the completed cost of the new hospital including the equipment?

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE D. V. WATLER, OBE.,JP., FIRST OFFICIAL MEMBER AND LEADER OF GOVT.BUSINESS

(ii) Within the past two years was any major contract from the Cayman Islands Government awarded to a company substantially owned by Caymanians ?

MR. JAMES M.BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE D. V. WATLER, OBE.,JP., FIRST OFFICIAL MEMBER AND LEADER OF GOVT.BUSINESS

(iii) Did the company that was awarded the contract to print the Government Gazette hold a Trade and Business Licence when the bid was made and when the contract was awarded?

3. GOVERNMENT BUSINESS -

BILLS:-

(i) The Supplementary Appropriation (1974) Bill, 1976 First and Second Readings.

(ii) The Succession (Amendment) Bill, 1976 First and Second Readings.

(iii) The Traffic (Amendment) Bill, 1976 First and Second Readings.

(iv) The Merchandise Marks Bill, 1976 First and Second Readings.

TABLE OF CONTENTS

	PAGES
PRAYER	1
OATH OF ALLEGIANCE	1
H.E. THE GOVERNOR'S TRADING SPEECH	1
RESOLUTION OF THANKS TO H.E. THE GOVERNOR	11
PAPERS TO BE LAID ON THE TABLE	12
QUESTIONS	12
THE SUPPLEMENTARY APPROPRIATION (1974) BILL, 1976, FIRST AND SECOND READINGS	15
THE SUCCESSION (AMENDMENT) BILL, 1976, FIRST AND SECOND READINGS	16
THE TRAFFIC (AMENDMENT) BILL, 1976, FIRST AND SECOND READINGS	20
THE MERCHANDISE MARKS BILL, 1976, FIRST AND SECOND READINGS	25
THE SUPPLEMENTARY APPROPRIATION (1974) BILL, 1976, COMMITTEE THEREON	26
THE SUCCESSION (AMENDMENT) BILL, 1976, COMMITTEE THEREON	26
THE MERCHANDISE MARKS BILL, 1976, COMMITTEE THEREON	28
THE SUPPLEMENTARY APPROPRIATION (1974) LAW, 1976, REPORT THEREON	30
THE SUCCESSION (AMENDMENT) BILL, 1976, REPORT THEREON	30
THE MERCHANDISE MARKS BILL, 1976, REPORT THEREON	30
ADJOURNMENT	30

C A Y M A N I S L A N D S

STATE OPENING

OF THE

LEGISLATIVE ASSEMBLY

BY

HIS EXCELLENCY THE GOVERNOR

MR. THOMAS RUSSELL, CBE

WEDNESDAY, 10TH MARCH, 1976

AT

10 a.m.

9:25 a.m. to 9:35 a.m.	Members of the Legislative Assembly and Members of the Public seated (Rev. John M. Gray, MBE., B.Sc. right of Dais).
9:45 a.m.	Guard of Honour in position.
9:50 a.m.	Arrival of Mr. Justice Moody (met by the Acting Deputy Clerk and escorted to seat on left of Dias).
9:55 a.m	Arrival of His Excellency the Governor.
	INSPECTION OF GUARD OF HONOUR
9:58 a.m.	The Clerk Acting Deputy Clerk The Governor Superintendent Vernon Ebanks will give three knocks on the door.
	The door will be opened by the Serjeant-At-Arms. As the doors open, the Serjeant-at-Arms will head the procession and will announce -
	"HIS EXCELLENCY THE GOVERNOR" -------(ALL STAND)-------
	The procession will consist of -
	The Serjeant-at-Arms The Clerk The Acting Deputy Clerk His Excellency the Governor Superintendent Vernon Ebanks
	The Procession proceeds up to the Dias and the Governor will bow to the right and left.

THE GOVERNOR will request the Minister to say a PRAYER.

At the conclusion of the prayer the Governor will say "PRAY BE SEATED".

THE CLERK WILL ADMINISTER THE OATH TO THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS, CAPT. CHARLES LEONARD MACONNELL WHO WILL THEN ASSUME HIS SEAT.

THE GOVERNOR READS THE SPEECH FROM THE THRONE.
The Senior Elected Member of the Legislative Assembly moves

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

BE IT FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL FRIDAY THE 12TH MARCH, 1976.

SECONDED BY: MISS AMBLE H. BODDEN

QUESTION PUT:

THE GOVERNOR, SUPERINTENDENT VERNON FRANKS, THE SERJEANT-AT-ARMS AND THE CLERKS RISE (ALL STAND)

THE GOVERNOR LEADS AND PROCESSION LEAVES IN FOLLOWING ORDER -

SERJEANT-AT-ARMS
THE CLERK
THE ACTING DEPUTY CLERK
SUPERINTENDENT VERNON FRANKS

AND DEPART

THE CLERK RETURNS TO THE TABLE AND ANNOUNCES THE SUSPENSION OF THE HOUSE FOR HALF AN HOUR.

FIRST MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY
WEDNESDAY 10th MARCH, 1976

SEE PROGRAMME FOR STATE OPENING

PRAYER: REV. JOHN R. GRAY, M.B.E., B.Sc.

Almighty God from whom all wisdom and power are derived, we beseech Thee so to direct and prosper the deliberations of this Legislature now assembled that all things may be ordered upon the best and surest foundations for the glory of thy name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, Elizabeth the Queen mother, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal family.

Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of these Islands, Executive Councillors and Members of this Legislature that they may be enabled faithfully to perform the responsible duties of their high office.

All this we ask for Thy name's sake. Amen.

OATH OF ALLEGIANCE

Hon. Capt. C.L. Kirkconnell, Second Elected Member of the Lesser Islands (successful candidate in the recent by-election in place of Capt. A.A. Reid deceased) was administered the Oath of Allegiance by the Clerk of the Legislative Assembly.

H.E. THE GOVERNOR: Pray be seated,
Honourable Members of the Legislative Assembly.

Today we inaugurate the first meeting of the final Session of the Legislative Assembly during the currency of the membership determined in the 1972 general elections. I extend a welcome to the new Member for Cayman Brac and Little Cayman who takes his seat for the first time following the recent by-election caused by the untimely and much-mourned death of the late Captain Ashton Reid MBA, whose presence we still miss in the House.

I propose, in this address, to follow the same pattern as last year, and outline the main events of 1975 before attempting to chart the course for 1976.

1975

Few tears were shed for the passing of 1975 in most countries of the world. The effects of recession bit deep and in the United States unemployment was running at 7.6 million, and in the United Kingdom at 1.25million by the end of the year. Yet there were encouraging signs of recovery, both in the United States and United Kingdom, although historically the effects of recession or affluence in the developed countries with which we trade take time to work their way into the local economy.

Although it was clear that we were in for a buffeting in the economic seas of the year, I refused to be too pessimistic in the Throne Speech a year ago, and I believe that all in all this faith was justified by events. At the beginning of the year some firms were struggling for existence, yet many have survived and have even expanded their operations. The two main bulkheads of the economy - financial centre operations and tourism, albeit under pressure - stood firm, the former despite significant tax increases at the beginning of the year, and the latter showed a 2 percent increase in tourists arriving by air, despite a bad start to the year. Government's policy of proceeding with the completion of its larger development projects, the Administration Building, the Port project, the renovation of the hospital, improvements at the George Town High School, the roads improvement scheme - all labour-intensive - helped to cushion unemployment which was running at a high rate in undeveloped countries including the Caribbean Islands, as well as in the developed countries. The effects of recession bit deep however into the construction industry, although developments at Silver Sands, the com-

MR. PRESIDENT (CONT'D):pletion of the CIBC bank building, and at Mitchell's Creek - now Lime Tree Bay - show that this is by no means moribund. Real estate transactions remained in the doldrums throughout the year, with interest rates high and investors from developed countries influenced by the stock markets and credit restrictions. Agriculture received a set-back from the demise of fresh-milk production of Caledonian Farms, but at the turn of the year there were hopes that under new management the operations will be revitalised. Progressive build-up of Mr. Bothwell's cattle-herd at West Bay, continued hydroponic operations, and small-scale farming were positive achievements. The recession had the welcome effect of putting the brake on the rising cost of living, which created severe inflationary problems in 1973 and 1974. The consumer price index, based on figures including abolition of preferential duties, increased hospital fees and increased Custom's duties on vehicles introduced in the 1976 budget rose only 6.41 points in the 12-month period January 1975 to January 1976 compared with 21 points for the previous year.

Following these general remarks, I shall briefly summarise progress and disappointments under the 7 portfolios under which Government activities are arranged:-

Communications, Works and Public Transport

Substantial progress was made during the year. The new Administration Building, the Owen Roberts Airport freight shed and Customs Office, and the in-patient hospital improvements, all of which were put out to contract, were completed, the Administration Building and hospital to high standards. Simultaneously, the Public Works Department by direct labour completed the learning resources centre, the sports changing rooms and learning disabilities centre in George Town plus extensions to West Bay Primary School and Cayman Brac High School. The construction work on the Broadcasting Studios was also finalised but shipping delays hindered work on the two transmitting stations which remain to be completed, hopefully this month. A new jetty was built at Spotts so that the heavy inflow of tourists by cruise ships would not be hampered by nor'westers. The re-surfacing of Cayman Brac runway had necessarily to be deferred because of difficulties in obtaining crushed rock of suitable standard.

The year has seen a welcome transformation of trunk roads on Grand Cayman. Thirteen miles of asphalt carpet have so far been laid out of a programme of 22 miles. In addition, 8 1/2 miles of marl roads in George Town, West Bay and districts east of the capital have been black-topped.

The George Town port project was commenced by McAlpine Ltd after successfully competing for the contract by international tender. Progress has been slower than target for two reasons:

(a) Notification was made during the tender stage that the depth alongside the front wall was to be 15 feet instead of 10' as originally included in the tender documents. This work, which would greatly improve port utilisation for a moderate increase in cost, was to accommodate deeper draft ships than had been expected to use the berths when the original design was drawn. An offer to undertake the deepening work during the tender stage unfortunately fell through, leaving the consultants with the difficult task of making new arrangements.

(b) When the necessary trenching for the wall footing had been completed, adverse weather conditions and turbidity of the water prevented the contractors from achieving the work now being attained.

As Members are aware, work on the air-terminal building at Owen Roberts/Airport has been deferred until the future revenue position

MR. PRESIDENT (CONT'D): improves. It nevertheless remains a high priority.

The postal services were improved during the year by direct delivery of mail in rural areas. The Post Office dealt with almost two million pieces of mail during the year.

Tourism, Lands, Natural Resources and Agriculture

It speaks highly for the growing expertise of the Department of Tourism and the local tourist industry that the depressing figures for early 1975 were turned into significant gains by the end of the year. 54,145 visitors arrived by air in 1975, compared with 53,106 in 1974. This was no accident. Although the new passenger reservation service in the Miami office was paying dividends, the declining traffic in early year prompted a complete review of departmental operations and promotional efforts. Contacts with travel agents were increased: public relations and publicity efforts were boomed both at the travel trade and the consumer, and new package tours were introduced through appointed tour operators. The Department's "Dear America" campaign won the top award for advertising excellence from the USA Hotel Sales Management Association and was adjudged the advertisement with most reader response in the October issue of the New Yorker Magazine. The most spectacular development however has been the growth of cruise ship traffic. Visitors from this source increased from 2,518 in 1974 to 22,451 in 1975. I wonder what other country in a year of depression has attracted a number of tourists 6 times the number of its own population.

By the end of 1975, the Cadastral Survey had completed fieldwork on all of the three islands except for the area lying east of the transisland road on Grand Cayman where work is in progress in two demarcation areas on the east. To this date, the survey had dealt with 10,065 claims. The survey of 3,384 parcels, involving 12,389 acres, was completed October - December and registered by the Registrar of Lands. Of these, there were 89 disputes and 148 petitions, or less than two percent contested. The Registrar of Lands received 4,142 applications for land certificates during the year, compared with 2,078 in 1974. Land values are reported as steady throughout 1975, with only minor dealings in commercial areas and beach property. The greater security of titles after cadastral survey apparently facilitated greater lending by the banks. It is interesting to note that in another Caribbean territory where cadastral survey has been completed, the official government brochure gives prominence to the fact that Land titles are now guaranteed and because of the new Land Registry system investors and others can deal simply, cheaply and with absolute security with the land there.

Large-scale agriculture had its ups and downs. The dairy section of the Caledonian Farms closed down during the year, while vegetables, pork, beef and mutton production continue with varying success. New management gives hope that the venture will have better fortunes this year. Hydroponics ran into technical difficulties in ensuring a continuous supply of vegetables, in particular tomatoes, which are of excellent quality. It seems likely that the technical difficulties have now been overcome. A new vegetable production farm, Island Vegetables, began operations in North Side in 1975 and using small Japanese equipment have had success with a large variety of vegetables. Mr. Bodden's poultry and beef farm in West Bay was strengthened by the importation of Santa Gertrudis and Limousine cows and bulls, which will greatly improve local beef production. Daily egg production is running at 10,000. Throughout the year Mariculture in receivership maintained its operations and achieved the important break-through of breeding turtles from eggs laid by turtles bred on the farm. It is a significant sign of faith in the Cayman Islands that despite marketing difficulties the farm has been taken over, involving an investment of more than two million dollars by German and British interests. The new company intends to increase production and eventually the work-force and to transfer the manufacturing of turtle-shell products from overseas to Grand Cayman offering further employment when this takes place.

The Mosquito Research and Control Unit carried out its twin policy of dealing with mosquito breeds - 9 during the year - by air-spraying and fogging, and of improving physical control by digging canals and dyking. Five and a half miles were completed during the year. Although

MR. PRESIDENT (CONT'D): the insecticide Dibrom has now been used for two and a half years, there has been no change in susceptibility to it. Research for alternative insecticides continues however. A light ship-borne infestation of the yellow-fever/dengue vector Aedes Aegypti reported in Cayman Brac in October was eradicated. A consultancy team of experts on mosquito control in Florida, which visited the Islands at the invitation of the Government at the end of the year, studied the operations in depth and endorsed the policies and methodology of this important department.

The fieldwork of the Marine phase of the National Resources Study was completed in mid-1975, under the joint direction of Doctors Wicksteed and Giglioli, and the final report should be available in mid-1976. The study was assisted by an expedition of the Royal Society, aided by scientists from the MNCU, which visited Little Cayman in June and July. Separately, a fisheries survey was undertaken by officers commissioned by the Overseas Development Ministry. Their study showed that sufficient stocks existed to supply the local market but discounted the possibility of large commercial fisheries.

Health, Education and Social Services.

The Cayman Islands National Council of Social Services was inaugurated in January 1975, an executive committee being under the chairmanship of Mr. Richard Arch. There are now 38 churches and organisations and 40 individuals who are members of the Council, and from their number 6 committees have been established concerned with: Sports, Youth, Pre-School Child Care, Care of the Aged, Care of the Handicapped and Welfare. Community Councils have been established in all districts of Grand Cayman. The activities of the various organs of the Council are too numerous to mention here - but Family Fair Day and the Cup of the Farm competition for primary schools exemplified the catalytic effects of the Council on the community.

Public Health services have been vastly improved since the last Session of the Assembly began. A large pharmacy which should lead to economies in drugs and reduce storage was completed, and used temporarily as a hospital ward until the new wards which were opened on 26 February 1976 were completed. These offer standards of medicine second to none in any dependency. Environmental health, which includes garbage collection, was fortified by new equipment which enabled the service to be extended to North Side, Rum Point and East End. The Sanitary Engineer carried out a survey on Cayman Brac and made recommendations for the establishment of a garbage dump and the inception of garbage collection as soon as possible. Water-testing has been inaugurated from a well-equipped laboratory and public health inspections have been regularly maintained. There were 313 births during the year, of which 70 percent were Caymanian: this compares with 73 deaths.

The country owes much to the United Kingdom for the construction of the Government's modern school buildings over the past years. I am informed that the school at Savannah is the only one which has not been built under British aid. I have already referred to the main improvements at the Cayman Islands High School in 1975, but there were also additions to schools on Cayman Brac and West Bay. But bricks and mortar are not the true criterion of education. I pay tribute to the dedicated efforts of the teaching staff, not only in Government schools, but in the private schools which contribute so significantly to primary and secondary education. I have, I believe, visited all schools in the country during working hours, and we enjoy a very favourable pupil/teacher ratio and have a professional cadre of trained teachers of high calibre. With the current annual output from the High School of 100, most of them with CSE or GCE passes, it is becoming increasingly important to relate the future output to job opportunities consistent with their qualifications. With 29 Government-sponsored students registered in colleges and universities, and an increasing proportion of High School output likely to qualify for university entrance in future, manpower assessments of graduate requirements in the country as a whole also require closer study. This may result in future to a closer relationship between the grant of Government scholarships and specific disciplines. Qualified Caymanian graduate teachers and medical staff would reduce our dependence on staff now recruited from overseas. The budgetary provision for tertiary training in 1976 is $91,500. In addition, Caribbean Development

MR. PRESIDENT (CONT'D): Bank loan funds amounting to $50,000 are available...

The Community College began last October has approximately 180 students registered for 20 classes, and this will be developed annually according to need. Sound progress has also been made by the Teachers' Centre.

Labour

The appointment of a Labour Officer in February will, it is hoped, assist both employers and persons looking for work through the operation of a simple employment agency. Its success will depend upon the extent to which it is used.

Cayman Brac, Little Cayman and Information

Projects completed during the year included the addition to the Cayman Brac High School, the construction of a District Officer's house on Little Cayman, the construction of a new doctor's residence on Cayman Brac, the purchase of land for a public beach, and continuation of the Bluff road. The main works project, however, the improvement and resurfacing of the Cayman Brac airfield, was plagued with difficulties, caused mainly by equipment defects and supply of suitable rock for resurfacing. The effects of the closure of Little Cayman airfield to DC3 traffic on 1 January 1975 were minimised by the inception of services between the two islands by smaller aircraft and the strip is still considered adequate for DC3 freight services. The costs of bringing the airfield up to suitable standard for passenger services must be continually weighed against the traffic expected and the competing calls on government funds for other desirable projects in Cayman Brac and Little Cayman.

Private sector operations continued throughout the year, the service from St. Petersburg providing a direct tourist input from the United States and a large quantity of supplies by air. The Buccaneer's Inn has recently expanded its accommodation and improvements to the wharf on Cayman Brac continued.

It should not be forgotten that a large element of the funds allocated for Broadcasting is so as to provide the same service throughout the three islands.

Although funds from British Aid sources for a community centre could not be secured, this project remains for financing from local funds as soon as these can be released.

Despite press accounts of the likely development of an oil terminal on Little Cayman, the Government has not received any response to its request made in July 1975 for the basic information necessary to enter into negotiations for such a large-scale development and which the Government's consultants regard as a prerequisite of detailed discussions. The ecology, revenue, employment for Cayman Islanders, are three of the areas in which Government is vitally concerned.

The Public Relations and Information Officer, with the assistance of local printing facilities, was able to secure the publication of the Annual Report for 1974 in May 1975, long before the Reports for 1972 and 1973, printed overseas, were available. It is hoped to repeat this performance this year.

Legal and Judicial

Thirty laws were enacted and 19 regulations made in 1975. The most important laws were undoubtedly the Judicature laws which will be brought into effect shortly, and which have the effect of upgrading the Grand Court so as to have the full status, powers and procedure appropriate to a Superior Court of Record, and providing for the establishment of Summary Courts to exercise a wider jurisdiction than heretofore in both criminal and civil matters. The new Penal Code and Criminal Procedure Code have respectively codified the penal laws of the Islands, and made new

MR. PRESIDENT (CONT'D): provisions for the procedure to be followed in all courts and in the investigation and trial of criminal cases.

The Cayman Gazette was introduced on 1 January 1975, and contains all official notices, while legal notices, all Bills to be presented to the Assembly, enactments of the legislature, statutory rules and orders are published as supplements. This is of benefit not only to Honourable Members and to officials, but to the entire business community. It also provides, in durable form, a historical record of public business and is admissible as evidence in courts of law.

A Caymanian law graduate was admitted to the bar, and appointed as Deputy Clerk to the Courts. It is likely that two more Caymanian law graduates will be available for employment by Government this year.

Finance and Development

The Honourable Financial Secretary's Budget Address amply covered the financial history of 1975 and projected expenditure and revenue for 1976.

Whereas the 1976 Estimates assumed that a deficit of $214,000 would be carried forward into 1976, the final figures will not be known until the accounts are closed and audited, but there is every indication that this figure will be exceeded. Because of agency and below-the-line accounts, and the retention of Government funds in the United Kingdom because of the unfavourable exchange rates on transferral here, there was also an increasing liquidity problem at the end of 1975 which was only abated by the influx of revenue in January and February. There is little doubt that 1976 will require continued careful financial management and there is no slack for supplementary expenditure not provided for in the Estimates.

At the end of 1975 there were 194 banks and trust companies licensed, 36 being Class A licences. 6,018 companies were on the Register compared with 5,948 at the end of 1974, after 554 had been struck-off with 30 liquidations. There were 1,261 registrations during the year. The Register showed 4,129 ordinary companies, 2,320 exempt and 169 foreign.

On the development side, the publication by the Planning Authority in April 1975 of the proposed Development Plan for public comment stimulated a degree of public controversy and attention in proportion to the importance of the document. The course envisaged in the Planning Law has now been run up to conclusion of the proceedings of the Planning Tribunal for which we were fortunate in securing, under British Technical Assistance, the services of Mr. J. Wyn-Pugh CBE, as Chairman. It is a tribute to the Caymanian public that, despite strongly-held opinions, the Tribunal's proceedings were held with great courtesy and dignity in hearings which have covered nearly 6 weeks. It now remains for the Tribunal to complete its report, for the report to be passed to the Planning Authority for comment, and - in turn - laid before this Assembly, which is the final arbiter.

1976 will see two important philatelic issues commemorating the 75th anniversary of the use of the postage stamps, and also because of our close ties with the United States commemorating the Bi-Centenary of United States Independence. This must be a unique issue for a British dependent territory, and illustrates the degree of latitude that this Government enjoys in the field of international relations.

The Currency Board continues to build up its reserves, which excluding royalties on numismatic issues abroad at the end of 1975 at $600,000. The extent to which these are committed to form the backing for numismatic issues is under review, and in future years the Government can look for some revenue from the profits of the Board. The 1976 numismatic issue including the six queens' $100 and $50 coins, both of intrinsic beauty, is expected to be an outstanding success.

A committee comprising representatives of the Financial community and senior officials of Government was inaugurated during the year, and meets quarterly to discuss matters of common interest. This is

MR. PRESIDENT (CONT'D) proving most valuable and supplements contacts between Government and specialised sections of the business community.

External Affairs, Police, Broadcasting and the Civil Service

A team of British Advisers from the Development Division in Barbados, led by Sir Bruce Greatbatch KCVO CMG MBE, visited the islands last April, and held valuable discussions to identify the fields in which British Aid can be most usefully deployed.

Visits were made during the year by the Governor of Belize, the British High Commissioner in Nassau, Premier John of Dominica, various officials of the High Commissioner's office in Kingston, and of United Nations Agencies. His Lordship Mr. Justice Moody, Judge of the Grand Court, was able to assist the Turks and Caicos Islands by presiding over their Supreme Court in January, and the Director of Civil Aviation has also assisted this dependency with civil aviation matters.

The Overseas Police Adviser, Mr. M.J. Mahour CMG, visited the islands in November, and useful discussions were held at official level and with Members of the Assembly on police administration. There was a welcome influx of Caymanian recruits into the Force in 1975, and it is hoped that this trend will continue. Fatal traffic accidents in 1975 were fewer than in 1974 but the number of accidents and driving standards still give cause for concern despite the vigilance of an improved Traffic Branch. Excellent progress was made with police training - particularly in the early part of 1975 - and this has been recommenced in January.

The expansion of the civil service at the beginning of 1975 was contained in the 1975 Estimates. With the assistance of the United Nations Adviser in Public Administration, and the appointment of a Deputy Principal Secretary (Establishments) in late 1975, the Administrative Improvement Programme began in 1973 was continued. Organisation and procedure studies were made of two departments; the opportunity of the move to the new Administration Building was taken to improve organisation, and continuing studies have been undertaken in office supplies and printing. Thirty-three officers undertook training relevant to their jobs, and the revision of the Public Service Commission Regulations has improved the mechanisms for appointments, promotions and discipline in the public service.

The Immigration Department, which has been separated from the Police, has moved to new accommodation formerly occupied by Establishments Branch. During 1975 sixty-seven persons were registered and thirteen naturalised as citizens of the United Kingdom and Colonies.

The Broadcasting studios have been completed by the Public Works Department, but delay in supply of equipment has delayed the inception of the service which, it is hoped, will be on the air by the end of this month. I predict that this will be one of the most significant developments for the community for many years.

Visits and Ceremonial

The Queen's Birthday celebrations were enhanced by a visit of HMS GURKHA and the participation in the Parade of a contingent from the ship, and the Corps of Drums of the Second Battalion of the Scots Guards. HMS MINERVA, which visited Grand Cayman and Cayman Brac in August, flying the flag of the Senior Naval Officer West Indies, undertook the blasting of a boat channel in Bodden Town and renovated a youth centre in East End. I record, with regret, the departure from West Indian waters at the end of March, after so many years, of the squadron of the Royal Navy stationed in Bermuda.

Two Members of the Assembly were honoured by the Queen during the year: the Honourable Chief Secretary, Mr. Desmond Vere Watler, with the CDE and Miss Annie Huldah Bodden, Honourable Member for George Town, with the OBE.

Private Sector:

As mentioned in my introductory remarks, financial sector operations and tourism remained buoyant: the construction

MR. PRESIDENT (CONT'D): industry suffered a reduction of business, particularly by smaller firms, and real estate business is till in the doldrums. Unemployment caused increasing concern throughout the year, with laying-off of labour by Mariculture, the construction firms and, as Government direct-labour jobs were concluded, the Public Works Department.

Public utilities, despite criticisms, continued to meet the needs of the community. Caribbean Utilities are expanding their generating plant, and Cable & Wireless opened a modern automatic telephone exchange in June. Cayman Water Company has expanded its supply of desalinated water along the West Bay peninsula and has a further desalination plant on order.

Without any fanfare of trumpets, the wide range of societies active in our midst achieved much to be proud of. The Conservation Society published an instructive handbook on the ecology. The Humane Society were active and is keen to do more if problems in locating a pound for stray dogs can be overcome. The Festival Committee held an impressive Festival of the Arts in November, and the Agricultural Society, which developed its own show-ground during the year, has had a successful Agricultural Show a week ago. It is planning to establish a market for local produce and deserves every encouragement. Sports clubs have expanded, and now offer a wide range of sport to the youth of the country. A new society has been founded to finance and construct a Cayman National Theatre.

So much for 1975. What lies ahead?

1976 is election year, and in a small community the tempo of politics will increase in the run-up to the polls. This the country can take in its stride as it has in the past.

More worrying, perhaps, have been the recent demonstrations in December and February against a wide spectrum of policies and measures authorised by the constitution, by Laws made in the Assembly or approved by the vote of the majority of Members. Grievances of the community will always be considered in this democratic country, and there are well-tried paths for their ventilation: by petition to the Governor, by petition to this Assembly, or by petition to the Secretary of State for Foreign and Commonwealth Affairs. But self-appointed leaders of demonstrations, who have no mandate from the electorate at the polls, would do well to consider the possible effects of their actions on an economy climbing back towards full employment, and realise that the conduct of public affairs of this country, under the constitution, is endorsed by the Honourable Members who constitute this historic legislature.

It is hoped to complete the following programme during the year:-

Communications, Works and Public Transport

Work on the George Town port will continue with a projected completion date now February 1977. Legislation will be brought before the Assembly to establish a Ports Authority for administration of the new facilities. Re-surfacing of Cayman Brac airfield will begin in April. The report of the Water and Sewerage consultants is now under study, and any proposals involving public expenditure will be brought before the Finance Committee during the year. As soon as British Aid funds are released additions to the Comprehensive School will be made, in the shape of three additional classrooms and an administrative block, connecting covered ways and a Sixth Form centre. The asphalt paving programme of the first 22 miles of trunk roads in Grand Cayman will be achieved, black-topping of roads in West Bay will be completed, and it is hoped to surface 6 1/2 miles of remaining unsurfaced roads.

Tourism, Lands, Natural Resources and Agriculture

With a bumper winter season assured, the Department of Tourism will endeavour to improve their 1975 success-rate in attracting tourists in the off-season. This will be aided by the decision

MR. PRESIDENT (CONT'D): of the Civil Aeronautics Board of the United States to permit one-stop charters to the Caribbean for the first time. The first of these should be operating from Chicago and Detroit in summer 1976. A final decision by the Board on the approved United States' carrier is also expected this year. A growth rate of 15 percent over 1975 is the 1976 target. The Department will also consolidate and improve the inflow of tourist vessels of which three a week is not now abnormal. Planning approval has been given for an expansion of residential facilities at Galleon Beach Hotel, and encouragement is being given to other projected hotel developments which could give a welcome boost to the construction industry.

The cadastral programme, which is scheduled to end in mid-1977, may be speeded up if road access can be opened up in the East End hinter-lands. This would also serve the development of the water-lens, mosquito control, and agriculture, and we are endeavouring to obtain British Aid funds for this purpose.

Study of the Natural Resources Survey report, expected shortly, will lead to definition of policy for dredging, sand extraction, and eventually measures to protect the ecology.

The experimental agricultural farm in the Bodden Town constituency will be developed as funds permit during the year, leading to dissemination of planting material to farmers at an enhanced rate. Farming and veterinary problems will continue to receive the professional and enthusiastic assistance of the Director of Agriculture.

The Mosquito Research and Control Unit will expand physical controls within budgetary limits and continue routine, but essential and highly-appreciated, chemical control.

Health, Education and Social Services

The physiotherapy services at the George Town Hospital are expected to expand during the year, with the addition to the staff of a fully-qualified Caymanian physiotherapist, whose brother is incidentally, after qualifying as a medical officer, specialising in surgery in the United Kingdom. Considerable improvements in service to the public will flow from the new facilities recently opened, although the construction of a new operating theatre must establish a high claim to allocation of funds. So far construction in 1976 does not appear possible.

1976, which will include the additions to the Cayman Islands High School referred to earlier, will be a year of consolidation rather than expansion in the educational field, and the GCE and CSE results this year should illustrate the success of educational planning and performance over the last three years. Under Social Services, the Council of Social Service has started a school for handicapped children at West Bay and plans are well-advanced for a day-care centre at North Side. It is also anticipated that the Boys' Home being sponsored by Rotary will be built this year.

The year will also reveal the usefulness or otherwise of the Labour Employment Bureau.

Cayman Brac and Little Cayman

It is possible, in addition to the airfield programme, a start will be made on the community centre for which land is likely to be available on the Bluff, and work on the transinsular road on the Bluff will continue. An additional classroom will be added to one of the schools. The recent re-orientation of British Aid towards rural development gives reason to hope that projects in Cayman Brac and Little Cayman may qualify for assistance more easily than in past years.

Legal and Judicial

A revised Police Force Bill comes before the Assembly at this morning. Projected legislation includes a Bill to improve

MR. PRESIDENT (CONT'D): the secrecy provisions of the Banking and Trust Company Regulation Law, an Accounts and Auditors Bill, and a second suite of Judicature legislation dealing with Evidence, Limitation, Perpetuities and Prescription, Age of Majority and Matrimonial Causes. Although we are unlikely to complete a series of commercial laws during 1976, these include Bills covering Sale of Goods, Insurance, Motor Drivers Indemnity and contracts.

Finance and Development

1976 calls for prudent financial housekeeping. Entering the year with a deficit, we were also called upon to complete several projects expected to be finished by the end of 1975 and for which no money had been re-voted. Expenditure is tailored exactly to expected revenue, and the greater part of the Territory's reserves were used to buttress employment in 1975 by the implementation of a sizeable capital programme. We rely on the upturn of the economy to liquidate the deficit, which must be the first target: thereafter it would be prudent to build up reserves, these at the expense of many pressures for only a few thousand dollars to do something not thought of when the estimates were prepared. In this climate, the call upon the general public to contribute more to the cost of heavily-subsidised services was well-nigh inescapable.

The proposed Development Plan has run the gamut of the legal requirements for publication, public objection and examination by the Tribunal. The Tribunal's report to the Planning Authority is awaited. Thereafter, the Authority, in turn, has to report to the Legislative Assembly through the Financial Secretary who will be responsible for presenting the proposed Plan, the Tribunal and Authority Reports to the Assembly. The public will require time to study the Tribunal's Report before final decisions are taken, without doubt by a Select Committee of the whole House. It is becoming increasingly doubtful whether a Select Committee would have time to report on these complex documents between submission to the Assembly, by June at the earliest, and dissolution of the Assembly prior to the general elections.

The draft 5-year Economic Programme, referred to by the Financial Secretary in his Budget Address, is nearing completion in draft. Whether this can be usefully endorsed before the general elections again remains to be seen: certainly the Members of the new House will wish to examine and approve it and it will afford the guidelines for the capital estimates and for the financing of capital programmes for the next 5 years. As the capital programme for 1976 has already been approved by the Legislative Assembly, we are discussing a future programme for the years 1977-1982.

Two important measures are being examined by the Financial Secretary. First, with a professional secretary of the Currency Board at post, it is planned to develop the Board in the direction of a monetary authority, and to float local bond issues to which local banks with a surfeit of Cayman dollars not absorbed in inter-bank transactions would be encouraged to subscribe. This will ease Government's liquidity position and afford a source of capital for development. There are ample precedents elsewhere to be studied.

Second, it is proposed to establish a local Agricultural and Industrial Loans Board to provide limited capital for development by private individuals, and particularly Caymanians, in commerce and agriculture. We are assured assistance from the Caribbean Development Bank if such a board is established, and it may also be eligible for assistance from British Aid funds.

A Caymanian Economist will replace the United Nations Economic Adviser and Development Planning Adviser in April, and will be directly responsible to the Financial Secretary for economic and developmental subjects.

External Affairs, Police and the Civil Service

With a depleted establishment which is proving

MR. PRESIDENT (CONT'D): difficult to fill locally, the Commissioner of Police hopes to make a modest start, within his approved expenditure figures, with the inception of a Special Constabulary. This could cement relationships between the police and the general public and provide a reserve for ceremonial occasions or in case of hurricane disaster or other emergencies.

A top-level expert in the structure of civil services is likely to visit the territory this year as part of the British Aid programme. We believe that we have the local capacity to convert any recommendations into practice. Re-structuring could lead to improvements in efficiency and possibly economies in manpower.

Staff Changes

I shall be returning to the United Kingdom for two months' leave at the end of the first half of my term of office in March. The Honourable Desmond Walker CBE will act as Governor during my absence, and Mr. Dennis Foster MBE, Senior Principal Secretary, will act as Chief Secretary.

The Private Sector

There is a lot happening under the surface. A barbed-wire factory will shortly commence operations in George Town, and there are other proposals for light industry on Cayman Brac and Grand Cayman. Significant hotel developments are likely in the next two-year period, but will take time to mount. Stability, a highly-developed infrastructure and a legal system of increasing maturity are assets comparing favourably to those of other countries competing for investment, and the capital is available to back worthwhile and properly-investigated projects.

In brief, while we can never be complacent, we have our sails set to benefit from the winds of rising prosperity in the countries from which we have derived benefit in the past.

I should like to pay tribute to the dedicated and knowledgeable performance of my Executive Council throughout the year, and to acknowledge the debt which the country owes to all Members of the Legislative Assembly. The politician has the unenviable lot of receiving few plaudits when the populace considers that things are going right, and to attract criticism, sometimes vituperative criticism, when events are not to the individual's liking. Cause and effect are sometimes misunderstood. Yet it should be remembered that the politicians determined at the polls are the leaders of the people, and that their duty is to act for the good of the majority and for the Cayman Islands as a whole.

I also acknowledge the mode of work performed by the civil service, by the many voluntary organisations, the churches, the press and the business community. For all of these are part of our dynamic inter-looking society, part of the Cayman Islands, and responsible in their several ways for the degree of services and prosperity which, with some regrettable but temporary exceptions in this year of grace, we enjoy.

I pray that under Divine guidance, Honourable Members, in this final Session of the Assembly before the next elections, will continue to afford their country their wise and analytical counsel, and that the ensuing year, with patience, endeavour and tolerance, will be one of progress in all important fields.

MR. T. W. FARRINGTON: Your Excellency, I feel greatly honoured today as the Senior Elected Member of this Honourable House to move the following Resolution - and I may say this, that I'm looking forward for this to be unanimously passed.

> BE IT RESOLVED that the Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious address delivered at this meeting

HON. T.W. FARRINGTON (CONT'D): BE IT FURTHER RESOLVED that debate on the address delivered by His Excellency be deferred until Friday the 12th of March, 1976.

SECONDED BY: MISS ANNIE H. BODDEN

QUESTION PUT: AGREED.

PROCESSION LEAVES CHAMBER
HOUSE SUSPENDED

CLERK: THIS HONOURABLE HOUSE IS NOW SUSPENDED FOR HALF AN HOUR.

HOUSE RESUMED

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

PAPERS TO BE LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President and Honourable Members I beg to lay on the Table of this Honourable House, first the Accounts of the Government Savings Bank for the financial year ended 31st December, 1974, secondly the Accounts of the Government of the Cayman Islands for the financial year ended 31st December, 1974.

MR. PRESIDENT: So ordered.

QUESTIONS

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE BENSON O. EBANKS, RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES ETC.

(1) WHAT IS THE COMPLETED COST OF THE NEW HOSPITAL INCLUDING THE EQUIPMENT?

ANSWER:

THE TOTAL COST IS NOT YET KNOWN BECAUSE OF CERTAIN OUTSTANDING ACCOUNTS. HOWEVER, THE AMOUNT PAID TO ENTITE CI$585,633.40.

MR. JAMES M. BODDEN: Supplementary - Could the Member state what amount of this is for the building and what amount is for the equipment?

HON. B.O. EBANKS: No, Mr. President, I am unable to separate the cost of equipment and building material.

MR. JAMES M. BODDEN: Further supplementary, was the job completed within the time quoted in the contract?

HON. B.O. EBANKS: Not within the time quoted in the original contract, extensions were given.

MR. JAMES M. BODDEN: Further supplementary. What was the total amount of time in addition that was given?

HON. B.O. EBANKS: Approximately seven months.

MR. JAMES M. BODDEN: Further supplementary. What caused this delay, was it the delivery of material or what?

HON. B.O. EBANKS: Mr. President, in my original answer I mentioned that there were amounts outstanding; as in any contract of this size there is final accounting to be done, there are claims, counter-claims, contractors retention money, and included in the claims are claims which Government does not acknowledge. The matter is subject to arbitration in accordance with the terms of the contract, and if I were to go into the matter of placing blame for anything here today, I could prejudice the outcome of the arbitration, and I would ask Members to respect this position.

MR. JAMES A. BODDEN: In that case I withdraw the question.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Would the Member say if this cost as stated was from local funds?

HON. B.O. EBANKS: Local revenue I presume. Yes, the Hospital was done from local revenue, except for a benefaction which the Government received towards the renovation.

MR. G. HAIG BODDEN: One supplementary Mr. President. Can the Member say if the outstanding accounts will put the total cost much above the original estimates.

HON. B.O. EBANKS: I am unable to give a categorical answer to that question Mr. President, but indications are that the final accounts will be within the amount voted for the project.

MR. PRESIDENT: Proceed to the next question.

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT:

(2) WITHIN THE PAST TWO YEARS WAS ANY MAJOR CONTRACT FROM THE CAYMAN ISLANDS GOVERNMENT AWARDED TO A COMPANY SUBSTANTIALLY OWNED BY CAYMANIANS?

ANSWER:

Yes.

MR. G. HAIG BODDEN: A supplementary Mr. President. Can the Member give us the name of the company that received such a contract.

HON. A.B. BUSH: Yes, Mr. President, Project Management Ltd.

MR. JAMES M. BODDEN: Is that on the basis Mr. President of it being a local registered company, or a company that is substantially owned by Caymanians?

HON. A.B. BUSH: Substantially owned by Caymanians, Sir.

MR. CRADDOCK EBANKS: Mr. President a further supplementary. Could the Member say what contract did those contractors cover or do?

HON. A.B. BUSH: It was one contract , Mr. President, and it is was on the Hospital project.

MR. JAMES M. BODDEN: Has there been any other contracts other than the one to Project Management that has been awarded to a Caymanian company?

HON. A.B. BUSH: No.

MR. JAMES M. BODDEN: This may be touching on holy grounds, but would the Member care to state to us how he's assured himself that Project Management is a Caymanian owned company?

HON. A.B. BUSH: Because the majority shareholdings belong to a Caymanian, a man who has Caymanian Status, so he's a Caymanian.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Could the Member say if at any other time that local contractors bid on bids - if he could give any reason why they were not accepted?

HON. A.B. BUSH: I cannot Mr. President, that would be an opinion of mine. I don't award contracts, it's the Tenders Committee that does, and I really don't know.

MR. JAMES M. BODDEN: Could the Member state the percentage of holdings and the amount of share capital that is issued in this company that is owned by a Caymanian, that he has more or less assured himself that it is a Caymanian company.

MR. PRESIDENT: I think that's going rather outside the terms of the original question.

MR. CRADDOCK BRANES: Mr. President this is not a direct question, it's in the sort of an indirect question. But the Member in his capacity responsible when he ought to know when a contract is being dealt with what those that tender for it, what is their cost whether they be granted or not. So his answer doesn't answer the question that I asked previous to this.

MR. PRESIDENT: We pass on to next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE D.V. WATLER, CBE., J.P. FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS

(3) DID THE COMPANY THAT WAS AWARDED THE CONTRACT TO PRINT THE GOVERNMENT GAZETTE HOLD A TRADE AND BUSINESS LICENCE WHEN THE BID WAS MADE AND WHEN THE CONTRACT WAS AWARDED?

ANSWER:

YES.

MR. JAMES M. BODDEN: Supplementary. Could the Member give us the date on which this contract was awarded, and the date on which the business licence was issued?

HON. D.V. WATLER: The contract was awarded in the latter part of December. They held a business licence now for quite sometime, I'm not exactly sure of the date, but from time they started operation they held a business licence quite prior to the awarding of that contract.

MR. JAMES M. BODDEN: Was that business licence held by the company that is actually printing the Gazette, or was it by the parent company?

HON. D.V. WATLER: The licence was held by the Northwester Company.

MR. JAMES M. BODDEN: Further supplementary. Was this the only bid that was submitted, or were there bids submitted by Caymanian owned companies?

HON. D.V. WATLER: I'm of the opinion, and this I will have to say is an opinion, because it went out to tenders and the Tender Board awarded this, so I'm of the opinion there were more, but I'm not on the Tender Board, I'm of the opinion there were more.

MR. G. HAIG BODDEN: One supplementary Mr. President. When the Member said that a contract to print the Gazette was awarded in late December, he is of course referring to December 1974.

HON. D.V. WATLER: That is correct.

MR. CRADDOCK BRANES: Mr. President,a further supplementary. Could the Member say if there were any other bids for this contract?

MR. PRESIDENT: The answer has already been given to that.

MR. CRADDOCK BRANKS: I'm sorry then Mr. President.

MR. JAMES M. BODDEN: Is the Member aware of any other trade and business licence being issued to this company after December, 1974.

HON. D.V. WATLER: The Trade and Business Licences are issued annually, so there would be one in '75 and there should be one in '76.

MR. JAMES M. BODDEN: My question is whether an additional licence was issued. In other words, whether in '75 the company was only issued the Northwester licence that they had before allowing them to print anything. Or was there another licence issued for another company to print the Gazettes in 1975?

HON. D.V. WATLER: Northwester was the one that was printing it. And they were the ones that had licence back in '74 to do this.

MR. PRESIDENT: We pass on to Government Business - Bills.

THE SUPPLEMENTARY APPROPRIATION (1974) BILL, 1976

CLERK: THE SUPPLEMENTARY APPROPRIATION (1974) BILL, 1976 INTRODUCTION AND FIRST READING

MOVED BY HON. V.C. JOHNSON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1974) BILL, 1976 SECOND READING

HON. V.C JOHNSON: Mr. President, Honourable Members, this Bill seeks to authorise expenditures over and above those which were originally approved under the Appropriation Law for the year 1974. It is usual during the course of any financial year whenever there is the financial capacity to do so, to authorise additional expenditures over and above those already authorised. And this is usually approved by the Legislative Assembly by Motion after being dealt with by the Finance Committee.

The present Supplementary Appropriation Bill for 1974 is requesting that this Honourable House now authorise a sum of $958,364 over and above the actual expenditure for that particular year, or over and above the amount of approved expenditure for that year. If the total sum of supplementaries approved under motions presented to this House were totalled it would be discovered that the sum would exceed what is being requested for final approval here today. But the process in final accounting is that each Head is totalled against the approved Estimates, and the excess is requested for approval under a Supplementary Appropriation Law, and it need not be the total sum which was originally approved by Motion.

These were examined by the Auditors; Internal Audit, and External Audit. The report of the Auditors have been made, and they were examined and accepted as reasonable and now the Law is put forward for formal approval of these expenditures. 1974 is far behind us and this law is coming forward at this stage merely to authorise formally what has been done then. And so I recommend the Law Mr. President, it's not an unusual Law, a Supplementary Appropriation Bill comes forward each year, for some previous year, and so I would ask Members to consider the recommendations and accept the Bill as it is put forward. Thank you sir.

QUESTION PUT: AGREED: BILL GIVEN SECOND READING

THE SUCCESSION (AMENDMENT) BILL, 1976

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1976 INTRODUCTION AND FIRST READING.
MOVED BY HON. G.E. WADDINGTON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1976 SECOND READING

HON. G.E. WADDINGTON: The Succession Law, Law 18 of 1975 was passed towards the end of last year, and subsequently thereto it was discovered that in paragraph 2 of paragraph (a) of sub-section (1) of Section 29 there has been an omission of some words which resulted in non provisions of the devolution of the interest of a surviving spouse if she happened to have died during here life interest.

The section should have read as appears in the Bill, but unfortunately in the original law as passed the words in the second line commencing and reading "on the statutory trusts for the issue of the intestate" were omitted. As I've said the omission of those words meant that there was no provision made for the devolution of the interest of the surviving spouse in the event of her death during her life interest: and so it is sought to delete the entire paragraph and to substitute it with the paragraph appearing in the Bill with the words which were omitted. I commend the Bill for the favourable consideration of the Members of this House, and I apologise to the House for the fact that this ought to have been picked up the Legal Department.but was not.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED: DEBATE ENSUED

MR. G. HAIG BODDEN: Mr. President, lest all Bills today should pass without debate I must make a contribution. I can only support this amendment, because it clarifies a very important aspect of the Succession Law. It clearly defines what will happen to the interest of the beneficiary under a trust if that beneficiary should die before the trust runs out.

The reason why I rise to speak is that this amendment makes it abundantly clear that we as legislators should examine these very important bills. I remember last year during the passing of this Bill, and similar legislation that we made many attempts to amend and to tidy up certain portions of bills, one of them was the law dealing with what would happen to a persons estate if the person died without a Will.

I have always felt that when a Bill comes before this House no matter which expert drafted the Bill, no matter how many legal opinions had previously been obtained, no matter how often it had been gone through by Executive Council the Bill will not be one hundred percent perfect and the onus is on all the Members of the Legislative Assembly to say that they feel something is wrong. I must admit that we were all at fault in not catching this amendment that should have been made, but I have no hesitation in saying that had I proposed the very amendment which is now being asked it would not have been accepted by Executive Council. We have seen this happen time and time again, and I feel it is time that the attitude of this House changes so as you said in your Throne Speech this morning that we work together for the good of the majority, and for Cayman as a whole. Mr. President I support this amendment, and I give my thanks and my gratitude to the Second Official Member for presenting this much needed amendment.

MR. TRADDOCK EBANKS: Mr. President and Honourable Members, I too give my support to this amendment,after receiving it and reading it down and comparing it, I did see as well what was the disadvantage then compared to now.

As has just been said it has happened many a

MR. CRADDOCK EBANKS (CONT'D): time when Members proposed certain deletions, certain amendments, certain changes in bills before the House, its not readily accepted simply because as has been said we don't understand. But it is regrettable that some of the same arguments proposing amendments then months or a year its brought back with the painting, we discovered this recently, and we feel that its necessary to be amended. My only reason, Mr. President, for being here is to try and be of every benefit and every help I can to what is good and what is the best for the people of our island. Our islands I would say, because I don't want my colleague to think that I'm leaving out Cayman Brac or Little Cayman.

So making it short, Mr. President, I go wholeheartedly with this, and I hope that none of our residents, our people will have to encounter any difficulties in getting what one might die and leave for the other. So I give it my blessings and trust that it will all work for the good of everyone concerned. I thank you.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of the amendment to this Bill, seeing that at the time that this bill was drafted words were omitted in the drafting of the Law. And seeing that its a very short amendment the need for this is very much needed, and as the Second Official Member stated by having this matter cleared up we can stop quite a lot of anomalies that may arise by not doing so at this time. We sat here and passed this Law, and I am very grateful for the foresight of the draftsman in seeing that something was omitted, and with that Mr. President and Honourable Members, I thank you very much.

MR. PRESIDENT: Does the Honourable Mover wish to reply? Sorry I think another Member wishes to speak.

HON. B.O. EBANKS: Yes, Mr. President. I did not intend to speak on this Bill, because its a very simple amendment, but I would be amiss in my responsibility if I did not reply to some of the remarks made during the debate. It was stated that had this amendment been brought by a Member other than a Member of Executive Council it would definitely have been rejected. I would just like for the records to point out that the Law, that is the Succession Law, Law 10 of 1975 went through the full process of study in Committee, and that the minutes of that Committee will reveal that amendments proposed by Members, whether of Executive Council or otherwise were made to these Bills as they went through, in fact the Chairman of the Committee, the Member piloting this Bill himself offered amendments during the course of the Committee, and I don't think that the Member is achieving at all what he proposed to do, that is to work together when he seeks to give the impression that Members other than Members of Executive Council are not given an opportunity to make amendments to these Bills when they were passing through the House.

It should be remembered that this Bill was a part of the parcel of legislation referred to in the Throne Speech this morning, it was a very voluminous package of legislation, and if this is the only resulting Amendment from that exercise, I think the Hour can feel quite pleased with itself on a job well done. Because actually I expected that may be more than this might have slipped through at that time. It was a very voluminous bunch of laws as I've said, and it is undoubtedly the longest period spent by this House in Committee studying any parcel of legislation, and I said Minutes will record that amendments were entertained from all sides of the House by Members, whether they were Members of Executive Council or otherwise.

HON. A.B. BUSH: Mr. President, Honourable Member, I too must like to support what the Member has said, that is the Member from Executive Council, and to refute what was said by the Member from Bodden Town. He has implied that whatever the so called opposition, or the self-styled opposition I would say put forward to this House is rejected by Executive Council. This is not the case Sir, and I would like this House to know, and I think Members of this House know this, but probably those in the gallery

HON. A.B. BUSH (CONT'D): don't know, and I would just like them to know that this was not the case, that as the Member from Executive Council has already said that it is all put to Committee and studied carefully and all amendments which are suggested by any Member are carefully considered and taken or rejected the case may be. So there's not such a case as the Member has stated that whatever they may put forward is rejected by Executive Council. Thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, I really was hoping that I was going to get the chance to warm my seat real good, because I really didn't see any reason to debate this Bill, but just because my colleague here now fit to make a remark more or less in jest which is very true when you get to it Sir, the sixteen inches on the other side decided it was their bounden duty to reply so in view of that it is bounden duty from this side, I was only hoping that the Fourth Elected Member would also get up and say his piece before I said mine.

This proves to me one thing Mr. President, that although we may have a new year, and that although we hope the path is going to be rosy this year, it proves that the atmosphere from Executive Council has not changed one bit. In fact it appears to be more antagonistic than it was in the preceding sittings of this House. It is the truth what my colleague said, the Hansards of this House will reveal that ninety nine percent of any amendments, any motions or anything else that comes from this side of the House is automatically rejected by the great strength of Executive Council. And, Mr. President, regardless of how stupid the seven Members on this side of the House, were something would have to come from them that would be correct, no one can be a fool all the time, neither can anyone be right all the time. When we get a government in power that they are right all the time, and that 'yes' rules, we become a communist society, that is the only place where that is held in esteem that type of Government. We do not want that type of government here.

Reference was made to opposition, Mr. President, the opposition in this House has been created by your Constitution, it has been created by the actions of your Executive Council. When we were given our Constitution it automatically set up a block vote, and if it was anything created an opposition it was that Constitution, because there's no way you can get around it. Automatically there are seven votes on that side, so what are we going to do on this side, agree with everything that comes before the House. Any little thing that we oppose or say in this House from this side of the house is just like throwing water into the faces of the honoured gentlemen in Executive Council. I think it is about time that they decide that not everything that's said on this side is just foolishness, and if they have seen fit to accept so many things from this side of the house, I would challenge them at this time to reveal to me just even one amendment that they have gone along with/ we have placed from this side of the House, I am sure that the Hansards will reveal that the only time it has been done is when we brought it up in different Bills that were before the House, and we were over-ridden by them, and the bills went to London, London sent them back and said we must change it, and you had to come back here on your humble knees and accept the same amendments that we had proposed in the first place and you turned them down. So, Mr. President, if the other side is looking for opposition, I will guarantee them one thing that they can still have it from the Bodden Town side. Thank you.

MR. JOHN JEFFERSON: Mr. President, I had no intentions of speaking on this very simple and straightforward amendment, yet I see because of the fact we are in election year every opportunity and every possibility will be explored by the Members of the opposition, and let me say that, the Members of the opposition, that is correct.

The irresponsibility that I see and I've exercised in this House, Mr. President, makes me get off of my feet and stand up and be counted like a man. It is not the Consitution that created the opposition, our Constitution is working well, the only thing is the opposition would like to move that Constitution a little further down the road,

MR. JOHN JEFFERSON (CONT'd) and then we would be in a different kind of society.

MR. JAMES M. BODDEN: I object on a point of order Mr. President. The Member cannot cast any interences to what we want to do with the Constitution, because none of us has said anything about wanting to do anything with the Constitution.

MR. JOHN JEFFERSON: Mr. President let me go on with my business, I hear that almost every day, that's nothing new to me, and neither new to any Member in this House. But let you be well assured the people of the Cayman Islands voted, they got the kind of Constitution they wanted, and the people of the Cayman Islands are competent enough to say that their Constitution does exactly all that they want done at this particular stage.

This is a very straightforward amendment, it's regrettable that so much is made of that; I've seen Members in this Legislative Assembly, opposition as well as anybody else offer amendments and they've been taken. I think as we rightly say that when the Committee of this whole House has gone through all of the laws in the Committee stages, that this Committee went through, and if that's the only amendment that is being brought, I think they ought to be complimented for the fact that not very much really slipped through their fingers.

I think, Mr. President, it is needed, I support it in principle, and therefore I commend it. Thank you.

MISS ANNIE B. BODDEN: Mr. President, and Members of this House, I prayed to God that in the coming year and the coming election whoever is permitted to come to this House to represent the people of the Cayman Islands they will come with the grace of God in their hearts, that there will not be this opposition and quarrelling and roaring about anything. We are here to represent the people of the Cayman Islands. As far as I'm concerned the Executive Council as well as this side's people, the Honourable Members of this side I call them, they are a part and parcel of this Assembly. It appears to me from all that I hear this morning that it is used as a battle ground, not to support the people of the Cayman Islands in good clean stable government. I'm disgusted, very much so with all this foolish arguing and talking, I'm disgusted with it, and I must say, Sir, that it has to be admitted that from this side, I don't call it the opposition, I call this side, the leaders, that they have made suggestions which have been put down, I've heard it said in this Assembly that our spattering minds can't contain anything. I don't accept that, I accept that we the twelve people are here to fight for the good of all and sundry, and the Executive Council Members they can thank this side that they were put there, and we as a whole can thank the people of the Cayman Islands that we were honoured to be put here to represent the people. And I repeat, that I hope and pray that the God of peace will enter into the hearts of all those people who are so anxious to quarrel over trifles, that in the coming year things will go better. If I am privileged to serve under the new election, I shall do so as I've done in the past, put God first, other next, myself last, and that's the only how we'll get anywhere. Thank you Sir.

HON. W.K. CONOLLY: Mr. President, I would like at this stage of our debating Sir to make a point of order. I would like to refer to Section 30 and sub-section (4), and I feel, Sir, that the discussion on the matter that was before us was not exactly what it should have been. I feel today that the dignity of debate in this House should remain and continue, Sir.

Speaking on the matter before us, which is the amendment to the Succession Law, there is nothing unusual about an amendment coming to the House, in a drafting exercise we have all types of discrepancies, typographical errors or what not that have been discovered, this happened to be an omission. I would just like to endorse the words of some Members in saying that this particular bill when it went to the

HON. W.W. CONOLLY (CONT'D): house last year, went through the process that is afforded by our Standing Order, it went into a Select Committee, it was studied, amendments were considered, and it went forth and the Third Reading and passed in this Honourable House. And I feel like it is only a matter of justice, and a matter of what is right that the Honourable Second Official Member in moving this amendment has brought it back to the House. I feel that this amendment before us will put this particular law in its right perspective. I would like Sir, to finally say that I would request that Standing Order pertaining to the rules of debate as contained in our Standing Orders be adhered to by Members, and I believe that the procedure here, and the way in which we finalise the business of this House will be done in a more exquisite manner. Thank you Mr. President.

MR. PRESIDENT: If there are no other speakers, I will ask the Honourable Mover of the Motion to reply.

HON. G.E. WADDINGTON: Mr. President and Members, this Bill has no doubt created a bit of a record, having regard to the debate which it evoked in proportion to its length. However, Mr. President, when the smoke of the battle of the debate has cleared I'm indeed grateful to all Members for their support of this Bill, and particularly for the gracious manner in which they accepted what was undoubtedly an omission which was due to a lack of diligence in my department, I'm very grateful to Members for that, and with that Mr. President I would move the Second Reading of the Bill.

MR. PRESIDENT: Before I put the question I would remind the House that not only is Standing Order 36 (4), relevant to observations in debate but also a debate on Second Reading of a Bill, under Standing Orders 59 is on the general merits and principles of the Bill, and I think all Members will probably agree with me, that in the debate we strayed a good deal from these principles. The President is of course always hopeing to suggestions from the floor if a debate is becoming too wide of the subject, and Members have the right to draw the relavancy of debate to my attention at any time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I would remind Members that we have a meeting of the Cayman Islands Branch of the CPA at 4:30 at the conclusion of today's proceedings.

HOUSE SUSPENDED AT 12:35 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed.

THE TRAFFIC (AMENDMENT) BILL, 1976

CLERK: THE TRAFFIC (AMENDMENT) BILL, 1976 INTRODUCTION AND FIRST READING

MOVED BY HON. G.E. WADDINGTON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE TRAFFIC (AMENDMENT) BILL, 1976 SECOND READING

HON. G.E. WADDINGTON: The Traffic Law Mr. President, Law 16 of 1973 has been in operation now for little over a year, and like all new

HON. G.E. WARRINGTON (CONT'D): things it has developed some teething troubles, and so for certain defects and inconsistencies in the Bill have come to light, and this Bill is an endeavour to remedy these inconsistencies and defects.

As the Memorandum of Objects and Reasons states, these defects appear in the Bill itself, and I will just briefly refer to them. In Section 2 for instance, in the definition of "omnibus" at present an "omnibus" is defined as meaning mechanically propelled vehicle having accommodation for more than eight persons in addition to the driver. But in the definition of "station wagon", that definition is a mechanically propelled vehicle which is designed for the purpose of carrying not more than nine persons in addition to the driver. So that there's a bit of a confusion here, in that a "station wagon" as it can carry nine persons would also come within the definition of "omnibus", which is a vehicle for carrying more than eight persons; and so to remove that inconsistency there is the amendment to this definition of "omnibus" in Section 2.

Another inconsistency, or at least I should say a hardship which has been found to have developed, is in the definition of "special vehicle". Special vehicle is defined as at present including a track-laying or wheeled vehicle designed to be used with or without accessories for construction, engineering or agricultural work and also includes vehicles designed for the carriage of liquids in bulk. Well it has been found that these "special vehicles" attract a very high licence duty, and people who previously operated things like cement mixers and welding machines found themselves having to pay an enormous amount of licence fee on these vehicles which previously attracted a rather nominal fee. And so the Bill is intended to amend the definition of "special vehicle" to add the words "having motive power and" between the words "vehicle" and "designed" in the second line. The result of that would be that things like cement mixers and welders, as they have no motive power would not come within the definition of "special vehicles", but would come rather within the definition of "trailer" in the same section; and arising out of this there has been a consequential amendment to the definition of "trailer" by deleting the last three lines of the definition, because the words deleted read. "Trailer" means a vehicle (other than a caravan designed or adapted for human habitation) having no motive power which is designed to be drawn by a mechanically propelled vehicle for the purpose of providing load carrying capacity or additional load carrying capacity. Well, now a thing like a concrete mixer for instance, isn't designed to provide loadcarriage capacity, it is designed to provide a machine for mixing concrete which is towed behind another vehicle. And so in order to still further protect those vehicles and make it clear beyond the peradventure of a doubt they can come within the meaning of the word "trailer", it was thought necessary to delete those three lines.

And then we come to Section 10 sub-section (3) of Section 10, which sets out the different weights of the categories of trucks. At present there's just a bald statement, not exceeding one ton, and exceeding three tons, not exceeding five tons etc. Well it was found that it was difficult to ascertain the weights of these vehicles with that description, and so it was considered that there should be further guidelines spelled out as to how the weight was to be calculated. So the amendment therefore substitutes for the bald statement in terms of tons curb-weight, and curb-weight is defined as meaning the tier weight of the vehicle with fuel, lubrication and water tanks filled to normal capacity, and including spare wheels, tools and equipment etc. So that there can be no doubt about it now, just what weight is referred to.

And then, Section 20 is also amended by the addition of a new sub-section, which would be sub-section (5), and this sub-section creates a new offence in respect of any person who uses or causes or permits to be used upon a road a vehicle of which the registration has expired. At present under the Law the only remedy against such persons is to bring an action in the court to recover the amount, and a person whose registration has expired can drive the vehicle with protection even although the registration has expired. So Section 5 is designed to provide, that not

immunity without

HON. G.E. MADDINGTON: (CONT'D): will they incur a civil action to recover the amount, but they're also incurring criminal reliability by driving a vehicle in respect of which the registration has expired.

And Section 31 - the amendment to Section 31 is by adding a new sub-section (2), and making the present section sub-section (1). And under sub-section (1) as amended, an offence is committed by any person who drives a vehicle on a road without being licenced or authorised to drive. And sub-section (2) is designed to cover persons who cause or permit another person to commit that offence under sub-section (1). In other words if I lend my car to somebody, knowing that that person hasn't a driving licence, then I'm committing an offence by causing that person to drive or permitting him to drive when not qualified.

And Section 34, the amendment to Section 34 is also a new sub-section - provides for a new sub-section, and this sub-section sets out the various groups into which driving licences are classified. Now at present this classification is contained in the Regulations, but it is thought that the classification should be in the Law itself and not in the Regulations. Because strictly speaking this is a classification of driving licences, and should be provided by law rather than regulations. And the present driving licences which are issued indeed sets out the various groups, so this amendment is designed to bring the Regulations in line by putting the regulation making powers into the Law itself.

Section 43 is likewise amended by the addition of a new sub-section (3). And the reason for this amendment is that it was thought that it should be made abundantly clear that a person who held an omnibus or taxi driver's licence the mere fact of holding that licence was not an authorisation to drive any of the vehicles outside the group that I've just mentioned. In other words if they were licenced to drive an omnibus or a taxi then they would have to be restricted to vehicles in that category, and not for instance vehicles in another group.

And Section 53 likewise is amended by the addition of paragraph (d) of section (5) which says that no person shall drive any vehicle which might be a danger to any person by reason of (a), (b), (c), it's being over-loaded or unsafely loaded with passengers or goods. Well the amendment is to put, "(in the case of a bicycle this offence is committed if it is ridden while so loaded as to create a risk that the driver's control thereof may thereby be impaired)". It was found that there was a difficulty in applying that section to bicycle riders, and so this was brought in to cure that inconsistency.

And in Section 61 paragraph (a) there was an obvious omission there. The section deals with driving motor vehicles when intoxicated etc., and the section reads - whoever drives or attempts to drive or is in charge of a vehicle on or in a road when (a) he is under the influence of drugs to such and extent that his efficiency as a driver is impaired; obviously there was an omission there, or "alcohol" - "drugs or alcohol", to such an extend as to impair his efficiency.

And Section 78 - the amendment to section 78 is by adding a new sub-section (3) to give the right to Constables to appear in court and to exhibit informations and conduct prosecutions in matters arising out of the Law in the summary court.

That, Mr. President and Members, comprises the various amendments which this Bill is sought to provide. When the Bill reaches the committee stage there are certain other amendments which have come to light since this bill was prepared, Mr. President, and I will at that stage move certain further amendments which I have collated in print and which in due course I will ask the Clerk to distribute to Members so that they can have before them these further proposed amendments.

I commend the Bill, Mr. President, to the favourable consideration of Members.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED:

MR. G. CRAIG WOLLEN: Mr. President, for the second time today I rise to concur with the remarks by the Second Official Member, I hope I will not be termed an "extension cord" for Executive Council, but I truly believe that these amendments are much needed. It is necessary to strengthen the Traffic Law. this Law has been on the books for over one year, certain defects have come to light in putting the law into operation, in fact this Law has taken a very long time to be fully implemented, but I suppose one of these days it will be in full force. And just in passing, and I hope I won't offend the lecturers on Parliamentary Procedure, I would like to see the pedestrian crossings attended to as soon as the Police and the Public Works can get it done.

The Second Official Member I believe went into the details of this Bill, and I think it was very necessary although this reading should have been more or less on the merits and so I too claim the right, again running the risk of a parliamentary lecture, I claim the risk to point out .....

MR. PRESIDENT: I point out that when the President gives a ruling, it is not a lecture, it is a statement of Parliamentary Procedure.

MR. G. CRAIG WOLLEN: Mr. President, I was referring to the Member from Executive Council who used his opportunity in debating the Commission Bill, to point out the rules of debate in this morning's session.

One amendment to this Bill was to clear up the definition of "omnibus", and to make it clear that the omnibus refers to those vehicles which carry more than nine passengers. I believe that the confusion between "station wagon" and "omnibus" came about because the Select Committee that went into this Traffic Law amended the original draft on this particular section. The original draft I think had defined "station wagon" as a vehicle carrying only six passengers, and it was thought by the Committee Members that the big American station wagons with three seats would easily carry nine passengers, and so the definition of "station wagon" was changed, but the definition of "omnibus" wasn't changed, and that is why we have this ambiguity or this confusion today. Now this Amendment will definitely clear this up. The first faults found under this Traffic Law was in the licensing of cement mixers. We have in the Island small portable cement mixers, which are used in doing small jobs, and under this new law the owners were asked to pay a very heavy tax, because these cement mixers had fallen into the same category as say a very big vehicle, and it was unfair to the builders and to the consumer who ultimately had to pay for the use of cement mixers for the taxes to be so high. And it is very commendable that Government has put forward an amendment to this section, and so brought small vehicles out of the class into which they had been put.

A further merit of the Bill before us is to clarify what is meant by a "truck not exceeding 1 ton, or not exceeding 3 tons"; and as the Second Official Member said, the term used here was very bald indeed, and I am glad we are now adding a little hair to the baldheadedness of this section, and we will know that when we speak of the weight of a vehicle, we now mean the vehicle when it is fully loaded. Members will appreciate that there is a vast difference between the weight of a water truck or a gasoline tanker when it is empty from when it is loaded. And so these amendments are meritorious and worthy of being taken care of.

I will not go into the details of the amendments which strengthen the judicial side of the Bill, or that part which makes it crystal clear when a person has committed certain offences. I think it is very necessary that we have in the law clauses which are clear, so that when a person is brought before the court, and the person has in actual fact committed an offence, that the person cannot get away because of a loop-hole in the Law.

The final section I will refer to is perhaps the best thing that has ever been done in this Chamber, and that is to take some thing out of Regulations and put it where it should be into the Law. The

MR. G. HAIG BODDEN (CONT'D): First Member from Bodden Town and I have always fought that too many things are done by regulations: Regulations made by Executive Council, which is made up in part of only four elected members, when some thing is controlled by law the twelve elected members are responsible. When it is controlled by regulations only four elected members are responsible, and so the classification of driver's licences are taken out of the Regulations and put into law, and this is a commendable thing, and I can only say that I wish that more things could be taken out of regulations and put into law.

Mr. President, I highly commend these amendments to this Traffic Law, and I would like to offer my sincere congratulations to the Member who not only presented this Bill, but who took the trouble to explain to us the reasons and the effect of these amendments. I believe that this House will continue in this Sitting on a very good footing, because this morning most of the Members have shown off all their gay feathers and I trust that we will have a quiet sitting from now on.

MR. CLAUDE HILL: Mr. President, and Honourable Members, I rise in support of the Second Official Member's comments on this Bill before the House, the Traffic (Amendment) Law, 1976. This Bill seeks to make some amendments to the Traffic Law, it seeks to put the Traffic Law much clearer when dealing in matters referring to different categories, trucks, cars, bicycles, in fact traffic in general. But what bothers me some, as we are dealing with traffic, I do not know if I'm in the right church or the wrong pew in what I'm going to say, but as Government is demanding an insurance covering act which is required for you to obtain a licence to drive a vehicle, I thought that that should have been given a thought. When saying that, for one to obtain a licence to drive a vehicle on a public road, Government is requiring him to have his car insured with the Act.

In this Bill I see where any driver holding a licence to drive any one type of vehicle, he cannot drive on that particular licence any other vehicle, he has to obtain a licence also for that other vehicle. I do not know if this is the right law for our Government to look into the covering of the insurance act or not, I'm only as a common layman asking a simple question which I hope will enlighten the eyes of Members here, that we are now legislating a law, and we are leaving out one of the prime factors that is causing many accidents on the roads with people having cars full comprehensive, and a man who has just the Act on his car. And Government is demanding that the Act he must have, yet Government will not assist in getting the Act to that party holding a car. I thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak on this Bill? If there are no other speakers I'll ask the Honourable Mover if he wishes to reply.

HON. G.B. MADDINGTON: Mr. President, Members, I'm grateful to Members once again for receiving this Bill in the way in which it has been received, and as there have been no objections to any of the clauses of the Bill, it only remains for me Mr. President to formally move the Second Reading.

QUESTION PUT: AGREED. BILL GIVEN SECOND READING.

MR. PRESIDENT: We move on to the fourth Bill on today's Order Paper, the Merchandise Marks Bill, 1976.

THE MERCHANDISE MARKS BILL, 1976

CLERK: THE MERCHANDISE MARKS BILL, 1976 INTRODUCTION AND FIRST READING

MOVED BY HON. G.C. HADDINGTON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

CLERK: THE MERCHANDISE MARKS BILL, 1976 SECOND READING

HON. G.C. HADDINGTON: This Bill Mr. President is intended to repeal the present Merchandise Marks Law which is Chapter 90 on our Statute Books, and to replace it in substantially the same form, but in a way geared to our new Patents and Trade Marks Law.

Now the present Law, Chapter 90 apart from prohibiting the use of false trade descriptions with respect to goods, the subject of trade manufacture or merchandise also purports to protect the proprietors of trade marks from the unlawful use by others of such trade marks and from the forgery of such trade marks. However, as we had no local trade marks law in the Cayman Islands, there was no provision for the registration of trade marks in the Islands. The present Merchandise Marks Law, Chapter 99 was geared to the Jamaican Trade Marks Law, but as the Jamaican Trade Marks Law had no application whatever to the Cayman Islands, the provisions of Chapter 90, in so far as the protection of trade marks was concerned was wholly ineffective.

Now with the enactment of our own Patents and Trade Marks Law last year, Law 29 of 1975 it is now necessary to provide for the protections of such trade marks as may be registered here under that law, and accordingly this Bill repeals Chapter 90, and replaces it in substantially the same terms, the same form, but with the relevant amendments to make it applicable to our Patents and Trade Marks Law.

There is no point at this stage Mr. President in going through all the clause of the Bill, there're twenty one clauses in all, but I can assure Members that it is for all intents and purposes a replica of the present Merchandise Marks Law, Chapter 99, but as I've said amended in order to bring it in line with our Patents and Trade Marks Law, and to make it apply to that Law, and provide the necessary protection to the trade marks which we hope will be registered in the Cayman Islands in great numbers from now on. There is nothing more that I can say, Mr. President, at this stage.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED:

MR. T. HAIG BODDEN: Mr. President, the swan sings his sweetest song when he's ready to die, I'm not ready to leave the Assembly this year, but I have to sing another sweet song. I think this Bill is very necessary, we must have a law to control trade marks, and Merchandise Marks or whatever it is. It is true that at the present time there is very little need for it, there not being any manufacturers, there not being any goods marked in specific ways, but the time is right on the threshold when we will be having these things, and there will be disputes, and we need to have a law which is sufficient to cover it.

I believe one [illegible] cases that made the late Norman Manley famous was the Vicks case in Jamaica when Somuano was sued by the makers of Vicks Salve for having used their trade mark, and it will come here. So I see this as commendable, I have been through this Bill, and to my mind it appears to be in order, and if when it goes into operation there are defects, I'm sure our legal department will take steps to make the necessary amendments. I always like to speak first, so that we can get through quickly with the Bill. Thank you.

MR. PRESIDENT: Does any other Member wish to speak on this Second Reading? If not, I shall ask the Honourable Mover if he wishes to reply.

HON. G.E. WADDINGTON: Mr. President, once again there is nothing to reply to, as I'm happy to see that the Bill has been favourably received by Members of the House, and I'll only now at this stage formally move the Second Reading of the Bill.

QUESTION PUT: AGREED. BILL GIVEN SECOND READING.

HON. D.V. Watler: Mr. President and Honourable Members, we've gotten through practically the Agenda now I don't know whether we care to go in the Committee stage with this Bill, or whether we adjourn and go into the Parliamentary Association Meeting.

MR. PRESIDENT: I'm in the hands of Members, there's time on hand we could take the Committee stages of these four Bills today, and if Members are ready to consider them.

MR. JAMES M. BODDEN: Mr. President, I would formally move that we go into the Committee stages on these Bills so as to speed it through as much as possible.

MR. PRESIDENT: So this is the wish of the House, the Assembly will suspend into Committee. Assembly in to Committee - the first Bill to consider is the Supplementary Appropriation Bill,(1974), Law, 1976.

THE SUPPLEMENTARY APPROPRIATION (1974) BILL, 1976

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. HOUSE IN COMMITTEE

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2 EXPENDITURE OF CI$858,264 IN 1974 CONFIRMED

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: A LAW TO ALLOW AND CONFIRM CERTAIN EXPENDITURES DURING THE FINANCIAL YEAR 1974

QUESTION PUT: AGREED. TITLE PASSED

THE SUCCESSION (AMENDMENT) BILL, 1976

COMMITTEE THEREON

MOVED BY HON. G.E.WADDINGTON
SECONDED BY HON. D.V. WATLER

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2 SECTION 29 OF LAW 19 OF 1975 AMENDED.

HON. G.E. WADDINGTON: Mr. Chairman, may I suggest a slight typographical correction in this clause. The Succession Law is amended by deleting sub-paragraph (ii) of paragraph (a) of subsection (1) that should be instead of (i).

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: A LAW TO AMEND THE SUCCESSION LAW.

QUESTION PUT. AGREED. TITLE PASSED.

HON. G.E. WADDINGTON: Mr. Chairman, before we proceed with the Traffic (Amendment) Law, I mentioned in the debate on the Second Reading that there are certain further proposed amendments which I would submit to Members, and I've had these typed,and I wonder if they could be distributed to Members, so that they could have them before.

MR. PRESIDENT: I think if Members have a look at these amendments, if they would like further time to study them we could defer consideration in Committee of this particular Bill until tomorrow.

MR. JOHN JEFFERSON: Mr. Chairman,I would so move that, I certainly would like to have the time to consider those amendments in relation to the Law at present.

MR. G. HAIG BODDEN: Mr. Chairman,I would suggest that you circulate the amendments and if they're not too complicated we would deal with them right away.

MR. CHAIRMAN: I shall ask the Clerk to circulate them. I give Members five minutes to study these, and then perhaps they could indicate whether they wish to proceed with the Committee stage today or tomorrow.

MR. JOHN JEFFERSON: Mr. Chairman, since there is another Bill to go through the Committee stage, and since these amendments have just been circulated, it's not a matter of fact that we're going to finish work tomorrow, I would like to have over-night to look over the original law in relation to the amendment. And I think I'm entitled to that Sir, I think it should be for the benefit of this House and Members to give this more thought. I think it's only being fair to ask that, because like I say we've got the Merchandise Marks Law, 1976, we could go through that, and then tomorrow morning we could deal with this.

MR. PRESIDENT: Are Members generally of that opinion?

MR. CLAUDE HILL: It's quite true what the Member just said about having the full law to go by with the amendments that are presented before him now, but not that we are railroading anything, but I feel we should continue.

MR. G. HAIG BODDEN: Mr. Chairman, I would be prepared to go on, but I will admit that there is one of these amendments that is very bad, and needs a lot of research. But I have a copy of the Traffic Law here, and I'm prepared to deal with it now, but may be other Members would want to study it in detail, because we can't accept the amendment that is proposed.

MR. CHAIRMAN: I think if there's any doubt, to give Members full opportunity to study, we can defer the Committee stage of this Bill until tomorrow, this should be ample time to allow Members to study the proposed amendments over-night. So we'll defer considerations in the Committee stage of the Traffic (Amendment) Bill, and we'll proceed to the next - the fourth Bill on the Agenda.

MR. JOHN JEFFERSON: Mr. Chairman, I certainly would appreciate that.

THE MERCHANDISE MARKS LAW, 1976

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2 INTERPRETATION

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: CLAUSE 3 OFFENCES AS TO TRADE MARKS AND TRADE DESCRIPTIONS

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4 FORGING TRADEMARKS

QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: CLAUSE 5 APPLYING TRADE MARKS OR DESCRIPTIONS TO GOODS

QUESTION PUT AGREED. CLAUSE 5 PASSED

CLERK: CLAUSE 6 EXEMPTIONS OF CERTAIN PERSONS EMPLOYED IN ORDINARY COURSE OF BUSINESS

QUESTION PUT: AGREED. CLAUSE 6 PASSED

CLERK: CLAUSE 7 APPLICATION OF THIS LAW TO WATCHES

QUESTION PUT:

MR. G. CRAIG BODDEN: Mr. Chairman, I'm just curious to know why this section should apply only to watches.

HON. G.E. WADDINGTON: I think watches occupy a special position in the question of merchandise marks Mr. Chairman. It is taken from the principal law, which was taken from the Canadian law which was in turn taken from the English law, and I think that it is necessary to have special provisions as regards to watches, because of the peculerity in regard to the construction and manufacture of watches. No doubt the Third Official Member could give us his expertise on the necessity for this special provision, but I think watches occupy a special provision when it comes to the question of merchandise.

HON. V.G. JOHNSON: Watches carry various marks, and the movement is usually identified separately and distinctly from the whole watch which is cased. The outer casing of the watch may have a number, if you go by that number, then it is not the correct number of the watch itself, because each movement carries a different calibre number, and therefore to identify a watch, as separately from a watch case, then you have to get what is known as the calibre number, and that is taken from the watch itself, and not from the watch case. And therefore if it is not stated in the law exactly what is meant by a watch, and an interpretation is given to what is meant by a watch, and you give number, you might be giving the number of the case, which is not the number of the watch.

MR. G. CRAIG BODDEN: And Mr. Chairman, may I ask if this also applies to clocks?

HON. V.G. JOHNSON: Not necessarily, big manufacturers produce all the parts for a clock, and so you find manufacturers such as Smith, make like Smith clock, and all the movement parts are made by the company. It's

HON. V.G. JOHNSON (1st O): Different in the case of a watch, different companies make different parts, and so the movement of the watch must be identified separately from the rest of the entire instrument.

MR. G. HAIG BODDEN: Mr. Chairman, the Member was giving the explanation so beautifully that I just had to hear more of it.

HON. G.S. MADDINGTON: I'm grateful to the Third Official Member whose expertise is so important, Mr. Chairman.

QUESTION PUT: CLAUSE 7 PASSED

CLERK: CLAUSE 8 TRADE MARK, NOW DESCRIBED IN PLEADING

QUESTION PUT: AGREED. CLAUSE 8 PASSED

CLERK: CLAUSE 9 RULES AS TO EVIDENCE IN PROSECUTIONS UNDER THIS LAW

QUESTION PUT: AGREED. CLAUSE 9 PASSED

CLERK: CLAUSE 10 PUNISHMENT OF ACCESSORIES

QUESTION PUT: AGREED. CLAUSE 10 PASSED

CLERK: CLAUSE 11 SEARCH WARRANT AND FORFEITURE OF GOODS

QUESTION PUT: AGREED. CLAUSE 11 PASSED

CLERK: CLAUSE 12 COST OF PROSECUTION OR DEFENCE

QUESTION PUT: AGREED. CLAUSE 12 PASSED

CLERK: CLAUSE 13 TIME LIMIT OF PROSECUTION

QUESTION PUT: AGREED. CLAUSE 13 PASSED

CLERK: CLAUSE 14 PROHIBITION OF IMPORTATION OF CERTAIN GOODS

QUESTION PUT: AGREED. CLAUSE 14 PASSED

CLERK: CLAUSE 15 IMPORTED GOODS PURPORTING TO BE OF CAYMANIAN ORIGIN

QUESTION PUT: AGREED. CLAUSE 15 PASSED

CLERK: CLAUSE 16 CONTRAVENTION OF SECTION 15

QUESTION PUT: AGREED. CLAUSE 16 PASSED

CLERK: CLAUSE 17 IMPLIED WARRANTY ON SALE OF MARKED GOODS

QUESTION PUT: AGREED. CLAUSE 17 PASSED

CLERK: CLAUSE 18 WHEN PROVISIONS OF THIS LAW AS TO FALSE DESCRIPTIONS ARE NOT TO APPLY

QUESTION PUT: AGREED. CLAUSE 18 PASSED

CLERK: SAVINGS

QUESTION PUT: AGREED. CLAUSE 19 PASSED

CLERK: CLAUE 20 FALSE REPRESENTATION AS TO ROYAL WARRANT

QUESTION PUT: AGREED. CLAUSE 20 PASSED

CLERK: CLAUSE 21 CAP. 98 REPEALED

QUESTION PUT: AGREED. CLAUSE 21 PASSED

CLERK: THE MERCHANDISE MARKS LAW, 1976

QUESTION PUT: AGREED. TITLE PASSED.

HOUSE RESUMED

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, Honourable Members, I have to report that a Bill entitled The Supplementary Appropriation (1976) Law, 1976 was considered clause by clause by a Committee of the whole House and passed without amendments.

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

HON. G.E. WADDINGTON: Mr. President I beg to report Sir, that a Bill entitled The Succession (Amendment) Law, 1976 was considered by a Committee of the whole House and passed with the slight typographical amendment to Clause 2, by the changing of the figure in the second line Roman (i) to large (I).

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

HON. G.E. WADDINGTON: Mr. President, I have to report Sir, that a Bill entitled The Merchandise Marks Law, 1976 was considered clause by clause by a Committee of the whole House and passed without amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. I think in compliance with Standing Orders we should defer the Third Readings of these three Bills until tomorrow, that naturally concludes the business on the Order Paper for the day.

ADJOURNMENT

HON. D.V. WATLER: Mr. President and Honourable Members, I beg to move that the House stands adjourn until 10 o'clock tomorrow morning.

HON. G.E. WADDINGTON: I second that motion.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED AT 3:40 P.M. UNTIL 10 O'CLOCK TOMORROW THURSDAY, 11th MARCH, 1976.

MR. PRESIDENT: I'll remind Members that we have a CPA Meeting at 4..0 this afternoon.

M I N U T E S

THURSDAY, 11TH MARCH, 1976

PRESENT WERE:

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. HADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. W. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B. C. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

MISS ANNIE H. BODDEN, OBE	SECOND ELECTORAL DISTRICT, GEORGE TOWN

ORDERS OF THE DAY

THURSDAY, 11th March, 1976

10 a.m.

1. CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON THE 17th, 18th, 19th, 20th, 21st, 24th, 25th, 26th, 27th and 28th of November, 1975 and 8th, 9th, 10th, 11th and 12th of December, 1975.

2. QUESTIONS -

(i) MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE, A.B.BUSH,J.P., MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

What was the purchase price to Government for the Hot Mix Plant and what discount did Government receive?

MR. JAMES M.BODDEN TO ASK THE HONOURABLE A.B.BUSH,J.P.

(ii) How many miles of new roadwork have been completed up to and including 28th February, 1976?

(iii) How much money has been spent by Government on the new road project to 28th February, 1976?

(iv) What is the estimated cost of the new by-pass section of road being constructed in the Red Bay/Crewe Road area, and what amount has been spent to 28th February, 1976?

(v) Can the Member state the amount of money paid as of 28th February, 1976 by Cable and Wireless, Ltd. to the Cayman Islands Government for the re-surfacing and re-building of the various parts of roadways which were excavated and destroyed by Cable and Wireless in the laying of underground cable, and how many miles of roadway would be so affected?

(vi) Who was awarded the sub-contracts for the port project and road Project?

GOVERNMENT BUSINESS:

BILLS:

(i) The Supplementary Appropriation (1974) Bill,1976 - THIRD READING
(ii) The Succession (Amendment) Bill, 1976 - THIRD READING
(iii) The Merchandise Marks Bill, 1976 - THIRD READING.
(iv) The Traffic (Amendment) Bill, 1976 COMMITTEE THEREON AND THIRD READING
(v) The Police Force Bill - 1st and second Readings
(vi) The Motels Aid Bill, 1976 - INTRODUCTION AND FIRST READING.

4. MOTION BY HON.V.G. JOHNSON, FINANCIAL SECRETARY TO REFER AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEARS 1972,1973 and 1974 and ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEARS 1972, 1973, and 1974 TO THE PUBLIC ACCOUNTS COMMITTEE.

5. PRIVATE MEMBER'S MOTION - TO BE MOVED BY MISS ANNIE HOLDAH DODDEN, CONSTITUENCY OF GEORGE TOWN TO BE SECONDED BY MR. JOHN D. JEFFERSON, CONSTITUENCY OF WEST BAY

WHEREAS a vacancy exists in the membership of the PUBLIC ACCOUNTS COMMITTEE (A STANDING COMMITTEE OF THE ASSEMBLY) by the death of one of its Members- Capt.A.A.Reid

BE IT RESOLVED that, in accordance with Standing Order 68 (2), this Assembly appoints CAPT. CHARLES LEYMAN KIRKCONNELL to fill the vacancy on the said Committee.

TABLE OF CONTENTS

	PAGES
CONFIRMATION OF MINUTES	1
QUESTIONS	1
THE SUPPLEMENTARY APPROPRIATION (1974) LAW 1976, THIRD READING	11
THE SUCCESSION (AMENDMENT) LAW, 1976, THIRD READING	11
THE MERCHANDISE MARKS LAW, 1976, THIRD READING	11
THE TRAFFIC (AMENDMENT) BILL, 1976 COMMITTEE THEREON	11
DIVISION	17
THIRD READING	21
THE POLICE FORCE BILL, FIRST AND SECOND READING	21
THE HOTELS AID BILL, 1976 INTRODUCTION AND FIRST READING	28
AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEARS 1972, 1973 AND 1974 AND ACCOUNTS OF GOVERNMENT SAVINGS BANK FOR THE YEARS 1972, 1973 AND 1974 REFERRED TO PUBLIC ACCOUNTS COMMITTEE.	29
ADJOURNMENT	29

THURSDAY, 11TH MARCH, 1976

10 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The first item on the Order of the Day is the Confirmation of Minutes of meetings held on the 17th, 18th, 19th, 20th, 21st, 24th, 25th, 26th, 27th and 28th of November, 1975, and the 8th, 9th, 10th, 11th and 12th of December, 1975.

CONFIRMATION OF MINUTES

HON. D. V. WATLER: Mr. President and Honourable Members, I beg to move the confirmation of the Minutes of the Honourable Legislature held on the 17th, 18th, 19th, 20th, 21st, 24th, 25th, 26th, 27th and 28th of November, and 8th, 9th, 10th, 11th and 12th of December, 1975.

SECONDED BY HON. G. E. WADDINGTON.

QUESTION PUT: AGREED: MINUTES CONFIRMED.

MR. PRESIDENT: We will proceed next to questions.

QUESTIONS

MR. G. CRAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE, A. B. BUSH, JP., MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT.

WHAT WAS THE PURCHASE PRICE TO GOVERNMENT FOR THE HOT MIX PLANT AND WHAT DISCOUNT DID GOVERNMENT RECEIVE?

ANSWER

$98,143:10. THIS WAS THE MANUFACTURERS NET PRICE THEREFORE NO OTHER DISCOUNT WAS INVOLVED. THIS WAS THE LOWEST PRICE QUOTED IN SEVEN TENDERS.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary - You've just said that there were seven tenders - if I remember correctly in the last Session of the House, you said that it had not been put to tenders. Is that correct?

HON. A. B. BUSH: Mr. President and Honourable Members, in a sense it wasn't tenders yet in another in it was, because this was from inquiries made to manufacturers of this particular type of plant, so this is why we say tenders. But this, let us say, was the lowest price in seven quotes from manufacturers of this particular type of plant.

MR. JAMES M. BODDEN: A further supplementary, at the present time, is it in working condition?

HON. A. B. BUSH: Yes, it is being over-hauled - given a general over-haul - this commenced last week, the early part of last week it was given a general over-haul, but there is nothing seriously wrong with the plant.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary, to the Honourable Member, did Government have any guarantee on this plant?

HON. A. B. BUSH: There was a year's guarantee on the plant, Mr. President.

MR. CRADDOCK EVANKS: A further supplementary, Mr. President, I have understood on different occasions that the/it's broken down, and spare parts had to be replaced - who paid for the replacement of these parts?

HON. A. B. BUSH: Mr. President, Honourable Members, there were certain parts which were defective after a few months of operation of this plant, and the manufacturers were notified of this, through their resentatives here, and they sent a man down who corrected all of this, and as far as I know they are responsible for the repairs that were done to the plant.

MR. HAIG BODDEN: Mr. President, can the Member say if the purchase price of $98,161.18 would cover service during the period of guarantee as well as spare parts?

HON. A. B. BUSH: Mr. President, as I have said it was a guarantee of one year on the plant.

MR. CRADDOCK EVANKS: Mr. President, a further supplementary, this cost is as stated, was that the delivery cost or at the dock site to where it was delivered?

HON. A. B. BUSH: That is the manufacturer's price - freight on board - F.O.B.

MR. CRADDOCK EVANKS: Mr. President, if I understood the answer correctly - F.O.B. means free on board a ship to sail from some port, that does not include the delivery to its destination.

HON. A. B. BUSH: Sorry Mr. President, I apologize for that answer. This was really the total cost of the plant landed in Grand Cayman.

MR. CRADDOCK EVANKS: Mr. President, I wonder if the Member can say on behalf of the money that has been spent, if he is satisfied with the service we have been getting from this plant.

MR. PRESIDENT: I think that calls for an expression of opinion, and it is out of order.

MR. CRADDOCK EVANKS: Mr. President, this is rather a statement than a question, but the man that was sent in from the company to set-up the plant, he made a statement that if we got six months service out of it, we would/do well, and I think that is just about all we have gotten.

MR. PRESIDENT: We will move on to the next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. B. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

HOW MANY MILES OF NEW ROAD HAVE BEEN COMPLETED UP TO AND INCLUDING 28TH FEBRUARY, 1970?

ANSWER

12.70 MILES HAVE BEEN COMPLETED.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary, how many miles remain to be completed?

HON. A. B. BUSH: I think something like eight and a half miles, Mr. President.

MR. JAMES M. BODDEN: What has happened to the other seven and a half miles that we were supposed to do?

HON. A. B. BUSH: I do not understand what you mean by whats happen to it - it is still there to be done as I've said.

MR. JAMES M. BODDEN: Supplementary, Mr. President, we were suppose to have twenty-eight miles - we voted the money for twenty-eight miles. 12.78 miles and about seven and a half would give just little over twenty, so there is over seven miles of it left, what is going to be done about that?

HON. A. B. BUSH: Well, it is going to be completed if money can be found to do/it I can assure you that, and I hope we will find the money to do it.

MR. JAMES M. BODDEN: Further supplementary, well am I right in assuming that the money we have voted them will only be spent on twenty miles of road? Is that correct?

HON. A. B. BUSH: Well, we hope to get something like twenty-two miles of road done with what money we have.

MR. PRESIDENT: Move on to next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. B. BUSH, JR, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORK AND PUBLIC TRANSPORT

HOW MUCH MONEY HAS BEEN SPENT BY GOVERNMENT ON THE NEW ROAD PROJECT TO 28TH FEBRUARY, 2976?

ANSWER

$1,399,676.90 OF WHICH APPROXIMATELY $950,000 IS FOR COMPLETED ROAD. THE BALANCE OF $500,000 IS FOR WORK NOT COMPLETED AND FOR MATERIAL ON HAND FOR A FURTHER EIGHT AND A HALF MILES OF ROAD.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: A supplementary, Mr. President, does this figure. One point three million include the price of the hot mix machine?

HON. A. B. BUSH: Yes, this is the total sum of money spent on the roads, including the plant.

MR. JAMES M. BODDEN: Further supplementary, according to the answer here we have paid for all of the materials that we will need for the balance of the road, is that correct?

HON. A. B. BUSH: No, that is not exactly correct - this accounts for the money we originally asked for, the one point four million, and it is set out as here, the greater part of the material is paid for, but of course there has been escalated cost of materials, which a review of the figure has to be made in order to complete the roads.

MR. JAMES M. BODDEN: Further supplementary, I think originally it was one point four million that was voted to do this road project, since that time I think we have had a supplemental of some where around two hundred and fifty thousand dollars (two-forty, two hundred and something thousand I think it is) if this statement here is correct it means that the present road has cost us about seventy thousand dollars a mile, if there is only two hundred and fifty thousand dollars that is left, will that complete the other eight and half miles?

HON. A. H. BUSH: It was two hundred and twenty-five thousand dollars as Members must recall that was voted this year for completion of the roads, this of course was not what the figure was. the figure asked for was six hundred thousand, we were cut short three hundred and seventy-five thousand to complete the roads - we had two hundred and twenty-five thousand voted this year to carry on with what we had left from last year for the roads.

MR. JAMES M. BODDEN: According to the figures that have been given to us, we have appropriated one million six hundred and twenty-five thousand dollars, which was supposed/to have done twenty-eight miles road. If these figures are right it means that we will only complete about sixteen miles of the road for that amount of money, what will we do about the other twelve?

HON. A. H. BUSH: It is not correct to say that two hundred and twenty-five thousand dollars will complete the roads, as I said to the Member the amount asked for was six hundred thousand, which brought the figure up - the total cost of completing the roads up to something like two million dollars - we were cut short in the estimates of three hundred and seventy-five thousand dollars, so really for the roads we had a million six hundred and odd thousand dollars, instead of the two million as in estimated with the escalated costs to complete the roads.

MR. CRADDOCK FRANKS: Mr. President, a further supplementary, could the/say during the break-down periods in the plant, the crew that works with this hot mix, are they still paid or are they kept on and paid from these reserves, or from this road programme.

HON. A. H. BUSH: Mr. President, surely if the men are not working on the plant, they are not paid for working on the plant, and if there is other work in the Department in connection with the roads I imagine that the Department will try to employ them as they see fit in order to keep them until such time as work can commence again with the plant.

MR. CRADDOCK FRANKS: Mr. President, the question I was really asking him , Sir, if the men are being paid from the roads vote?

HON. A. H. BUSH: Naturally, if they are road men, they are being paid from the roads vote, but on different jobs on roads, there is really more than just pouring hot mix on the road. there is preparation of/of the roads for this hot mix to be poured on, and I think Members will note that there/are markings of the white lines going on the roads at the present time, there is not a crew especially for this particular thing, and so whenever there is a chance, and there is a delay on something else there is the opportunity to get some of this other work done, probably with the same men, if they are capable of doing it, and I think Members will note that the white lines on the roads are being marked from time to time, and this is one of the things I would say that is being done while the plant is not being utilized to its fullest.

MR. PRESIDENT: Move on to next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. H. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

WHAT IS THE ESTIMATED COST OF THE NEW BY-PASS SECTION OF ROAD BEING CONSTRUCTED IN THE RED BAY/CREWS ROAD AREA, AND WHAT AMOUNT HAS BEEN SPENT TO 28TH FEBRUARY, 1976?

ANSWER

THE ESTIMATED COST OF THE DIVERSION IS $55,000.00. THE TOTAL SPENT UP TO 28TH FEBRUARY, 1976 IS $6,584.00.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, I can scarcely get up after that one. Did I hear correct that up til 28th February, only six thousand some hundred dollars had been spent for work on that piece of road?

HON. A. B. BUSH: That is correct, Mr. President.

MR. JAMES M. BODDEN: Mr. President, there is no wonder (laughter) that the figures presented to this House usually do not add up, Sir, because I don't know how in the world that could be figured.

MR. G. CRAIG BODDEN: Supplementary, Mr. President, in the winding up of the Budget Debate we were told that this particular piece of road, this new by-pass would not cost any more than re-surfacing the old road. Is it correct to say (am asking the Member) that this by-pass will now not cost any more than if we had done the old road?

HON. A. B. BUSH: Yes, it is estimated that it will cost a little more, but it is considered that it is well worth it.

MR. JAMES M. BODDEN: Further supplementary, is this six thousand dollars taken out of the one point six two five million roads work vote, or are we paying that out of something else

HON. A. B. BUSH: That is all coming out of that money that we have for the roads.

MR. JAMES M. BODDEN: Then we should have enough to finish twenty-eight miles at this expense. Could it be that there was a typographical error made, and that that six thousand dollars is only for bulldozer work?

HON. A. B. BUSH: According to the Public Works figures, Sir, this is what was spent on the new by-pass.

MR. JAMES M. BODDEN: Mr. President, that is a miracle like Jesus with the fishes, Sir.

MR. CRADDOCK BANKS: Mr. President, I was sort of looking forward to the hot mix plant surfacing -- start towards the Eastern Districts in five years hence, but according to these figures, and the money that has been provided for roads, then we should have the roads hot mixed .....

MR. PRESIDENT: I must ask the Honourable Member to ask a question.

MR. CRADDOCK BANKS (CONTINUING): Mr. President, I think I was getting to the end of it and it would be a question for the Member to answer - if he felt then that he shouldn't have money left over after all the roads have been surfaced according to what he has given in the answer as to what six thousand has done on that road.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. B. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

CAN THE MEMBER STATE THE AMOUNT OF MONEY PAID AS OF 28TH FEBRUARY, 1976 BY CABLE AND WIRELESS LIMITED TO THE CAYMAN ISLANDS GOVERNMENT FOR THE RE-SURFACING AND RE-BUILDING OF THE VARIOUS PARTS OF ROADWAYS WHICH WERE EXCAVATED AND DESTROYED BY CABLE AND WIRELESS IN THE LAYING OF UNDERGROUND CABLE, AND HOW MANY MILES OF ROADWAY WOULD BE SO AFFECTED?

ANSWER

THE AMOUNT PAID BY CABLE AND WIRELESS UP TO 29TH FEBRUARY, 1976 IS $2,015.40. APPROXIMATELY ONE AND HALF MILES.

SUPPLEMENTARIES:

MR. JAMES M. DODDEN: Supplementary, Mr. President, would the Member state whether this two thousand and fifteen dollars and forty cents was not the same amount that was given to this House about three years ago?

HON. A. B. BUSH: I don't remember, Mr. President, the figures that were given to this House; the Member said two years ago, but let me state, Sir, that this is really not all that is owed by Cable and Wireless to the Government in connection with the damage they have done in excavating for cables on the roads, this will of course be settled in due course, but I think the question that the Member asked was the amount that had been paid up to 29th February, 1976, and this is what has been paid.

MR. JAMES M. DODDEN: Mr. President, there is no wonder we have to ask these questions, because all of us travel the roadways and see that there has been more than one and half miles of road affected by this over the past few years, and this figure, Mr. President, was given to this House about three years ago. Now can we have a correct statement as to how many miles of road is so affected?

HON. A. B. BUSH: Mr. President, this is as I said approximately a mile and a half of road. Now it is quite difficult, as has been explained to me by the Director of Public Works to assess just how much road has been affected, because it was more or less on a yardage basis that they were measuring this, and so we are not saying that if they took the stretch From here to Dodden Town, or wherever Cable and Wireless worked, in a sense it would be the eight or twelve miles of road, whatever it is from here to Dodden Town, but actually it really doesn't work like that, because they haven't taken the full width of the road or anything like this, it is just a small path on the side of the road, or something like this, and this is why he is saying that it/is/ more on a yardage basis, rather than on a mileage.

MR. JAMES M. DODDEN: Further supplementary, Mr. President, following on the answer that the Member has just given, it would mean then that there has probably been about twenty miles of road so affected, and may/ be two feet wide, which when we put it together would give us a mile and a half, thirty feet wide which is the customary roadway that is being built. Is that correct?

HON. A. B. BUSH: Something like that.

MR. JAMES M. DODDEN: Well, if that is correct, Mr. President, following off the figures of what it has cost us to build this roadway now - it is costing us over eighty thousand dollars a mile, so if a mile and a half is affected, Cable and Wireless should owe/ us then about one hundred and twenty thousand dollars. Is that correct?

HON. A. B. BUSH: I am not prepared to say that such a figure is owed by Cable and Wireless. As I said the Member asked a question - what was the amount of money paid by Cable and Wireless up until February, that is the amount that was paid by Cable and Wireless, it does not as I have explained - more money owing by Cable and Wireless that hasn't been paid yet, because the whole matter hasn't been settled.

MR. JAMES M. DODDEN: Mr. President, further supplementary, I'm just using his figures and what he has said, and this perturbs me, because/if it was a local person that was affected by this I'm sure that it would be figured the way that you have just said, the mile and a half, so

MR. JAMES M. BODDEN (CONTD.): how are we going to determine how much is owing, and will you determine from Public Works how much it is and report back to this House.

HON. A. B. BUSH: Well, whenever they have completed their exercise on the road we will probably be able to give the exact figure how much road was affected and the exact amount that was paid for the cost to rehabilitate it.

MR. JOHN D. JEFFERSON: Further supplementary, Mr. President, is it possible for us to have ever fixed any portion of that road, and the Government absorb the cost itself. Is that possible?

HON. A. B. BUSH: What was the question again, please?

MR. JOHN D. JEFFERSON: Is it possible in the past that we have fixed roads torn-up by Cable and Wireless, and we absorb the cost ourselves, instead of billing Cable and Wireless?

HON. A. B. BUSH: Not that I know of, Mr. President, I don't think this is the case.

MR. JAMES M. BODDEN: Further supplementary, well it must be, because the road that they have torn-up has now been fixed - Government has fixed it - so who is going to pay for that, or/we going to forget it?

HON. A. B. BUSH: Mr. President, I have to explain again that it will all be paid for, whatever damage is done on the roads by Cable and Wireless will be paid for by Cable and Wireless, but this has not as yet been finalised, because Cable and Wireless really isn't through with their exercise of the roads as yet.

MR. JAMES M. BODDEN: Further supplementary, could the Member.....

MR. PRESIDENT: Could one Member give way, please.

MR. JOHN JEFFERSON: Mr. President, further supplementary, will Cable and Wireless be able to continue this same exercise after we have put the hot mix on the roads?

HON. A. B. BUSH: There were very few places in the event of them crossing the road , but otherwise they work on the side of road when laying cables, only when they have to go cross the road, and only in cases where this is absolutely necessary will it be permitted after the hot mix is poured on the road, but surely I don't think any Member would expect that if there is something - if there is need to go cross the road that we would stand in Cable and Wireless's way, and say no you cannot do this - surely we will have to give way some how or the other and have the work prepared to the satisfaction of the Public Works Department.

MR. PRESIDENT: I'd remind Members that the original question is about price and length of road, we're tending to debate this which is not permitted under Standing Orders.

MR. JAMES M. BODDEN: Further supplementary, Mr. President, with the figures that have been given to us of $2,015:14, would the Member state who is sort of watching over this exercise, and who is assessing the damage that is done to the roads?

HON. A. B. BUSH: The Chief Engineer in Public Works.

MR. JAMES M. BODDEN: Further supplementary, in view of the small amount that the Member told us that has been paid, would he care to state whether at the present time Cable and Wireless is destroying any of the new road that has been put down by Government?

HON. A. B. BUSH: I am not aware of this, Sir.

MR. JAMES M. BODDEN: Further supplementary, well would the Member make himself aware of it by travelling on the Eastern road, Sir.

MR. JOHN D. JEFFERSON: Mr. President, as you rightly said that the question was dealing with cost - since the hot mix or the new asphalt road is costing quite a bit, has Cable and Wireless been asked by the Public Works Department to get all this stuff done prior to the putting on of the hot mix, which I think is very important, because we are dealing with cost.

HON. A. B. BUSH: Mr. President, Honourable Members, this is why the roads in George Town were delayed somewhat to give Cable and Wireless lead, I don't think we can just wait back and let our roads all go to pieces, and have a major repair job to put hot/on before we do them, but we let Cable and Wireless get as far ahead as possible so that they won't interfere with the hot mix when it is put on the road.

MR. JAMES M. BODDEN: Further supplementary, Mr. President, would the Member care to state whether this cost to Cable and Wireless is being computed on a similar basis to the computation of cost for the Bodden Road?

HON. A. B. BUSH: I'm sorry I can't answer that question.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A. B. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

WHO WAS AWARDED THE SUB-CONTRACTS FOR THE PORT PROJECT AND THE ROAD PROJECT?

ANSWER

THE PORT PROJECT WAS AWARDED AS A CONTRACT TO McALPINE LIMITED. ANY SUB-CONTRACTORS IN CONNECTION WITH THIS PROJECT WOULD HAVE TO BE AWARDED BY McALPINE. IN RESPECT OF THE ROAD PROJECT, THERE WAS NO MAIN CONTRACT THEREFORE THERE COULD BE NO SUB-CONTRACT.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Further supplementary, using the Member's own words, he has just told us that if there was a sub-contract for the harbour project it would have to be awarded by McAlpine. Is it fair to state then that no contract for the port project, or sub-contract for the port project has been awarded other than what McAlpine has awarded? Is that correct?

HON. A. B. BUSH: No, Mr. President.

MR. JAMES M. BODDEN: I didn't get that correctly, the no is for what.

HON. A. B. BUSH: No, there hasn't been a sub-contract other than what McAlpine has awarded. You're asking about sub-contracts, now he is talking about two different things, a contract and a sub-contract. This is the question he has asked - was sub-contract, he is asking now about a contract.

MR. JAMES M. BODDEN: Is there any excavation work going on in the harbour at the present time that would be considered a contract?

HON. A. B. BUSH: Not at the present time.

MR. JAMES M. BODDEN: Has one been awarded?

HON. A. B. BUSH: Not at the present time.

MR. JAMES M. BODDEN: Mr. President, here in my hand is a copy of a contract awarded by Government for excavation work in the port at a cost of thirteen hundred and fifty dollars a day to run indefinitely.

HON. A. B. BUSH: There is no contract with anyone to do any excavation work in the harbour for Government.

MR. JAMES M. BODDEN: Mr. President, could I ask the Sergeant-at-Arms to present you with this contract, Sir.

MR. PRESIDENT: I think it should be presented to the Honourable Member who is answering the question.

HON. A. B. BUSH: Mr. President, this contract never did materialize, never did come into effect. How the Member ever got a copy of this I don't know.

MR. JAMES M. BODDEN: I'll assure you I didn't steal it. But Mr. President, these are the things we want to know about. Could I have it back, please?

HON. A. B. BUSH: This never did come into effect.

MR. JAMES M. BODDEN: Mr. President, it definitely was an authorization for a contract, and I understand that the work is being carried out, and I would wonder whether the Member would state whether the work being carried out in the harbour now is being carried out under this contract, or whether it is being carried out by Tropical Shipping Company for their own good.

MR. PRESIDENT: I'll remind the Honourable Member that the original question is dealing with sub-contracts.

MR. JAMES M. BODDEN: I am staying on that, Sir, this is suppose to be a sub-contract.

HON. A. B. BUSH: Mr. President, the answer was that that contract never did come into effect.

MR. JAMES M. BODDEN: Further supplementary, well the present excavation work in the harbour, is that being carried out by Tropical Shipping Company on its own, or is that a part of this contract?

HON. A. B. BUSH: By Tropical Shipping Company on its own.

MR. JAMES M. BODDEN: How much of that work will they be doing?

MR. PRESIDENT: I think that is rather far away from the original question.

MR. G. HAIG BODDEN: In the respect to the road contract - the answer is since there was no main contract therefore there could be no sub-contract. Can I ask what type of contract would there be if they had to buy, say rock for the roads, would that be a mini-contract or what.

HON. A. B. BUSH: I don't know, would the Member get to the point, Sir, of what he is asking about. We said there was no contract on the road. The Public Works Department is doing the road therefore it was let out to any contract. If he is talking about something else would he come to the point and ask the question point blank.

MR. G. HAIG BODDEN: Mr. President, I'm asking how would material be bought, would it be bought on a sub-contract, a mini-contract or a main contract for the road. Mr. President, if it would be bought by no contract.

HON. A. B. BUSH: It is purchased as required for the road. Its really not a contract.

MR. JAMES M. BODDEN: Following the line of the same question in regards to sub contracts on the port project, could the Member state whether there was a contract between this Government and an American contractor to do certain work in the harbour?

HON. A. B. BUSH: The answer is yes, Mr. President. I think he has asked this on another question, if I'm not mistaken.

MR. JAMES M. BODDEN: Was that a contract between the Government and this company, or was it contract between McAlpine and that company?

HON. A. B. BUSH: Mr. President, he has gone off the line altogether, I think - its an entirely different thing, and I don't know that I should answer this question. I believe further on he asked questions concerning this in particular contract, and if I answer it now he won't get the answer to the other one.

MR. JAMES M. BODDEN: At that time I will (mike off) but I am still basically dealing with the question on the sub-contract for the port project. The Member has stated that there was a contract between someone and an American contractor. He has stated that under the contract there could be no other contract because McAlpine had the contract. My question is whether the contract between the American contractor was with this Government or was it with McAlpine.

HON. A. B. BUSH: Mr. President, as I said before the Member asked questions about sub-contracts, now he is talking about contracts, and he has strayed altogether from the original question he has asked. He wants to go on contracts now, and he has the answer that there was a contract with an American contractor to do certain work in the harbour, this was not from any sub-contract by McAlpine the contractors for the project.

MR. JAMES M. BODDEN: Was that contract then between the Cayman Islands Government and this contractor?

HON. A. B. BUSH: Yes.

MR. JAMES M. BODDEN: Did he complete the job satisfactorily?

HON. A. B. BUSH: No.

MR. JAMES M. BODDEN: How much did we pay him then?

MR. PRESIDENT: I think the Honourable Member has a question down on this later, perhaps .....

HON. A. B. BUSH: I thought I was answering one question at a time, Sir.

MR. JAMES M. HODGEN: Mr. President, I will be glad to have another shot at it. Sir, I'll wait until the next question comes.

HON. A. D. HUGH: Right, do that.

MR. PRESIDENT: We could move on then to Government Business - Bills.

THE SUPPLEMENTARY APPROPRIATION (1974) LAW 1976

THIRD READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1974) LAW 1976 THIRD READING

MOVED BY HON. V. G. JOHNSON
SECONDED BY HON. D. V. WATLER

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

THE SUCCESSION (AMENDMENT) LAW 1976

THIRD READING

CLERK: THE SUCCESSION (AMENDMENT) LAW 1976 THIRD READING

MOVED BY HON. G. E. WADDINGTON
SECONDED HON. D. V. WATLER

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

THE MERCHANDISE MARKS LAW, 1976

THIRD READING

CLERK: THE MERCHANDISE MARKS LAW, 1976 THIRD READING

MOVED BY HON. G. E. WADDINGTON
SECONDED BY HON. D. V. WATLER

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

THE TRAFFIC (AMENDMENT) BILL 1976

COMMITTEE THEREON

MOVED BY HON. G. E. WADDINGTON
SECONDED BY HON. D. V. WATLER

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee to study The Traffic (Amendment) Bill, 1976. The Honourable Attorney General circulated some additional amendments to be considered at the Committee stage, and the Clerk has included these in a revised version of the Bill, which has been circulated to Members, and if Members see no objection we will take the Committee stage on this revised version of the Bill.

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 SECTION 10 AMENDED

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 SECTION 20 AMENDED

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 SECTION 31 AMENDED

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7 SECTION 34 AMENDED

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8 SECTION 43 AMENDED

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9 SECTION 51 AMENDED

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10 SECTION 56 AMENDED.

QUESTION PROPOSED:

MR. G. CRAIG BODDEN: Mr. Chairman, on this particular clause both in (a) and (b), I think we should leave this as it was in the original Law. Under (a) we should either leave it as it was in the Law, or change the time limit. The way it was in the original Law "no vehicle shall be parked between such yellow line for a period not exceeding two minutes", now we are going to change that it should not stopped for a period not exceeding two minutes, at the end thereof we will add "except in the case of an emergency". So it seems to me that in putting down passengers, sometimes it might be necessary to exceed the two minutes. Suppose you had to put out, lets say an aged person, somebody on crutches or something like that, it would be illegal to stop for more than two minutes, that two minute period should either be increased to five minutes, or ten minutes or the word 'parked' left instead of the word 'stop', and on the second part of this clause we have gone even worse, because we are changing that 'no vehicle shall be parked to 'no vehicle shall come to/Halt', and we are not even adding in the case of an emergency, which means that if a child ran in front of/vehicle in one of these areas the vehicle could not come to a halt, so you would/forced by Law to cause an accident, if you came to a halt you would be breaking the Law, so it should be left as it is in the second part.

HON. B. O. EVANS: That is in the Law already.

HON. G. H. WALLINGTON: In the second part .....

MR. G. CRAIG BODDEN: Oh, yes, there is saving for an emergency, but it would still be illegal even to come to a halt, and I don't think that is right, because there are many things that cause you to come to a halt besides an emergency, and we shouldn't change it come to a halt.

HON. G. E. WADDINGTON: This amendment was suggested by the Commissioner of Police, because of a decision of the Court on the meaning of the word 'parked'. I understand that the facts of the case was that a vehicle was stopped for an excessive length of time on a yellow line, but the driver remained in the vehicle, and the Court held that if the driver is in the vehicle then it is not parked, and so it was thought that this amendment should be made to prevent that flaw in this section, and to prevent people from stopping their cars and remaining in their cars for excessive length of time in a no parking area, it can create an awful lot of congestion of traffic, and the suggested amendment was to overcome that decision of the Court by changing the word 'park' to 'stop'.

MR. G. HAIG BODDEN: Of course; in the second part, Mr. Chairman, it could be overcome by putting in a time limit, for example saying that the vehicle should not come to a halt for more than two minutes, and the first part where we have should not be stopped for more than two minutes - should not be stopped for more than - a reasonable time, five minutes, ten minutes, because remember there are cases where, say a truck might have to unload a heavy piece of equipment in that particular area, and we shouldn't have a Law where it is impossible to work with, we should be reasonable people looking at the overall good, and have something that we can work with.

HON. A. D. GUSH: Mr. Chairman, I don't think that there is any no parking signs put in areas such as the Member is talking about, in places where a vehicle may have to unload a heavy piece of equipment. Surely there is no parking signs put in any places like this as I know of. I think what the Second Official Member said is quite true, this is one of the complaints from the Commissioner of Police in prosecuting for parking I believe a reasonable time should be allowed, and I believe a reasonable time is allowed for anyone to sit in his car even in a no parking area, but I think that this is being abused, and surely once people know that they can stop anywhere that they want, park as it were, and remain seated in the car and nothing can be done to them, then it is as good as parking a car for hours, I think this one of the difficulties that the Traffic Department is trying to overcome, and where I don't want want myself to create any hardships on the people parking anywhere in the town, I know all of this is being abused, and I know that it is very difficult for the police to handle it. Because I have had complaints from them about it, and I hope that we will be able to work out something to the satisfaction of the police where they can control the traffic, and such thing as this parking in places which are not marked for parking.

MR. CORDUCK EBANKS: Mr. Chairman, I am a bit perturbed about this parking problem, or system that is being further established and extended because it appears to me that the only feeling that the Traffic Department is extending, is that a motorist should just continue to drive round and round like an idiot. The Member just said that he doesn't see any parking signs up against a truck, but anyway that there is a yellow its a prohibited area, whether it is a truck, car or what it is. I don't see any signs in any of the yellow line areas where there is a sign to establish that a truck is allowed five minutes, ten minutes, a half an hour or what it may be to unload, I don't see any of those signs. It is just a complete - which the whole George Town area is just about a quarantine station. There is the post office, you've got people that come into town, they have mail boxes at the Post Office that they are paying for, its a pouring rain - it rains forever sometimes, then these individuals cannot get to the Post office to collect their mail or post their mail, this is as far I am concerned, Mr. Chairman, regardless of who is proposing such a thing as this, they are unreasonable, they got no humane feeling or respect for the public, the motorists that are paying for the use of these roads and the facility that they would obtain from the Post Office, the Customs or any other place - if this is what we got to contend with then - as has been said in your Throne Speech (which I am not going to interfere with at this stage) things are getting not what it should be, and this is the

MR. CHADDOCK EBANKS (CONTD.): way it is being created, by the people who we expect would do better towards the public, and I cannot give any support to these sections - we must have some parking time limit around the Customs, the Post Office and such places for people to do their business. I have travelled a little bit of the world and I haven't seen such restrictions in no other country that I have ever been, such as what is wanted to be established here. Where do we come in at, as taxpayers and citizens of this country? Who is the Commissioner of Police, he is only a paid Civil Servant?

MR. G. HUNG BODDEN: Mr. Chairman, I can think of many areas right in George Town where this would impose real hardships, for example right down at the Lobster Pot if we pass this Law I don't see how a vehicle could stop there long enough to say, put off an engine for one of the boats that operate from there, or a bus to put off a group of skin divers with their equipment - if this passed extreme hardship would be experienced by the motorist and passengers, and I don't think we should do it. I can agree that we need to limit the time that a vehicle can stay in these areas, we must do that, because a man might sit in a vehicle all day to keep it parked in one spot, we must limit it, but we must be reasonable - that two minute period should be at least, I would say fifteen, but I would go along with five, and the other part that makes it impossible to halt except in a case of emergency is utterly ridiculous. Yesterday I had a lot of favourable comments for the Department in preparing the first half of these amendments, and I am wondering if the second half which is given to us today was prepared by somebody else.

HON. E. A. EBANKS: Mr. Chairman, I am wondering whether Members are not reading a bit more into this than is really stated. The first amendment refers to portions of road where yellow lines are painted and its to prevent congestion of traffic in certain areas. Now reading the amendment with this Law it would mean that a vehicle shall not be stopped between those yellow lines for a period not exceeding two minutes, for the purpose of putting down or picking passengers, or goods. So that if a person was only, for example, going to collect goods or putting off passengers he would be covered. The second amendment refers to an entirely different matter and area of road altogether, this is to prevent dangerous obstruction by stationary vehicles, and this would be in areas where the police would consider dangerous, and the line would be painted in the centre of the road. The first section refers to the lines at the side of the road which means that it is a no parking area, but the second section that they are seeking to get is not an uncommon provision in any territory, there are territories where you see signs all the time 'no parking' even on the verges of the road, if you have a flat you have to get off, you cannot stop, you can't block traffic or cause other cars to pile up in you, and this/all this section is saying, that there would be areas like on a dangerous turn, for example if the Member responsible for Works had not thought of removing the dangerous turn at South Sound, the junction of Red Bay and South Sound that would be an area that I would imagine the police would want to put this yellow line in the centre of the road, because it would be dangerous to have standing vehicles on a curve like that, its dangerous to make the turn even without vehicles there, without obstruction. The other point that I would like to make is this, that it is my opinion that in a road traffic Law what is being sought in such a Law is the control of traffic, and in the case of goods and so/one would think that businesses would have to make provisions for collecting their goods, or receiving goods and sending out goods not on the street but off the street. This is the whole idea, the flow of traffic, this what is being attempted to be regulated here, but particularly I would like to call attention to the fact that the two sections deal with two different types of situations.

MR. G. HAIG BODDEN: Mr. Chairman, I understand that and I agree with the Member that there should be certain areas where there should be no parking at any time, but there should never be any areas where you couldn't halt, and on the first part the two minute limit for the setting down of passengers, now the two minute period was sufficient for parking,

MR. G. HAIG BODDEN (CONTD.): But if you are going to change the word to stopping. Two minutes is not a sufficient time to put off say a bus load of school children, if it became necessary to put them off at that particular stop, and it wouldn't be necessary for picking up say one aged person. So I think we're going from, - the motorists had it very good in the old Law, but now we are going from the sublime to the ridiculous, and all I am asking is that we take an in-between road.

HON. W. W. CONOLLY: Mr. Chairman, I think the point that we should consider here is the safety of people on the road whether they are in a car out of the car or what else, and there is no doubt in one's mind that whatever Legislation that we make here we are expecting the Police Department, the Traffic Department to use that particular piece of Legislation to achieve what we feel should be achieved. With the request by that Department for certain things in the Law that makes it impossible for them to achieve what we intended to have achieved, I feel that we should look into it very very carefully.

I quite understand that the definition of the word 'park' is difficult, and I have known in another area where that this was tested in a Court of Law and it failed, people could stay in their car as long as they want.and you will find in some areas where it is written no standing, instead of saying no parking they have no standing like in front of a fire hydrant in certain places, there are certain places that there should be no standing of any vehicle, and there is no doubt in my mind, because I have travelled this road quite a bit that there are lots of people who are careless who will come to a halt at any part of the road, around a blind corner, they don't give any consideration for anyone else that may be on the road at the time, and I feel that we should make Legislation that would achieve what we intend for it to be, and that is to control the flow of traffic, I think this is the main thing, I don't think anyone is trying to make it difficult for a motorist. I think what is happening we are trying to legislate an ordinance here that will give the Traffic Department a vehicle by which they can do exactly what we want, and that is to control the flow of traffic. Surely some people consider others, I know are a lot of people who consider others, they wouldn't park on the yellow line, they wouldn't stop on a yellow line, they wouldn't stop in front of a blind corner, but then there are others who will blatantly disregard the right of others, and there needs to be some legislation that the Traffic Department can use to correct this, and I feel that with the amendment, reading the amendments with the sections of the Traffic Law, I feel that this is about the only thing that we can do in order to achieve what we want to achieve.

MR. G. HAIG BODDEN: Mr. Chairman, I am sorry that I wasn't able to pass on my comments on the second part of these amendments which have been presented to us this morning. The first part they already know since the C.I.D. taped my meeting two nights ago - I don't know what they are going to do with it, but they full well know how we feel, and I would like to put it in the records that I think this is putting too much hardship on the drivers, and I don't see how any driver could comply with this amendment as we are putting in here. If we are going to change parked that you can't park or you can't stop we will have to increase the two minutes to say at least ten minutes in the first section, and if we are going to change the 'no parking' to 'no halting' we will have to put in a time limit, otherwise nobody could comply with it.

MR. CRADDOCK EBANKS: Mr. Chairman, if I indicated in anyway that I was against any parking area, or any parking system in George Town I am sorry that the understanding of any Member is so far away from what I was trying to say, we must have parking areas, we must have parking control, we must have things to keep order, keep traffic regulated, keep traffic moving and what not, but the same Member so readily eager to hold up the Commissioner of Police's proposal here, yet he can't agree with the Commissioner of Police when he says that the word apparently in the Liquor

MR. CRADDOCK EBANKS (CONTD.): Licensing Law gives him no ground to prosecute, he can't agree with that, and the Commissioner of Police disagrees with it. and as has been said keeps his hands tied .....

HON. W. W. CONOLLY: How does the Liquor Law come into this?

MR. CRADDOCK EBANKS (CONTD.): Mr. Chairman, ..., these Members are going to be anxious to speak next week (laughter). Mr. Chairman, I am saying I don't agree with it as has been proposed here, I agree that we must have some parking rules and regulations, in certain areas you shouldn't park it at all because it will delay and tie-up traffic, but as another Member/ Maker/ says that people receiving or sending out goods might not to be on the street, if I may/ difference, I have had quite a number of trips to Miami, and I think Flager Street is one of the busiest streets in downtown Miami, both sides of the street there are areas that trucks are forever filled in loading and unloading, are we any different from them, are we any less than any other country on the world when it comes to this, where will people take their things in, in a helicopter down through the roof. Its a good thing, Mr. Chairman, that I haven't had the opportunity to/ get a little bit of education because I really wouldn't act so foolish sometimes.

HON. A. D. BUSH: Mr. Chairman, I think, Sir, we're somewhat going off from what is really meant in the Bill. As I see it there are parking areas which are being abused, simply by people parked sitting in their cars, and as was mentioned by the Second Official Member that because the man was in the car it was considered that he wasn't parked, he was just stopped, and it does not prohibit stopping, but it does prohibit parking, and this amendment is to make it quite clear that whether a man is in his car or not and it is parked or stopped for any length of time at a no parking area then he can be prosecuted for so doing.

Now the point that I made when I spoke first was that one Member said about what would a truck do unloading goods. I meant that no parking areas were not put in places like that that there was space allowed for trucks to park to land goods at any particular store, whether it was right in front of the store, or it was fairly close by. One of the areas which was mentioned by one of the Members, I think there is a place there for cars to park on one side of the road, but they have abused all this by using both sides of the road and contesting the whole area with traffic, so this is some of what is being asked to be done. The Police hands are tied simply because they cannot get a conviction on a man parking in a no parking area once he is sitting in the car, and this is to make it quite clear just what really parking means, whether the car has someone in it or not it is meant that it is a parked car, and I am sure that Members most have experienced as same as I do because I am sure that they go on the road much more than I do, but I have never, I've haven't been many places I must say, but I have never seen such/ ridiculous way in which people drive as I see around here. I will be coming down following someone or going up as the case may be, and they will stop right in the track, it doesn't matter they don't pull off the road at all, all this could cause accidents, and I know if they were in any other part of the world beside the Cayman Islands they certainly would be prosecuted for doing this. Any car as far as I know that is coming to a stop must pull off the road somehow or the other, as far off the road as possible in order to let the traffic cross them, but they will stop right in the track, in fact I have seen them stop abreast each other and talk and tie up traffic for minutes. These are some of the things/ will which the police hands are tied; and which they want to get corrected, and it is no more than right that they should, because traffic is becoming so that if something really isn't done about it, none of us will be able to walk or move any where around the town.

I don't know any place as I've said before where goods have to be unloaded - there is a need to unload in front of some stores, and some permission is even given to do this. If we want an example of this, just right by my gate, I must say my home, where a big trailer is parked at times for a store across the street which ties up traffic time and

HON. A. B. BUSH (CONTD.): again. The police permit this for a very short time, although I know it was parked there once overnight, but it is not happening any more, but this is permitted, so I think there is some latitude given by the police to areas like this. But this is really not a place that we are talking about in this Law. We are talking about a place that has been marked as no parking area , and which is being abused by people sitting in their cars and parking for quite a long time, and simply because the man/in the car he cannot be prosecuted for parking, so the whole purpose is to make it quite clear just what parking is. Thank you, Mr. Chairman.

MR. CRADDOCK EBANKS: Mr. Chairman, we are talking about no parking area on the painted curves, and it is a time limit set to it. The police that is on duty or patrol, if he finds a car there he times the car - how long when he gets in contact with it, and when the ten minutes, the three minutes are up, or the five minutes are up and the car hasn't moved, then he has as far as I am concerned every right to prosecute or do anything that the Law provides for him to do, but they/have a yellow mark with no parking, because somebody has to sit there then - and you're trying to use the measure now that he shouldn't even do that thats going too far as far I am concerned. Because any of us as motorists that have to come in town and around town to do our duties, or business we can get caught in places that we cannot get in or get out, and then because you're stuck - then the police must just come by and prosecute you - that is not good Government, and I wouldn't like to see that we go and get ourselves so involved and stuck in in these matters when it does us no good.

MR: CHAIRMAN: I think if that concludes the debate on that, I shall put the question on the Clause.

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: THE AYES HAVE IT.

MR. G. HAIG BODDEN: Mr. Chairman, can we have a division on that.

DIVISION

AYES

HON. D. V. MATTHEW
HON. G. C. HADDOCKTON
HON. V. G. JOHNSON
HON. A. B. BUSH
HON. T. FOSTER
HON. B. O. EBANKS
HON. W. W. CONOLLY

NOES

MR. JAMES M. BODDEN
MR. G. HAIG BODDEN
MR. CRADDOCK EBANKS

CLERK: MR. FARRINGTON

MR. CHAIRMAN: WAS THAT I MR. FARRINGTON.

MR. FARRINGTON: YES
CAPT. CHARLES L. KIRKCONNELL

ABSTENTION

MR. JOHN JEFFERSON
MR. CLAUDE HILL

MR. CHAIRMAN: The results of the division are for 9 against 3 - abstention 2.

CLERK: 11 SECTION 61 AMENDED

QUESTION PUT: AGREED. CLAUSE 11 PASSED

CLERK: CLAUSE 12 SECTION 73 AMENDED

QUESTION PROPOSED:

HON. G. E. WADDINGTON: Mr. Chairman, I'm not too happy about this proposed amendment. The reason for it I understand from the Commissioner of Police is that the accident black spot signs as erected have black lettering, whereas the Law says at present it should be white lettering and that is the illustration of the sign in the Road Code with black lettering on it contrary to what the Law says, so he is asking for this amendment to black lettering. But when the whole section is read the sign is suppose to be a black circular sign (Section 73) and I don't see how you can a black lettering on a black sign.

MR. G. HAIG BODDEN: I agree with that, Mr. Chairman, in fact I had a note made to ask for that amendment, but I am glad it came from the other side because we would not have gotten it, and it would be impossible to read blank lettering on a black sign, unless you have different colours of black .....

HON. G. E. WADDINGTON: If we had a copy of the Road Code here so we could perhaps settle the matter here and now. Or failing that, Sir, I would ask that the House perhaps suspend now, that the Session be suspended so that I could get in touch with the Commissioner of Police about this. It has just struck me that there is something definitely wrong with this.

MR. G. HAIG BODDEN: Mr. Chairman, I would suggest that we leave the section exactly as it is, and do not listen to any amendments. This is just as perfect as the other section that we were trying to keep that way, we should leave it exactly as it is, I don't see any need for any change at all. Black letters on a white back-ground is fine, or if you want to put white on black.

HON. G. E WADDINGTON: The object of this I think was to avoid having to re-do the signs and to alter the Road Code, to amend the Road Code to bring in line with what the section says.

MR. JOHN JEFFERSON: So apparently somebody goofed, Mr. Chairman.

MR. G. HAIG BODDEN: As they always goof. This section 73 is perfect. I believe that the Committee in dealing with this section spent a long time in discussing it because it was a new thing in the Traffic Law, this was not contained in the old Law, and a very good job was done on it, and I don't think we should listen to every recommendation we get.

HON. G. E. WADDINGTON: What seems to be the position in the Road Code, Mr. Chairman, is that there is a black circular sign on a square board, and underneath the black is written in black "Accident Black Spot".

HON. A. B. BUSH: Is a white back-ground isn't it.

MR. G. HAIG BODDEN: I think what is happening here, Mr. Chairman, is that somebody really made a mistake. The Law calls for a black circular sign with white lettering, and what we have on the Roads is a white sign with black lettering, and somebody is just trying to cover up the mistake. I think we should leave it as it is in the Law, and change the signs to comply with the Law, we shouldn't be going around changing the Law because somebody made an error on the signs.

HON. G. E. WADDINGTON: I think that what the Law really intended, Mr. Chairman, was not a square white back-ground, but the black circular with white lettering across the centre of the black - "Accident Black Spot".

MR. CHAIRMAN: Is it a fact that the Code is not in conformity with the Law, that either the Code should be adjusted in conformity with the Law, or the Law reconciled with the Code.

HON. C. E. WADDINGTON: It can be done either way, Mr. Chairman. I believe the Commissioner of Police considered it easier to do the Law, because he has a number of these signs already prepared, and supplied. And of course, he was following the Code, which of course is not in conformity with the Law.

MR. G. CRAIG BODDEN: I agree, Mr. Chairman, it is far easier to change the Law, but I don't think it is right. The Code and signs should conform with the law, we shouldn't change the Law to conform with the sign.

MR. JAMES M. BODDEN: Mr. Chairman, if we set a precedent in this House and change a law just to suit the whims and fancies of someone, we will find that once that precedent is set there will be more dangerous things than this that will come before the House, and that we will find ourselves changing the Law to fit the occasion. I for one would be strongly against it.

MR. JOHN JEFFERSON: Mr. Chairman, I see nothing wrong with the Law personally, and if a mistake has been made in regards to printing signs, well then the signs ought to be corrected. I certainly wouldn't support in no way at all changing the law, because there is an error made in printing the signs. No way.

HON. W. W. CONOLLY: Do I understand, Mr. Chairman, that the signs have been printed according to the Code, and the Code does not comply with the Law. Is that the situation?

HON. C. E. WADDINGTON: Yes, that is the situation, Mr. Chairman.

HON. W. W. CONOLLY: Its not that the signs are just a mistake in printing the signs. The signs are printed according to what is coded, but the Code does not comply with the law.

MR. JOHN JEFFERSON: Then in that situation, Mr. Chairman, the Code ought to be changed to suit the Law.

MR. G. CRAIG BODDEN: Mr. Chairman, the way I see it not only does the Code not conform with the Law, but I don't think the signs even conform with the Code. What I see there appears to be different from whats in the Code.

MR. JOHN JEFFERSON: I think, Mr. Chairman, we should move on and take a vote - go on from here.

MR. CHAIRMAN: Well, I shall put the question that Clause 12 do stand part of the Bill.

HON. C. E. WADDINGTON: Mr. Chairman, I could not as Attorney General, allow that clause to remain in the Bill as it stands, and on my responsibility, I would withdraw that clause. It doesn't make sense as it stands, and I could not be a party to having that passed as part of the Bill, or even put to the vote, and I would therefore suggest the withdrawal of that clause.

MR. JOHN JEFFERSON: That's good.

HON. C. E. WADDINGTON: I'd therefore ask, subject to the approval of the Members that Clause 12 be deleted, and that Clause 13 be re-numbered Clause 12.

MR. CHAIRMAN: It has been proposed that Clause 12 be deleted, is there no objection on the part of Members.

MR. CRADDOCK EBANKS: Mr. Chairman, if I may say, since its the view of the Police Department that the Law needs to be brought up to a higher standard, or to correct something that is in it, why then should we withdraw this clause that is proposed, and not have the proper corrections brought about that this section can remain as a part of the Law before we pass this as a Law. Because if we even delete that, and make thirteen twelve and pass the Law, then it is still this - an anomaly would exist then with the sign and the Law. So wouldn't it be reasonable to leave this with the Attorney General, the Second Official Member and get it straightened out, or worked out to what he feels is right, and bring it back tomorrow, or this evening as the case may be, or something, Sir.

HON. G. E. WADDINGTON: I think I've explained the position quite fully, I don't quite understand what the Member is getting at. The section as it is now is obviously incorrect, and the Law as it is is correct, and if any amendment is to be done without amending the Law, then the amendment must be made to the Code.

MR. CRADDOCK EBANKS: Mr. Chairman, whatever way the amendment has to be done, and if we pass the Law then and withdraw this section - delete it and pass the Law, then would you/to amend the .....

HON. G. E. WADDINGTON: Yes, the Code would have to be amended.

MR. CRADDOCK EBANKS (CONTD.): If it is easier, or we find that it is more profitable to amend the Law by finding a re-wording for this section, or what not then - which ever that may be easier as far as I am concerned, but I am only trying to say that if this section needs to be brought in, or could be part of the Law, why .....

MR. JOHN JEFFERSON: I don't see anything wrong with the Law, Mr. Chairman, I submit, and I personally don't see anything wrong with that section of the Law.

MR. CRADDOCK EBANKS: Alright, Mr. Chairman, I withdraw the remarks, and if they want to delete it and change the code then .....

MR. CHAIRMAN: I think the proposal is by the Attorney General that the Clause be withdrawn, and that subsequently changes may be made in the Code to conform with the Law. So/Members are in favour of withdrawing the Clause, the Clause will, with the agreement of the House in Committee be withdrawn.

CLERK: CLAUSE 12 SECTION 78 AMENDED

QUESTION PUT: AGREED. CLAUSE 12 PASSED

CLERK: A LAW TO AMEND THE TRAFFIC LAW

QUESTION PUT: AGREED. TITLE PASSED.

CHAIRMAN: That concludes examination in Committee of The Traffic (Amendment) Law, 1976.

MR. CLAUDE HILL: Mr. Chairman, just a word, there is a typographical error on the date here on my copy, I don't know if other Members have it - 1976 and they have it 1975.

HON. G. E. WADDINGTON: I am not aware of what the Member is driving at.

MR. CLAUDE HILL: Just a slight typographical error, Sir.

HON. G. E. WADDINGTON: Where about?

MR. CLAUDE HILL: On the Preamble - 1975 they have on it.

MR. CHAIRMAN: I think we are dealing with this white piece of paper, and I believe that is correct

MR. CLAUDE HILL: Passed by the Legislative Assembly in 1975, at the end.

MR. CHAIRMAN: I think that concludes proceedings in Committee.

HOUSE RESUMED

REPORT THEREON

HON. G. E. WADDINGTON: Mr. President, I beg to report that a Bill entitled "The Traffic (Amendment) Law, 1976 was considered clause by clause by a Committee of the Whole House and passed with one amendment, namely clause twelve was deleted, clause thirteen renumbered clause twelve, and I would move Mr. President, that the Bill be given a third reading at this stage.

THIRD READING

MOVED BY HON. G. E. WADDINGTON
SECONDED BY HON. D. V. WATLER

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

MR. PRESIDENT: The next Bill on the Order of the Day is the Police Force Bill.

THE POLICE FORCE BILL, 1976 - FIRST READING

CLERK: THE POLICE FORCE BILL INTRODUCTION AND FIRST READING

MOVED BY HON. D. V. WATLER

SECONDED BY HON. G. E. WADDINGTON

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

CLERK: THE POLICE FORCE BILL SECOND READING

HON. D. V. WATLER: Mr. President and Honourable Members, I beg leave to move the Second Reading of the Bill entitled "The Police Force Law".

Mr. President and Honourable Members, the original Bill, the present Police Force Law is Cap. 126 - it's a law that was passed by this Legislature in 1962, and amended in 1963, 1965, 1967 and 1970. It has various amendments to it, but it is a law that has been introduced and passed and enacted over fourteen years ago, and the Force has increased, and various amendments have been made to take care of that, but the Force is still being upgraded, and it is felt that it is better at this stage to enact an entirely new Bill to bring this up in line with present day, rather than go on amending and keep on amending this Law. And thus, Mr. President and Honourable Members, we need a Police Force Law, and I commend/to favourable consideration of this House.

SECONDED BY HON. G. E. WADDINGTON

QUESTION PROPOSED.

MR. JAMES M. BONNER: Mr. President, Fellow Members, I have, with my limited mind perused this Bill on two occasions from cover to cover, and I must say that I think that there was a good job done in the drafting of it, and I think it is a worthwhile Bill, and one which I could support. I would like to make a few comments on it - they are very minor.

In Section 20 of the Bill, we have the use of the word shall. Now I do not know whether to change this would contravene any of the Public Service Laws, or anything of that nature, but I just wondered/we could consider the insertion of the word may - in my opinion just because a man has reached the age of fifty-five, its no reason that we should not take advantage of his brain power, because most people never attain their full, lets/manhood until that age. I would like for us to give consideration to that.

The other section that I would bring to the attention of the Legislative Assembly is Section 27 - sub-section 2, and I do not in any sense want to stand in the way of justice being done, and I would not want to know that we change this and somebody got away with the commission of a crime because it was changed, but I would just like to throw out for consideration that this be changed a little bit, because under this section if a person was apprehended by the Police under a warrant issued by a Justice of the Peace, and it should be proven that that Justice of the Peace was not at that time a Justice of the Peace, or that the signature was not genuine, and that the signature was falsified it would mean, according to this Law that the person would still be eligible to be tried for the crime. I don't think I can quite agree with that, because in my mind that is infringing a little bit on human rights, and if it was proven that this was not genuine, then I believe it would be a serious thing for us to convict a man on the actions of somebody else which has fraudulently been done.

Mr. President, there are a few more comments I would like to make, one of them is that we were told in a recent sitting of this House, I think, that consideration was being given to the training of youthful cadets into the Police Force. Now this is something that my colleague from Bonavista Town and myself have been presenting to the House, and discussing from time to time, and we feel strongly that this would be a big deterrent to crime in this country, if we were to establish a Junior Cadet Police Force, it would not cost but very little bit of money to do so, and take our teenagers from the time they are about thirteen - it doesn't have to be everyone of them, but those who would apply and who could be used, and use them in limited police work and limited training. It would be somewhere for them for work off their youthful energy, and it would give them a bit of pride, and it would keep them out of a lot of trouble, and I was hoping that being we were promised that this would be done, that this would have been in this Bill, and I hope that we would put it in this Bill, or if not that we/have assurances from the Government Bench that this would be brought forward, may be in the next sitting. I feel strongly that could be one of the best things that we could do today for the youth of this country, because nothing makes a young person, in particular feel as important, as to put him in a position where he feels that he is doing a worth-while job.

I am very proud to see that we will be continuing the Special Constabulary into this, Mr. President, and I am very hopeful that this will not be something that will be done just by putting it in the Law, but something that will be fully carried out. I believe that that could be one of the best things happen to this country in regards to police work, if we did have a special constabulary, in addition to the Police Force. The members would not have to be revealed to where everyone knew who they were, and it is a lot of good work that could be done, and I feel like we have a lot of people in this country who would be very glad to give their time to serve in such a thing, and to give it freely. I do not feel that this should be a position where any amount of remuneration should be attached to it, but that it should be done out of the generosity of one's heart, because in doing so he is protecting his country, he is protecting his family, and I hope that this will be done, Mr. President, and if I am not out of line in it, I would like to offer my services as of now, to be able to serve in anyway that I

MR. JAMES M. BODDEN (CONTD.): could into this Department. Thank you, Sir, and free.

MR. G. HAIG BODDEN: Mr. President, Honourable Members, I join with the First Member from Bodden Town in commending this Bill to the House, and my comments will even be shorter than those of my colleague.

I have examined the Bill, and feel satisfied with it, and I agree that in the light of the many changes that have taken place, and the reorganisation of the Police Force, and the increase in numbers, it is time that we re-write a Bill which as the First Member of Government said has been in existence for over a decade. The Bill places special emphasis on the fringe benefits which will be available to members of the Force, and seems to clear up what was an ambiguity sometime ago. That ambiguity being as to whether a police officer was even entitled to a pension, or not. I believe, I have heard many discussions on this - this new Law will make it clear - exactly what benefits a police officer is entitled to. It goes on to make provision for funds for widows and orphans of police officers who have died while they were in the service - it even makes provision for the funeral expenses to be paid. This/Very necessary - the policeman's job at best, like the politician's is a very thankful task, it is also a job where the pay is such that it is almost impossible for a constable to save sufficient funds to build up a sufficient estate to take care of his family if he should die, or become disabled at an early age. This Law goes on to make provision for the disability of an officer, and it is very correct that it should do so, because a policeman's job involves a certain amount of risk, and that too must be taken care of.

In our Island we have an exceptionally large Police Force. We have over, I believe one hundred - the Police Department is now over one hundred persons, and that is very large. In fact I understand that the proportion of officers to people in the Island is much higher than in the city of New York. Provision is made for police officers to be properly identified, and this is very important since today they are carrying out jobs which they never did before. I was surprised this week, on Tuesday night, to see officers of the C.I.D. Department in Bodden Town taping a meeting that was held by the First Member from Bodden Town and me and if they are going to be engaged in this type of work, they must be properly identified, because I believe that anyone who is holding a meeting, if it is a meeting which he has organised must also have the right to allow people to be admitted, and personally I will not allow any more C.I.D. officers unless they present their police badges, or unless they come in uniform.

Another commendable feature of this Law, is the provision for the Special Constables. I remember many years ago when I was a boy, that each District had its District Officer, or its District Policeman who was held in high regard in the District in which he lived, and it is good, although the Special Constable is not really a District Officer, it is good that we have provision for special people in the Island to become members of the Force without serving on a regular and a full time basis. If I were opposing sections of this Bill I could go on at great length, but I am one that has always said that I believe the police in this Island do a fairly good job, I am not just saying that today, this is one Member who has never yet criticized the Police Force, although I do not always agree with certain actions, but I have never publicly, and I can say this truthfully, I have never publicly criticized the Police Force, but what alarms me, Mr. President, is that it seems to me that the Police Force recently has been going beyond the realms of police work, I just mentioned the Gestapo work being done in Bodden Town on Tuesday night, and I am perturbed that private citizens are being harassed in this manner. I cannot tell the Chief of Police what he must do with his men, but I would say that a better service would have been done to the public if these two officers who were engaged in all those electronic devices at the meeting in Bodden Town had been checking on some of the bars or local night clubs. And while I am not against public money being spent, I don't want to see public money wasted, I know the police force are responsible for security, they are

MR. C. WAIG BODDEN (CONTD.): responsible for the prevention of crime, which is far more important than the detection and the solving of crime after it has been committed, and this Law goes on to identify the areas in which the Police Force will work, and it goes on to enumerate the many jobs which the Police Force will do, by-and-large it is, I would say a well drafted law, undoubtedly from time to time there will be amendments, and I look forward to supporting this Bill as we go through the committee stages.

MR. ETHNE HILL: Mr. President, Honourable Members, I rise in support of this Bill, I also voice the sentiments of the previous speakers. I do not care to comment on the arrangement of the sections, which this Bill seeks. The Bill I would say is most needed, and as the Bill is considered desirable to introduce a new Police Law geared to the conditions that are now prevailing. I think it is quite ample time that some protection be given to the Police Force in the administration of their duties, and also to them at retirement, after serving their country. It also gives an incentive to people - young folks entering the constabulary force. And I would say that the expansion of the Police Force can only depend on the youth of today if they are capable of filling the posts.

Mr. President, I would also bring to the attention of Members here that the Police Force plays a very vital part in the community of the Islands, and I feel that if anything can be done to encourage them, let us here in this Chamber do that. Thank you, Sir.

MR. JOHN D. JEFFERSON: Mr. President, I too rise in support of the Police Law, and I too rise in support of the statements made by the First Elected Member from Bodden Town. So you see I don't always disagree with him just for the fact of disagreeing, because any time he brings something to this House that is worthwhile I can assure him or anyone else I will be certainly supporting that thought.

I feel, Mr. President, as I have said so many times that certainly there has been a need to bring the Force up to the strength to which it is today - I'm speaking of the strength numerically and I must say that considerable strides have been made in the Police Department. Now, don't misunderstand me I'm not at all satisfied, because a lot is left to be done in this same Department. Because as I have said before regardless of what these fifteen or twelve elected Members, and the three other Members do in this Chamber, unless our Law enforcement agency is one, up to strength - two, have gained the confidence and respect of the people, then all that we do here stands to fall away. I have said it before, and I think it / bears repeating that the image of this country is reflected more by the Police Department, no doubt than any other Department in Government, because the Police Department every day impress people of their dignity, efficiency and restore them with confidence, or else it turns people sour and causes them to lose respect.

In the stage in which we are today in this Territory, regardless of all that has been said about the usage of soft drugs, certainly marijuana weed or drug has had a very deadly effect on the influence of the youth of this country, to too large a percentage, as far as I am concerned. I have been asking myself the question, what do we do, what is there for us to do, what can we do about it, and Mr. President, it is and it has been one of the most disheartening, one of the most soul-searching subjects that I have ever really dealt with as an Elected Member in this Territory. I believe that the Police Cadet School could certainly be a great tribute, could certainly be something worthwhile, something that would give youth wholly and useful exercises where they could disperse of their energy. It would be a very good thing, the discipline which they would go through would be a good worthwhile exercise for this whole country. I hope like the First Member from Bodden Town, and I will say this that if there isn't a Police Cadet School it must be something of that magnitude or better, and the time for that is now - not a year from now, even now we are late. I think it is time that we do something in that respect. I think it would be quite a channel to be able to funnel those youngsters into the

MR. JOHN D. JEFFERSON (CONTD.): Police Department later on, make them useful citizens, with these people that could be proud, and you know young people it would certainly give to them something that they don't have in this Territory up until now.

I want to say something in passing on Clause 13, which I think is good for us to stress this particular time, because in the last previous election there certainly were many accusations brought to the Court in litigation dealing with this very same aspect, and there is no doubt in my mind that certainly were reasons which people had to take such actions. Clause 13 says "No police officer shall (a) engage in any trade, business, employment or office whatsoever, or take part in any commerical undertaking, outside the scope of his duties under this Law, except with the authority of the Commissioner; or (b) take any part in any political organisation or electoral campaign within or without the Islands or engage in any other activity which might tend to interfere with the impartial discharge of his duties. I am glad that is there, and I am not only glad it is there, but I am hoping that it is going to be adhered to, because I can tell you this this is one Elected Member, that I believe will be re-elected, and I have no reason now or any other time to but you talking in you opinion that I for one do not intend/tolerate any of this in any instances in the future - its going to be brought direct to the Commissioner of Police, and substantiate it by claims and facts. No Police Officer can do his duty, and take his rightful place, can be impartial when he endorses one political group or the other. He certainly is entitled to his opinion, and that is certainly what he is entitled to, what he does when he goes to the poll is his own business, that is not my business at all, Mr. President, but it is my business when he interferes. when he interferes through influencing people or taking part in political activity, which is certainly not his business at all, his business is that of carrying out order and keeping Law, and enforcing the Laws of these Islands, and I can assure you this that the Police Department can tape any meeting that I have, I have no fears of that, I'd like for him to, because I tell my public nothing that I want to be ashamed of.

I heard, in the District of West Bay, a public meeting, and I was glad that the C.I.P. was able to have a copy of that meeting, because when a member of that group could get up and make a statement that I heard made, that is certainly foreign to the people of these Islands, I tell you it made me wonder, where responsibility in leadership lies. When a man could tell the people of these Islands, if we can't get them out, we'll shoot them out. I think the Police Department certainly ought to monitor these kind of statements, and I can assure you that they won't monitor any statements made by me in that respect - I have no fear of what they can tape from my statement that I make. To me that activity is not a Gestapo at all, that is in keeping with the Law, that is in keeping with their duty - their Commissioner should be informed. the Department must know what is going on, certainly I feel that this is certainly a part of what they should be doing.

In Section 20, I completely agree - Section 20 - " Non-gazetted officers who have attained the age of fifty-five years, shall be retired without prejudice to his being accepted for such further period or periods of service as may be fixed by contract. I entirely agree with that section. I know it is not just put there so, I know it can be used, and I wish it would be used. Let me say this, Mr. President, when it comes to representation, when it comes to speaking my convictions, when it comes to dealing with Laws of any nature, I can assure you that now, or no other time in the future, or past, have I ever been afraid, or has anybody ever had to guess how I felt in relation to that particular Law, or Legislation or Bill. I feel that the time has arrived - long ago - when men ought to stand on their feet and be counted, and certainly if we are going to go forward in this Territory, it means that Elected Members in this House certainly have to make themselves felt, certainly while being led by knowing the needs and wishes of the people, we have to lead, certainly I trust that in our leading we will exercise responsibility of civilized citizens of this Territory.

MR. JOHN D. JEFFERSON (COMM.): I now have, Mr. President, in Part 5 - Police Property - searching through this Bill in relation to Police Property I wonder in passing - I remember sometime ago, which is little different from this, that police confiscated the property of a private citizen - up until today as far I am concerned nothing has been done about it - the citizen does not have his property - the police has done nothing about it - the property has deteriorated - this is not an image for the Police Department - this is not the kind of image that I as a Legislator want to see reflected when I vote their salary - this/something that must be cleared up, and I am asking, Mr. President, with the greatest respect that you look into this and see that this is dealt with, and that the people concerned get what is coming to them.

In Clause 83, since I vote money for the Police Department - for other Government Departments, and since I am, as I describe many times, we all here are political foot-balls, then I think it means that we have to be responsible enough to tell the people in responsible positions that it high time that, certainly property in the Police Department, such as vehicles are taken far better care of than they have been. In Section 83 - "If the property of any police officer or special constable is damaged during the performance of any duty or training by him under this Law, such property being damaged without his default and on account of circumstances specifically attributable to the nature of his duties as such, he shall be compensated out of public funds upon a scale approved by the Commissioner". What I am saying, Mr. President, I completely agree with this section, on the hand I think that when police - and it has been too many times, where property - brand new patrol cars - brand new cars have been crashed on the road foolishly, foolishly. I think it is high time that these be dealt with, and certainly some of these people be made to repay - certainly penalized to the extent that they will be careful when ever they step inside a Government vehicle.

I want to say this in closing, that I support this Law in to to. I want to say that I feel that I have been accorded as much respect as any citizen in this country, or any other country, could hope to have been exhibited to them by the Cayman Islands Police Department. I must say, as far as I am concerned they extend to me courtesy, I can say that as far as I am concerned/have received tremendous amount of respect, and to this I am grateful, but I am not grateful because of the fact that I am an Elected Member, I believe if I was not an Elected Member, being a member of the public I still would be afforded the same respect that is afforded me as a citizen of this Island. I want to say that I see tremendous improvement in the Force, but the improvements - there is still a lot left to be done, and I contend, that to have the kind of improvement in the Police Department that we need, and that we must get, it will have to start way up there in the top echelon bracket. I am sure that is not new - we have been waiting - we have been seeing progress - I intend to see more progress in this Department - the C.I.D. - Traffic Department, and other Departments, / have been doing a good job. It is encouraging to me/that the percentage of fatalities on the road today in way down, thank God. I know that even though a lot of times they might not get credit for it - but certainly the C.I.D. has done a tremendous job.

What I look forward to, Mr. President, is seeing a greater effort - what I look forward to/seeing a real campaign by the Police Department, along with the private citizens of these Islands, to rid these Islands of drugs. We have waited - we are still waiting, but we are not prepared to wait any longer. In my District, Mr. President, and believe you me any time that I have information regarding drugs, I don't hold it - I don't sit down on it. I don't say the police should do something, and they don't do it, because they can't ask if I am not able to help make them aware of some of the things that I know, but I volunteer my services, which I think every citizen ought to, and I think unless we are able to get rid of the drugs in this country, that is the way its going to have to be - the police is going to have to have a hundred per cent support of the public. Mr. President, I tell you today, that I can't wait any longer, I am not prepared to wait any longer, there must be an campaign to rid this Island of drugs, I don't care what it entails, when we

MR. JOHN D. JEFFERSON (CONTD.): I think that the future of our Island lies today in jeopardy, unless we can lick the drug traffic, and don't make any mistake about that. The Member for Education and Social Services was saying the other day - a man in a responsible position said that when you are concerned about it, it is far worse than you realise. When I see the drop outs out of school, when I see the youngsters that are not working, when I see what I see on the road at nights, Mr. President, I can assure you, and I am not giving an ultimatum, but I am saying this that I have rested, I have worked, I have toiled, I have laboured to see a campaign of eradication of drugs in this country, like has never taken place yet. I have been waiting, but I am not going to wait any longer - we are going to do something about it - we are not going to wait any longer - we must lick drugs, or drugs will destroy the youth of our country - we are not prepared to wait any longer. Thank you very much.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, I'll be very brief, since there are no major upsetting sections in this Bill.

I would like to say that it brings now, what many of us have been asking for for quite a while, why Caymanians were not willing to join the Force. There were a lot of young Caymanians that probably would have joined the Force years ago, but it offered them but very little, but in the proposed Bill before us, they have something for their future, they have a lot of benefits, that is a necessity - a need - what any young man should be receiving when he volunteers to serve his country and people. So, Mr. President, with those few remarks - and after we go into the Committee stage, I may draw to your attention a few small things. I can only say that I give my good support - my wholehearted support to this Bill before us, that will soon become law, and it will encourage our young people, our young men to turn them, and help be one to build and make this country what it ought to be. I thank you.

MR. PRESIDENT: If there are no other speakers, I'll ask the mover to reply.

HON. D. V. MATLIN: Mr. President and Honourable Members, I am grateful to this Honourable Legislature for the very pleasing way in which they have accepted this Bill. There were just a couple of points that came up - one was in respect of Section 20 - in respect of the age. Under our present Pension Law a Civil Servant is also able to retire from the Service at fifty-five. At sixty the Government can call upon a Civil Servant to retire. There is that five year spread. Bear in mind now that a police officer is one that is on duty twenty-four hours a day, the type of life that he has to lead, the dangers that he has to encounter, and the fact that he has to be energetic also to be able to keep up with that job, this is why it is figured that it should be at a lesser age than an ordinary Civil Servant, that is all. In Section 20 there is fifty-five for the gazetted officers, and fifty for the non-gazetted - it is because of the type of work that they have to carry out, but there is nothing there to prevent them being taken on on contract later on, so that there is still a possibility for them to be re-employed, provided that they are physically fit and able to carry on. So I don't think that there is too much to that, and it may be a good thing to help them so that they are able to get out, it either has to be shall or may, but it may be better to have the shall and therefore bring them back on contract - on a contract stage they get their salary, they will get gratuity at the end, so they are still well away.

In respect to Section 27 - in respect to the signature of a Judge or Justice of the Peace. Well it says that "No proof of the signature of the Judge or a Justice of the Peace shall be required unless the Court has reason to doubt the genuineness thereof", and you have to bear in mind that again you will have a Justice of the Peace that may sign a warrant, might hand it in at the Police Station, and another constable takes it out, not even the one that he has handed it to. And it goes on to say that provided that officer has taken it out and has reasons

HON. D. V. WATLER (CONTD.): to believe that warrant is genuine, if he has taken it out believing it to be genuine, it's pretty hard to penalise him for it, if he knows that it is not genuine, well yes, that is a different case - but this does go on to say - he believed on reasonable grounds that such signature was genuine - sub-section (2) - so once the officer has genuine belief, that the signature is proven correct, he shouldn't be penalized - he has done it to the best of his ability, and that is the reason for that section.

Yes, this law does make provision for the police, there have been cases, and many times discussions as to whether the police are punishable or not, well this makes it un-mistakably clear. And again in the case of the Special Constables, the old Law just had that you could get a special constable, and about as much as it covered was that he could be recruited, and discharged, but there was nothing for it. In this you are making provision for them also, so that they have a certain amount of security too, if you are going to use them.

Regarding the private business in politics, yes, this is good, it was in the old Law also, but it is good that it is again pin-pointed into this, and made crystal clear. Mention was made about the damage of property, and the officer being able to get compensation for any of his property that is damaged because of the type of work that he is carrying out, a police officer can get say, his watch damaged, it can be broken, because in a tussle trying to arrest a person, or something else can happen to it, other parts and things of their equipment can be damaged, and he should be, if he is carrying out his duties. There was mention on the other hand that the officer should take care of Government's property, well I would refer you now to Section 59 of this Bill that says, "If any police officer pawns, sells, loses by neglect, makes away with or wilfully or by neglect damages any arms, equipment, clothing or other appointments supplied to him or any Government property committed to his charge he may, in addition to or in lieu of any other punishment, be ordered to make good either partially or wholly the amount of such loss or damage", so you are taking care of that aspect of it also.

The Cadets - this is a Law to govern the Force, and the Cadets would be the young chaps that you are taking in, and no doubt this will be a thought that will have to come forward later, but it is difficult to embrace any Cadets into our Law. I am sure that the Commissioner of Police will take cognizance of the views of the House, and anything that can be done to encourage special constables, or anyone else, the police will only be too happy for all co-operation, and the help that they can get from the citizens of the Islands, and that, Mr. President and Honourable Members, I think were all of the points that were brought up, and in that case I commend this Bill to the favourable consideration of the House.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think, although it is ten past one, we might complete what is on the Order Paper, there is one formal First Reading - the Second Reading and Committee stage of The Hotels Aid be taken next week, because it was only circulated, I think on the 9th, and Members would no doubt want the seven days notice, so this is simply the First Reading today - there is one formal motion - the second one I think will have to go by default, because the Honourable Lady Member is not here to move it.

THE HOTELS AID BILL, 1976 - INTRODUCTION AND FIRST READING

CLERK: THE HOTELS AID BILL, 1976 INTRODUCTION AND FIRST READING

MOVED BY HON. W. K. CONOLLY

SECONDED BY HON. D. V. WATLER

QUESTION PUT: AYES AND NOES - NO. (CAPT. CHARLES KIRKCONNELL)

BILL INTRODUCED AND GIVEN FIRST READING (BY MAJORITY VOTE).

MR. PRESIDENT: We will go on to motions.

AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEARS 1972, 1973 AND 1974 AND ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEARS 1972, 1973 AND 1974

HON. V. C. JOHNSON: Mr. President, Honourable Members, I beg to move a motion referring the Accounts of the Government of the Cayman Islands for the years 1972, 1973 and 1974, and the accounts of the Government Savings Bank for the years 1972, 1973 and 1974 to the public Accounts Committee.

SECONDED BY HON. D. V. WATLER

MR. PRESIDENT: The question is that the accounts of the Cayman Islands Government for the years 1972, 1973 and 1974, and the accounts of the Government Savings Bank for the years 1972, 1973 and 1974 should be referred to the Public Accounts Committee.
The motion is open for debate.

If there are no speakers, I will put the question, would those in favour please say Aye. those against no, the ayes have it.

ACCOUNTS REFERRED TO PUBLIC ACCOUNTS COMMITTEE.

MR. PRESIDENT: The remaining motion, I shall ask the Clerk to put down on a subsequent day, when the Lady Member is here to move it.

ADJOURNMENT

MOVED BY HON. D. V. WATLER

SECONDED BY HON. C. B. WOLLASTON

QUESTION PUT: AGREED.

AT 1:30 P.M. THE HOUSE ADJOURNED UNTIL
10 A.M. FRIDAY MORNING, 12TH MARCH, 1976.

M I N U T E S

FRIDAY, 12TH MARCH, 1976

PRESENT WERE:

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATTER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. EMSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. E. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (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, MAUD, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

* MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
* MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE D. BODDEN, OBE	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. C. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

* ABSENT DURING P.M.

ORDERS OF THE DAY

FRIDAY, 12th March, 1976

10 a.m.

1. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

2. QUESTIONS:

MR. JAMES M.DOBBEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.B.CUSH,J.P. MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

(i) What will be the cost of the present contract for the future excavation work in the Harbour and how long does the contract run?

(ii) What amount of money was paid to the American contractor for the excavation work in the Harbour and was it completed as per the Agreement between such contractor and the Cayman Islands Government?

(iii) Was is completed as per the assurances that were given by the Member of the House on Monday 9th December, 1975?

(iv) Is there a penalty per diem clause in the Port contract between the Government and McAlpine Ltd?

(v) What is the amount of money paid to the 28th February, 1976 on the Port project?

(vi) How much money is being paid to complete the trenching area in the Harbour?

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3. DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE.

TABLE OF CONTENTS

GOVERNOR'S MESSAGE RE-PETITION	1
QUESTIONS	2
DEBATE ON THE THRONE SPEECH	
(a) MR. JOHN N. JEFFERSON	11
(b) MR. JAMES M. HODDER	22
ADJOURNMENT	37

FRIDAY, 12TH MARCH, 1976

10 A.M.

MR. PRESIDENT: Please be seated.

MISS ANNIE R. BODDEN: Mr. President, I must apologise, the Court dragged on 'til one o'clock and I'm sorry that I missed yesterday's session sir.

MR. PRESIDENT: Thank you.

Proceedings are resumed. The first item on today's order paper is a message from the Governor which has been distributed I think to Honourable Members. I shall read the message:-

I attach to this Message copies of petitions submitted consequent to a demonstration at the Administration Building on 27th February:

(a) by petitioners from Grand Cayman to the Governor of the Cayman Islands in Executive Council, and (Annex A)

(b) by petitioners from Cayman Brac and Little Cayman addressed to the Governor, the Members of the Legislative Assembly and the Executive Council. (Annex B).

2. The first of these covers much of the ground of an earlier petition considered by me in Executive Council and replied to on 22nd January. A copy of this petition and the reply are attached (Annexes C and D). The recent petition calls, in effect, for the Government to make amendments to existing laws and regulations to remedy matters concerning which the petitioners feel aggrieved. These can be summarised as follows:-

Category A

(a) Expenditure to be curtailed to essential projects;

(b) Gratuities to be paid to employees of Government to be reduced;

(c) Hospital fees to be reduced or fixed on a graduating or sliding scale;

(d) Taxes to be cut by 50 percent;

(e) Luxury items to be taxed;

(f) Preferential duty to be restored.

Category B

(a) The proposed Development Plan to be abandoned;

(b) Swamp land and cliff to be released to the claimants (stated to be owners in the petition).

Category C

(a) The constitution to be changed to abandon the principles of collective responsibility in the Executive Council or to be differently interpreted;

(b) The constitution to be changed to permit second Members for the East End and North Side constituencies.

Category D

Details of Government contracts to be made available to elected Members.

(This is a summary of the main points in the petition and Members should refer to the petition itself for the full version of each particular point.)

3. As regards Category A, all matters with the exception of taxation of luxury items have been considered in the context of the 1976 Appropriation Law approved by the Legislative Assembly: where measures were approved by Regulations, the rates were based on revenue incorporated in the Revenue Estimates and were debated in the Assembly. Unless there is a conscious decision by the Assembly to reduce expenditure or to augment revenue by other means, there is no latitude for variation of measures which have passed into law, or which by virtue of contractual liabilities, e.g. gratuities, have been estimated at the amounts for which Government is liable.

4. As regards Category B - the Development Plan and swamp and cliff lands. The procedure under the respective Laws is being followed. Without amendments to the Laws, the procedures must take their course.

5. As regards Category C, the principle of collective responsibility is obligatory under the constitution and the number of Members for electoral districts is laid down under the constitution. Whether changes should be made in future is a matter on which the Assembly and not the Executive Council should recommend.

6. As regards Category D, this is a matter on which the Foreign and Commonwealth Office has been asked to give guidance.

7. Many of the signatories signed pages referring only to high hospital fees, the Development Plan and high rises in taxes.

8. I refer secondly to the petition from Cayman Brac and Little Cayman. This objects to the increased taxation imposed in the 1976 Budget and requests the reduction of expenditure by drastic retrenchment, particularly in respect to expatriates drawing high salaries. The petitioners also state their dissatisfaction with the recent increases in hospital fees, and with certain proposals in the draft Development Plan.

9. As the leaders of the second demonstration were advised, there is no provision under Standing Orders for the Governor to bring a petition before the Assembly and by the only means open to me, by message, I place the matter before the Assembly.

MR. JOHN D. JEFFERSON: Mr. President, I would like to move a motion that that message on the petition be debated by the Whole House.

MR. PRESIDENT: Under Standing Order 12 - I realize that Members will wish time to consider these papers, and I have asked the Clerk to make time available next Thursday for the Message to be considered by whatever means the Assembly wishes to consider it.

MR. CRADDOCK EBANKS: Mr. President, under the Standing Orders I would like to make a motion that this matter be dealt with in a Select Committee of the whole House.

SECONDED BY MISS ANNIE M. BODDEN.

MR. PRESIDENT: Well, the motion is, that the Governor's message be considered by a Select Committee of the whole House.

MR. JAMES M. BODDEN: Mr. President, I would like to propose that the message be debated sometime in the coming week, and then at the end of the debate maybe a proposal made for it to go to a Select Committee.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to second the second elected Member's motion for West Bay.

MR. PRESIDENT: Well, it seems to me that the proposal that there is the matter to be debated - a motion that it be referred to a select Committee, and there's a proposal that time be given to discuss it, and we take it from there.

I think perhaps under Standing Order 12 I will put down a time next week for the message to be considered, and we can then decide how we're going to deal with it. Members may wish to discuss informally with each other how they wish to proceed.

MR. JOHN D. JEFFERSON: Do I take that, Mr. President, that we won't deal with the motions now, we'll deal with them on Thursday. Is that correct?

MR. PRESIDENT: That is correct.

The Standing Order 12 allows Governor's message to be dealt with either forthwith or at a time to be determined by the President.

MR. JOHN D. JEFFERSON: Will the two formal motions made be recorded now?

MR. PRESIDENT: These will be recorded by the Clerk And brought forward next Thursday.

MR. JOHN D. JEFFERSON: Thank you.

MR. PRESIDENT: We'll proceed next to "Questions".

QUESTIONS

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.B. BUSH, J.P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What will be the cost of the present contract for the future excavation work in the Harbour and how long does the contract run?

ANSWER
There is no contract for any future excavation work in the Harbour.

SUPPLEMENTARIES

MR. JAMES M. BODDEN: Is there any excavation work going on in the harbour at this time?

HON. A.B. BUSH: Yes.

MR. JAMES M. BODDEN: By Whom ?

HON. A.B. BUSH: By a private company on its own behalf.

MR. JAMES M. BODDEN: What's the name of that company?

HON. A.B. BUSH: Tropical Shipping.

MR. JAMES M. BODDEN: How much of this dredging or excavating will they be allowed to do?

HON. A.B. BUSH: I don't know the exact amount they have asked to - and had permission from Government to dredge a channel in which to bring a bigger ship into the dock.

MR. JAMES M. BODDEN: Are they receiving any money at all from Government to do this job?

HON. A.B. BUSH: None at all.

MR. JAMES M. BODDEN: Why did we agree to pay them thirteen hundred and fifty dollars a day?

HON. A.B. BUSH: No one agreed to pay them thirteen hundred and fifty dollars a day.

MR. JAMES M. BODDEN: If it wasn't agreed, why was a letter written to them on the Government stationary signed by your Principal Secretary to that effect.

HON. A.B. BUSH: This was something Mr. President, that was brought before the House yesterday, and it never did come into effect, so there should be no question about it anymore.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What amount of money was paid to the American contractor for the excavation work in the Harbour and was it completed as per the agreement between such contractor and the Cayman Islands Government?

ANSWER:

$45,333.00 in accordance with the Agreement. The work was not completed as per the agreement because the contractor got into financial difficulties and abandoned the contract, and left the Island.

SUPPLEMENTARIES

MR. JAMES M. BODDEN: How much of this contract remains to be done?

HON. A.B. BUSH: A very small portion between four and five hundred yards of excavation is needed to complete the job.

MR. JAMES M. BODDEN: What was the total contract?

HON. A.B. BUSH: It was for the amount that is stated here, Forty-five thousand three hundred and thirty-three dollars.

MR. JAMES M. BODDEN: If the contract was for $45, 333.00 and he was paid all of it, is that correct?

HON. A.B. BUSH: According to the agreement, yes, he was paid the amount.

MR. JAMES M. BODDEN: Why was he paid before the job was completed?

HON. A.B. BUSH: Well, this was the agreement, so much when he arrived on the site and so much when he commenced work; and this was how it was paid, two instalments.

MR. JAMES M. BODDEN: Was there not some kind of binder in that contract that would have forced him to complete the contract as per the agreement in the contract?

HON. A.B. BUSH: Yes, Mr. President and Honourable Members, but as I have said in the reply, the contractor got into financial difficulties and abandoned the contract and he left the Island.

MR. JAMES M. BODDEN: That is not my question. My question is, was there any clause in that contract that would have held back as a retention a part of that money until the contract was completed?

HON. A.B. BUSH: No. As I've said the money was paid according to the agreement, there was quite a lot of expenditure involved in getting the equipment here, and he was paid so much when he arrived on the spot, so much when he started to work, and there was every indication that he would have completed the work but owing to unforeseen circumstances it did not come through.

MR. JAMES M. BODDEN: Since it appears that there was no retention clause in the contract, this was a contract made evidently with a contractor that none of us knew anything about, including the Member responsible. Why is it that there is such a differentiation between contracts of this nature going to outside firms and contracts that are entered into with local firms?

HON. A.B. BUSH: I don't know, Mr. President, that there is any difference between contracts with the local firms and contracts with foreign ones, not as I know of.

MR. JAMES M. BODDEN: Mr. President, there is. If that had been a local firm they would had to put up a hell of a bond. Was there any bond in this case?

HON. A.B. BUSH: The bond was really a lien on the equipment which was brought on the spot.

MR. JAMES M. BODDEN: If there was a lien on the equipment, why have we not enforced it?

HON. A.B. BUSH: This is all being looked after.

MR. JAMES M. BODDEN: Is it not the truth that it cannot be enforced because the contractor did not own the equipment?

HON. A.B. BUSH: You're saying that, I'm not.

MR. JAMES M. BODDEN: Is it the truth?

HON. A.B. BUSH: Not as I know.

MR. JAMES M. BODDEN: Who owns the equipment then?

HON. A.B. BUSH: Well, we considered that the man whom we contracted would own the equipment, or some of it was owned by him, not all of it.

MR. JAMES M. BODDEN: Is it not true that the only thing that he owned was a little work boat?

HON. A.B. BUSH: No, that's not true.

MR. JAMES M. BODDEN: What else did he own?

HON. A.B. BUSH: I can't name it here, sorry.

MR. JAMES M. BODDEN: Can we be assured that in the future when we enter contracts of this nature with outside contractors that nothing are known about, that Government will protect themselves by being sure that there is a bond and a retention clause in the contract?

HON. A.B. BUSH: I think Government has always tried to be unsecure in every contract as possible; and this is just one of the unfortunate things that this one turned out to be something that we didn't expect.

MR. JAMES M. BODDEN: Mr. President, that's why we'd like to see these contracts come to the House, because fifteen heads can sometimes be better than seven even if there are pumpkin heads. So, in the future will you have .....

MR. PRESIDENT: Well, the Honourable Member must ask a question and not make statements.

MR. JAMES M. BODDEN: I'm asking the question, Sir. In the future will these contracts come to the House and be tabled?

HON. A.B. BUSH: That's a matter to be consider by the Government, whether to bring it to the House and be tabled as you said.

MR. JAMES M. BODDEN: Who is the Government, if it isn't the fifteen people in here?

MR. G. HAIG BODDEN: Was this contract substantially different from other Government contracts, in that most of the Government contracts part of the money is not paid - the final instalments are not paid until after the contract is completed?

HON. A.B. BUSH: Well, I don't know, maybe it was a different kind of contract for the particular type of work: so it might have been different from some of the contracts. I don't think it was you know, like the contracts for the Administration Building. It was a different type of work altogether which entailed different equipment and so forth.

MR. JAMES M. BODDEN: Who recommended this contract?

HON. A.B. BUSH: Our consultants on the dock.

MR. JAMES M. BODDEN: You mean to say, the very responsible one that we have doing this job recommended this contract; is that correct?

HON. A.B. BUSH: Yes.

MR. JAMES M. BODDEN: Don't you think it's time you got rid of him?

HON. A.B. BUSH: No, he is as good as you could find anywhere.

MR. JAMES M. BODDEN: I don't think I can agree with you on that.

HON. A.B. BUSH: Well, that is a difference of opinion.

MR. PRESIDENT: We're getting very far away from the original question.

MR. CRADDOCK EBANKS: Mr. President, may I ask the Member; is it expected then that the remaining excavation that was to be done, and that hasn't been completed, will it be completed by some other source or contractor or who?

HON. A.B. BUSH: Mr. President and Members, if I may explain Sir, the balance of the excavation which Government has to do in the harbour -

HON. A.B. BUSH: (CONT'D): in the dock area is expected to be completed when the dock itself is completed. There is really no rush to complete the balance of it at this time; in fact no one could work in that area at this particular time, because it would interfere with the contractor which is building the west wall of this dock. And so it has been decided that when the dock is completed the balance of the excavation to be done will be done, and may be from the dock area rather than from out to sea: because it's very little left to be done, and this can be done most anytime.

CAPT. C.L. KIRKCONNELL: Mr. President, may I ask, what machinery or what procedure does Government use in the investigation of Companies which they sign contracts with; are these companies/investigated before the Government signs the contract?

HON. A.B. BUSH: Yes, as far as possible.

MR. JAMES M. BODDEN: What was the length of time in this contract with the American contractor?

HON. A.B. BUSH: I don't know if there was any really stated time, it was expected that the work would've been done in a fairly short time, but I think the bottom really was harder than what anyone had anticipated it to be.

MR. JAMES M. BODDEN: Why was it then that your adviser, your consultant and the powers that be were trying to put a ten days' time limit on a local contractor to do this job?

HON. A.B. BUSH: Mr. President, the Member is referring to a talk I think which I had with him along with the consultants to determine whether he could do a job with equipment which he had on hand, this is really personal, and I thought the Member would try to steer clear of this, because this is self interest in something; And it was stipulated that if he could do it in ten days, it would be fine. Well, he tried with this equipment that he had - I'm saying this Mr. President, because he's always harping on a local contractor not been given this job when he knows fully well that it could not be done by anyone here in the Island, including himself with his equipment. And just to bring it clear during this Assembly, it was tried by his equipment and I understand that when the little dredge he had went out there it bounced up and down so that the very people jumped overboard, so he knows fully well that what he had could not have done it and I hope this will be an end to bringing this matter before the House of what the local company or local contractor could have done with this particular job.

MR. JAMES M. BODDEN: Mr. President, I demand the same rights. The Member did not answer the question, he strayed, and I demand the same right to stray in asking my next question and in answering the Member. I do not like the insinuation of self interest, because if it had been for self interest alone the Government would have been better off, they would have had forty-five thousand dollars more in their pockets today; because that was the amount of money that my company would've taken it for, and I did not hide anything in that, Mr. President because I came to you to acknowledge that I was bidding on the job, and that I owned an interest into the company that was doing it. Isn't that correct Sir?

MR. PRESIDENT: That's correct.

MR. JAMES M. BODDEN: But, my company - a local company with the declared interest of an M.L.A. would've done the job for forty-five thousand dollars or received no money. In this case if we had left four hundred cubic yards the Government would've still had forty-five thousand dollars in the coffers; it went further than what the Member said, because a contract

MR. JAMES M. BODDEN:(CONT'D): was sent to me, that contract was to do the job in ten days or face a penalty of four hundred dollars for every day over the ten days that the job was accorded, which would've meant that my company would have lost the forty-five thousand dollars for the contract and it would've had to pay Government four hundred dollars for every day over that that the job was not completed. This is why I am questioning it. I'm questioning it on behalf of the people of this country because it is their money. Why is it that such stiff penalties are put in any contract that is done between the Cayman Islands Government and a local contractor and why is it that these same stiff penalties do not apply when they enter a contract with a foreign contractor? That is the question I want answered., it's not self interest, it is to protect the people of this country because they are the ones finding this money; either this generation or the generation to come must pay off the debts of this country, and that is why I'm interested, not because of what I would have made out of it, I probably wouldn't have made nothing, because if I had've been foolish enough to take that contract I would've still been paying Government till grey hairs trip me down. But, that's what I want to find out, why don't they do the same thing with a foreign contractor?

HON. A.B. BUSH: Well, Mr. President, I'm not going to answer that question, the circumstances will change contracts at anytime.

MR. PRESIDENT: I think we should move on to the next Question, which is on the same topic.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

Was it completed as per the assurances that were given by the Member of the House on Monday 8th December, 1975?

ANSWER:

No, and for the same reason as mentioned in the last question.

SUPPLEMENTARY#6

MR. JAMES M. BODDEN: Mr. President, that question was only put in to remind the Honor that on the 8th December,1975 the Member assured this House that this work has not yet been completed, but it will be completed by the contractor. And I'm asking, why did he not hold the contractor to this statement of his?

HON. A.B. BUSH: Mr. President, I think I have answered that already. The contractor ran into financial difficulties; what does the Member want , Government to invest further money in retaining the contractor and probably get no results at all. He ran into financial difficulties, he abandoned the contract and he went away.

MR. JAMES M. BODDEN: But, surely Mr. President, if any of us run into financial difficulties we are hounded to the wall. This man had to leave this Island by an airplane or a ship, and both of these have to be governed by our Immigration laws, why could we not have taken steps to do something to see that the man stayed here to fulfil his contract? because if it had been one of us we would've been paying until our great grand-children paid. Now, why wasn't it done?

HON. A.B.BUSH: Mr. President, this was not discovered until after the man had gone; the man had men working here for him and he went away, and he never did come back, consequently the men themselves had to leave.

MR. W. HAIG BODDEN: Mr. President, from these answers I gather that the contractor went away just before the job was completed. I want to ask the Member, if the money would have been paid if he had gone away just after the start of the job?

HON. A.H. BUSH: No, he had to do a certain amount of work before really he received the balance of the money, and he was pretty well on with the job, and as I've said to Members, there was just a small portion left to be done but circumstances changed to where he left.

MR. JAMES M. BODDEN: What date did he receive the last payment from Government, and what date did he leave the Island?

HON. A.H. BUSH: I am not sure of this, Mr. President.

MISS ANNIE M. BODDEN: Mr. President, may I be allowed to ask the Member if in the future any contract in regards to this dock that a better contract by Government will be made and not this lop-sided thing, because I considering that this is very lop-sided?

MR. JAMES M. BODDEN: My final question, Mr. President. Would the Member in charge check with the Financial Secretary to find out when the last payment was made to this contractor, and check with the Immigration Department to find out what day this man left this territory and table it in this House?

HON. A.H. BUSH: If that is the wish, Mr. President, I can do so.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.H. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

Is there a penalty per diem clause in the Port contract between the Government and McAlpine Limited?

ANSWER:

There is a liquidated damages per diem clause in the Port contract.

SUPPLEMENTARIES

MR. JAMES M. BODDEN: A supplementary. How much per diem is it?

HON. A.H. BUSH: Four hundred dollars a day.

MR. W. HAIG BODDEN: Mr. President, just for a matter of clarification, can the Member tell us what is meant by this liquidated damages per diem clause?

HON. A. H. BUSH: Well, it is some-what different from a penalty clause, because - let me see if I can give you an illustration of what it is. If for some reason, all circumstances taken into consideration, the dock is not completed in a certain time and the contractors are found to be at fault and not having completed the dock on the date in which they were to complete it, after extention of time permitted by consultants and everything else, then this is where this clause comes in and Government suffers some hardships by not being able to use the facility, this is where this comes in.

MR. W. HAIG BODDEN: Is this clause strong enough to hold McAlpine if they fail to complete the dock?

HON. A.H. BUSH: Yes, quite strong enough and it wasn't just done by our consultants, this was done by the Caribbean Development Bank which loaned us the money.

MR. JAMES M. BODDEN: In otherwords, we have the assurance from you that this contract is tighter drawn than what they usually are; is that correct?

HON. A. H. BUSH: I don't know where you could get a stronger contract; I don't know of any contractor who would accept anything stronger than that.

MR. JAMES M. BODDEN: I'm glad to hear that, Mr. President.

HON. A.H. BUSH: Thank you.

MR. PRESIDENT: Move on to the next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.H. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What is the amount of money paid to February 28th 1976, on the Port Project?

ANSWER:

$1,158,931.43

SUPPLEMENTARIES

MR. JAMES M. BODDEN: Is that including the purchase of the land also?

HON. A.H. BUSH: That's the amount of money so far for the dock; that's what has been paid out of the Treasury.

MR. JAMES M. BODDEN: Do we have the assurance that this is not figured on the same basis as the Red Bay by-pass?

HON. A.H. BUSH: It's nothing different about the Red Bay by-pass, Sir. If the Member doubts the amount of money which was quoted to him yesterday then he should never have asked the question, and if he doubts the figures which are being presented here he should not ask question concerning figures. These are the figures that have been paid on the dock, the same as what has been paid for the Red Bay diversion.

MR. JAMES M. BODDEN: Mr. President, I think everyone will admit that something was wrong with the figures yesterday, because that could not even have paid the gas bill. Now, was that the gas bill?

MR. PRESIDENT: I'm afraid we are talking about the Port in George Town.

MISS ANNIE H. BODDEN: Mr. President, if I may be allowed to ask the Member; would he say that a quarter of the work on the dock has been accomplished at the cost of this amount?

HON. A.H. BUSH: This is something I wouldn't care to say, Mr. President, because it's a different type of work altogether which I'm sure, I don't fully understand neither do Members, it's all water work. But I would like to assure Members that the dock is coming on fairly well, and if you all would care to take a look at it, you'll find that there is a lo

HON. A.B. BUSH: (CONT'D)/ of dry land now where water was before. So, it's coming on fine.

MR. JAMES M. BODDEN: Could the Member tell us whether we'll be able to use this dock by Christmas of 1976?

HON. A.B. BUSH: Completion date of the dock is February, 1977.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

How much money is being paid to complete the trenching area in the Harbour?

ANSWER:

This item has always been included in the main contract, and as such cannot be quoted out of context of the contract agreement.

SUPPLEMENTARIES

MR. G. HAIG BODDEN: Is Government paying the cost of the trenching?

HON. A.B. BUSH: Government is paying the cost of the contract, and the trenching is in the contract, as I've said.

MR. JAMES M. BODDEN: Is it not a fact that the trenching is really a separate part of the contract, although it might be included into the over-all contract, but it is sort of a sub-contract?

HON. A.B. BUSH: No, Mr. President. It is included in the contract. This in all on the Port Project.

MR. PRESIDENT: We'll move on to the next item on the agenda; that is resumption of the debate on the Throne Speech on the motion by the Honourable First Member for West Bay.

DEBATE ON THE THRONE SPEECH

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, today I want to start off the debate on the Throne Speech, being the final Session of this Legislature, elected 1972.

Let me, as I start off this debate go back one year ago when your message to this Assembly from the Throne to the Members of this Legislature and the people of the Cayman Islands - message was somewhat filled with uncertainties and the picture somewhat that of dismal. Thank God it seems that we have rode through the depression and we have done quite well, but with it today there is a lot of anxiety - as we look forward to an acceleration of jobs, because truly there is a lot of people at present that are still out of employment. Let me go back one year ago when one of my best friends and colleague was here present, happily filled with laughter, today he is no longer with us, the country has lost a great man, and I have lost a great personal friend. Then I want to personally welcome his successor to this Chamber. I'm sure that he would've wanted it that way. And, let me say this, that in relation to his successor that I have always supported and tried to do my endeavour to alleviate some of the problems of our sister Islands and to do everything possible that would stimulate and help to get the economy in those Islands rolling. I for one in passing - before I go back to the

MR. JOHN D. JEFFERSON: (CONT'D): main subject would like to at this time propose in relation to the successor and the Member of Executive Council of the Sister Islands. I would like to propose that Government at this stage make an offer to any Hotelier that would care to build in the Sister Islands, that the duty of material and equipment on a period of five years basis would be waived in order to help to stimulate to build something that would help the economy in our Sister Islands.

Mr. President, let me congratulate you on a most detailed and excellent Throne Speech delivered to this Legislature on Wednesday. Mr. President, I'm highly pleased, I feel quite optimistic and I believe that the course of the new year 1976 will be better than that of 1975. There is no doubt Mr. President, God has dealt graciously with the people of these Islands. As we look at the fact before us of unemployment in the United States at seven point eight million, and in the United Kingdom one point two five million unemployed by the end of 1975. It is very encouraging to be able to hear you say that there were signs by the end of 1975, that the economy in both the United States and the United Kingdom showed signs of recovery. I'm sure, Mr. President, a lot has been said in relation to our time here of unemployment, the recession in construction projects - a lot had been said, but I'm sure as we look at the statistics from the United Kingdom and that from the United States one could not justifiably say that the Development Plan caused the recession in those countries, as some people claim it has in these Islands.

Mr. President, I shall try to read from your message, and go back to my notes; and I want to show you and Members that I'm going to be in no hurry to complete my address to this Legislature. And, whenever the appropriate time come for refreshments I want you to feel free to ask for an adjournment, and I can assure you that I will be through before five o'clock this afternoon. I am reading from your message, and I quote Mr. President:- Although it was clear that we were in for a buffeting in the economic seas of the year, I refused to be too pessimistic in the Throne Speech a year ago, and I believe that all in all this faith was justified by events. At the beginning of the year some firms were struggling for existence, yet many have survived and have even expanded their operations. But, the point that I want to speak from forcibly is the fact that the main bulkheads of our economy - financial centre operations and tourism, stood under pressure - stood firm; and that this, Mr. President, should be a very encouraging sign or note to the people of these Islands. Since our economy depends on the financial centre, depends on tourism, and the fortunate part is the fact that even though we have gone through recession we closed out the year after a late start showing an increase in the number of tourists to these shores.

I cannot understand how people could in their way try to mislead the people of these Islands in saying that increase in taxation had run the tourists away, and the people were not coming back. I feel, Mr. President, that what brings tourists to these shores is the stability of Government, the warmth / hospitality of the people --the fact that when the other Sister Islands price rate is on a tremendous increase, thank God on these Islands we can still and do still live in a very peaceful and quiet society. I believe that Caymanians as a whole are some of the finest people that can be found any part of the world; I believe that with God's help we can continue to see a rise and increase in the number of tourists that are being brought to these shores.

And, again I'm reading from your message: Government's policy of proceeding with the completion of its larger development projects, the Administration building, the Port Project, the renovation of the hospital, improvements at the George Town High School, the roads improvement scheme - all labour-intensive - helped to cushion unemployment which was running at a high rate in underdeveloped countries including the Caribbean Islands. I am glad, Mr. President, to say today what I said a year ago; and that is, I am glad that at the stage when Government found itself or we found the financial position around the world getting worse - and that there were projects that had been determined years before, that Government went on

MR. JOHN P. JEFFERSON: (CONT'D): a spending spree on essentials to help to get these projects completed; and yet provide work for the people of these Islands. Certainly, we must admit that there has been quite a lull in the construction field in these Islands; many people today are suffering because of this, but Mr. President, I believe with God's help that if We as responsible people in these Islands will continue to act and live and work as we have in the past that the future will still be a future that is bright for the people of these Islands.

We have seen a tremendous increase of tourists that are coming to these Islands by ships; Mr. President, it reminds me today that in relation to -(and I'm speaking from the financial world) that the Money that we are spending on tourism that it is worth every cent we're paying; and certainly we have reason to feel that the Department of Tourism in these Islands has been doing a tremendous job. The figures speak highly for the growing expertises of the Deparement of Tourism - and I'm reading from your message:- and the local tourist industry that the depressing figures for 1975 were turned into significant gains by the end of the year. Fifty-four thousand one hundred and forty-five visitors arrived by air in 1975, compared with fifty-three thousand one hundred and six in 1974. This I can assure you is certainly no accident.

I am reading again from your message, the third page, bottom of the paragraph. By the end of 1975, the Cadastral Survey had completed fieldwork on all of the three islands except for the area lying east of the trans-insular road on Grand Cayman where work is in progress in two demarcation areas on the coast. To this date, the survey had dealt with 10,095 claims. The survey of 3,384 parcels, involving 12,388 acres, was completed by October. Of these, there were 89 disputes and 148 petitions, or less than two percent contested. Mr. President, I feel like the Cadastral Survey, the process enables us to put our land on the land registry. It is one of the finest systems in the world, and certainly it has done great things I believe for this territory.

I look forward Mr. President, to the report that has been concluded by these carrying out the Natural Resources Study; I'm sure that it will prove to be worthwhile in this territory and it will enable us to be able to see the directions in which we ought to go.

We found a few months ago that because of the fact that every Government has to examine its position, and every Government must know what is being done, and must know that the course to which it is travelling is a safe one, a group of scientists was brought here to examine the proposals or to examine the work of the Mosquito Research in the Cayman Islands; and Mr. President, I'm glad to say that the department as far as I'm concerned, and the confidence that I have in that department has been strengthened because what has been told to the Members of this Legislature helps to strengthen the fact that that department has been doing a tremendous job, which nobody needs to remind us - has been done. Because, there are two things, Mr. President that have taken place in my live time up until now that I never believed that I would have seen: One is the control of mosquitoes in these Islands as they are today, and the other is the Medical facility that has been opened in this territory a few weeks ago. I think it speaks of a forward striving country, when we think of the progress that has been made in the various fields which nobody anywhere in the world can discount or set aside. I am sure that many countries in the world wish that they could provide the amenities for their people that the Government of the Cayman Islands had provided for their people in these last few years.

Speaking on Health, Education and Social Services. The National Council was launch last January; and it goes on to say that there are now thirty-eight churches and organisations and forty-four individuals who are Members of the Council, and from their number six committees have been established concerning with Sports, Youth, Pre-School Chil Care, Care of the Aged, Care of the Handicapped and Welfare. Community Councils have been established in all districts of Grand Cayman. The activities of the various organs of the Council are too numerous to mention. And, I want to say that certainly Family Fair Day put on by the Council was a very

MR. JOHN D. JEFFERSON:(CONT'D): commendable exercise; it's the kind of gathering I hope to see more of in the Cayman Islands. It is time when people get together and meet friends and exchange ideas, and care for their family; a day of affection, a day I believe that will be long remembered by the people of these Islands - was Family Fare Day, a very successful exercise and one I trust that will not be forgotten, and it will become a part of our society.

Mr. President, the Public Health Services as you rightly said have been greatly improved. We have realized we have longed, we have hoped to see . acceleration in this field; there is a lot need to be done, there is still a lot to do, the ground has barely been scratched. I believe that we should continue to work and support and make available money to help this group to go forward, and provide the care for the health of these Islands that I believe our people rightly deserve. Mr. President, you went on to speak about the large pharmacy which should lead to the economies in drugs and reduced storage was completed, and you spoke about the hospital ward. I want to say that I am glad to be a part of this Government, and to feel that I too can share the fact that such a facility has been made available for the people of these Islands. I am impressed by the standard to which it is built, I'm impressed for once the patient is considered; and I believe that a good job has been started. It is left for the people of that department and us to see that it goes on from strength to strength to improve the medical facilities in these Islands. And, Mr. President, this is something that the people of these Islands have been asking for, this is one of the things that the people of these Islands have been asking for in the way /representation. I remember years ago when planes left here for Jamaica, they were loaded with patients; when people left this Island to go to Jamaica and other places, even their sister Islands; I remember many people came to me and said, "you boys got to do something about your medical services". Well, a good beginning has been started, and I feel, Mr. President, as we have such a facility, we are going to continue to fight to see that the expertise , to see that the doctors in that hospital continue to see that we provide for the health and cure of the people of these Islands, and see that they don't receive the second best; but until I feel assured that they are getting the best.

A lot has been said about the Hospital; some people have taken time out to call it white elephants and what have you; the only thing that I believe that people can rightly say if they are saying anything, they might say that - and I believe that's what they must be trying to say, that the facilities are not good for the people of these Islands. But, here is one Member that believes that nothing is too good for the people of this territory; not only do I believe that Mr. President, but the way I go about doing my work with God's help, that is the thing that I try to achieve; I try to achieve the best, and I believe with God's help we can do no less. I'm glad that since the Financial Secretary, I believe made his address in November that steps have been taken to see that more people in supervisory capacity that are qualified are at the hospital during the night hours; there was a time when ministers were at the hospital at nights, I'm glad that has been remedied, and the other thing that must be remedied is that a doctor must be on that compound twenty-four hours a day. When your life and mine hangs in the balance I would like to feel I've got as good a chance as anybody else.

I want to, at the bottom of this page five, I want to agree with a statement made by you in the Throne Speech. "The country owes much to the United Kingdom", and I want to stop right there and say that this country does owe much to the United Kingdom. When we look over these past years in the light of what the United Kingdom or the Mother Country is being saddle with at present, the economic situation to which it is confronted with; and when we realize that all of our schools, except one primary school have been built by British aid funds, when we realize all of the aid through technical assistance that has been given to this country, when we realize the help that we have been getting from the United Kingdom; Mr. President, we owe a lot to the United Kingdom. And, I can assure you,

MR. JOHN D. JEFFERSON: (CONT'D): that here is one Member that appreciates all of the assistance given to this Territory, and here is one Member that can be counted upon too to keep our people informed to the fact of what the Mother Country has been doing and still doing, and still willing to do in the future for this territory. And, let me assure you this, I believe that what I say here today is not spoken by a minority group, but what I have said here today I believe it is spoken by the majority group in this Island: that in this Island Her Majesty has no more loyal citizens than we'll find within the walls of these Islands, and I can assure you that in the future while we look after the internal affairs of our country - as far as my representation is concerned, I am happy that we have a country with the capability and leadership to look after the foreign affairs, and foreign representation to which these Islands will need from time to time.

A lot has been done in the field of Education, Mr. President, I find that people forget so easily. Years ago when the people of this territory depended on employment by sea; if a man could read, write and cipher what else was there for him to achieve - he was off to sea, he could hold his position, and he could know that somebody was counting him; because of that I believe - and no doubt nobody in those days realized that we would be in the position that we are in today; the great stress on Education was never made beyond those categories. But, we have done well; we went over seas when there wasn't any employment in these Islands. We have made a living for our families, we have brought back wealth for this territory, we've helped to make it what it is today. And, I can assure you it's nothing to look back to; we think of the days when a man left his family for a period of not less than one year to go out to earn his living, I'm glad those days are gone, Mr. President, and I trust that they'll never return when we will have no choice but that; but I trust that we will continue as an Island to develop - and we will continue to develop in such a manner, provide the amenities, jobs for the people of these Islands, that we can continue to enjoy the standard of living to which the people of these Islands enjoy - and we have brought ourselves to the highest standard of living of any country in the entire Caribbean, Mr. President. I believe we have every reason to be humbly proud for what God has enabled us to achieve.

I remember this last graduating class we had a visiting dignitary from our Church, we attended that graduation; I never felt more humbly proud in all of my life when I saw those youngsters on that rostrum, when I saw the Principal, when I heard the address given - Mr. President, we have gone a long way. When we think just a few years ago Cayman had no doctors, when we think just a few years ago we had hardly anybody - there were not very many people that had gone overseas to Universities, we had some, thank God, but there was no large amount gone overseas to Universities and graduated and come back to serve their own people. Today, we have Doctors, Lawyers, Teachers and what have you that had gone overseas and qualified themselves and came back. We need to be reminded, we need to be reminded that from whence we came and whom we are and where we are going, the country will make progress if we will continue to show the responsibility that we have shown in the past; I believe that the future of this country is very bright. It seems today in so many instances, though, and it is regrettable, that there are parents in these Islands - and I want to remind you that all parents in these Islands today carry a heavy burden for their youths. but I believe too many times we expect the teachers to do with our children what we haven't been able to achieve, or what we haven't been able to do; when, if we can work together, the teachers and us, I believe a lot more can be done.

Mr. President, when I think in a few weeks with God's help that Radio Cayman will no doubt be on the air: and I hope for once the people of these Islands will get the facts unbiased, that our Radio Station will be something that will benefit this territory a tremendous amount; because, make no mistake about it, Cayman Radio will have a tremendous impact on this country, and we must make sure that the impact is for good, because I can assure you, here is one Member that won't sit down and accept anything less. And, I look forward to Cayman Radio serving this territory to inform

MR. JOHN D. JEFFERSON: (CONT'D) :them that they're not led by him, rumours and untruth, but before them is placed into their hands the facts: that's what my people want , that's what we want for the people of this territory and that's what we're going to have, we are going to accept no less.

In relation the dock, Mr. President, I don't know about the other Members, but I have taken my time to go into the office of the Member responsible; I went to him when I heard rumours, I went to him to enquire the progress. I went to him to enquire into various aspects of the contract for the dock, and I have taken time out to go and see what had been done, to see what had been done as far as the dock is concerned, and I've been very much impressed by what I've seen. The only thing that I want to say in passing - and I can only hope and I can only trust that we in our contract when it was made that it was made secure - that it, as a lot of people say, or have been saying - they're not saying so much now, since they see so much that has been done about it; for they said it would've been a flop. I'm only hoping that if something happens, according to the contract we're going to be looked after, the loss is not going to be met by the people of these Islands but to the people building that dock. I can only hope that our financial position will so improve that before the equipment is moved, and the consultants have finished their jobs, that we can say look, we're in a financial position to move our dock twenty feet further, and the tourist ships will be able to tie up along side. That is my hope that is what I'm hoping for in this year that our finances are going to so improve, that we can be in a position to say before you move that equipment I want that extended twenty feet more, that larger ships, tourists can tie up and embark from their boats.

Mr. President, anybody can criticise, anybody can find fault that's the easiest way out, I don't hear many people giving any alternative, I don't hear anybody putting any suggestions, I don't hear very much constructive criticism being brought forward. We can all tear it down, and let me remind you it doesn't take all night or all day to tear it down. I've heard the expression made by other people, well, we can break it down and we'll build it up, now I'm asking Mr. President show me a country that the people have broken down and built back up without serious, and let me reiterate serious consequences and inconveniences and sufferings by the people of that territory. So it's time that we exercise responsibility, it's time that we exercise good common-sense and let rational prevail.

Mr. President, in the Agriculture Department - I've attended the Agriculture Show a few days ago, which has always been something that we look forward to in these islands, and certainly I've gone to that Show, and I've seen a lot more in previous Shows than I did in that one, as far as exhibits are concerned, but what I saw was good. It does remind us that we can do a lot, that we can grow a lot of things, that there are things in this territory that we can grow. I speak of the livestock that was displayed there - the exhibits, I don't know anywhere in the world you would go that anybody would look down on that type of livestock. Livestock that anybody anywhere in the world would be proud to own. But, don't let anybody misunderstand, they cost money, it cost money, and anything that is worthwhile will cost us something.

You spoke of the increase in the Postal Services, around two million pieces of mail were handled. Mr. President, that reminds us of a few years ago when two or three people ran that Department, today the people of that Department as many as there are in there today, it's hard for them to keep up with all the work that is placed upon them.

MR. PRESIDENT: If the Honourable Member is prepared to give way, we might take the suspension at this stage.

MR. JOHN JEFFERSON: I'm prepared so to do.

MR. JOHN JEFFERSON (CONT'D): Mr. President, let me see if I can get back to where I was. I've been reading from the Throne Speech,Mr. President, and then I decided to summarise some of this, but I want to comment on your Address on Page 10 in relation to Private Sector, the paragraph below.

Public utilities, despite criticisms, continued to meet the needs of the community. Caribbean Utilities are expanding their generating plant, and Cable and Wireless opened a modern automatic telephone exchange in June. Cayman Water Company has expanded its supply of desalinated water along the West Bay peninsula and has a futher desalination plant on order.

Mr. President,there is no getting around the fact that Caribbean Utilities and Cable and Wireless have been providing a very,very vulnerable service, and I feel that this Government, And I want to reiterate that very clearly so nobody can misunderstand me, that as far as this Government is concerned, this Government is quite willing and able and shall continue to honour its commitments I believe. But I believe that down the road, and that's not very far, I believe it's time for Government to re-examine its commitments to both of these companies. I believe when we think of the increasedcost of running this Government, providing the facilities for the people of these islands, I believe it's only fair to ask that everybody pay a fair share of the increased cost. Like I've said, I don't know how long this contract runs, or all that it entails, but I must say this, that as far as I'm concerned there always comes a time to re-examine any document, And I think the time has come when Government must sit down and realise that everybody must be asked to pay their fair share. I know that these companies provide a very vulnerable service, and I appreciate that, and I think that in providing these amenities they've helped this country to grow, and the other same token I believe it's time that we re-examine, and make sure of any commitments which waive any payment that this country will need, or might need in the future.

I see in your Address, Mr. President,that we were not able to secure funds under the schemefrom the British Government to build a Community Centre for our youths. Unfortunately, a few years ago when the Members of this Legislature provided $20,000 towards the building of a youth centre for this island, the Public Works Department was not able to build it, therefore the time lapsed, the money, I guess,went back to the Treasury, and was used for something else. Now I believe today that it is time that we recognise that the youths of our country need a special amount of consideration today. I think when we realise the influx of drugs and what have you, that we need to think of providing more healthy things they can do, that will make sure that our youths have open doors to them, things that can help them to do things that are profitable, where they can use their energy for the benefit of their own community.

Thank God our people have been travelling far and near, and they too realise as islands we haven't done badly at all. There is,Mr. President,a lot said today about the influence of people being brought into these countries, but I would just for a short moment like to ask us to look at the Dominion of Canada, A country with natural resources, wealth and minerals, what have you, a country that just a year or so ago was described to be in the position that America was in a hundred years ago. Yet a country of that size,Mr. President, Today I was privileged to work and live in that country for about six and a half months altogether, or near that, I learnt to appreciate the people, the customs, I believe at that stage, and I don't think it's been changed today. After I was in the country a year or two, that I would be entitled to vote, I would be entitled to funds that would help to upgrade my education, I would be entitled after two years,I believe to the same privileges that the citizens of that country were entitled to.

And Mr. President, if you look at the economic side you would find in the Dominion of Canada today a tremendous percentage of business that is owned by foreign capital. The United States today owns a tremendously large percentage of the businesses in Canada. So when we think of this little territory, when we think of all thatwe have been able to do, and all that's going on in this country, we might to be thankful. In

MR. JOHN JEFFERSON (CONT'D): we look around we find there's nobody in any policy decision body in this country, there's nobody from the outside that is in any policy making position in this country. The policy of this country is determined by the people of these islands, it's something that we need to remember, it's a fact, it's not fallacy, it's not fiction, it's a fact. Look at the business in this country, who is it owned by, look at your supermarkets, look at your hardware stores, look at your auto businesses throughout the island. I would venture to say about ninety percent is owned by the local people of these islands. And, Mr. President, they ought to be commended, they ought to be commended for what they have done. I think the thing we need to realise that we ought to be grateful, that we have progressed as we have, and that we are in the position that we are in today financially. Sure we've gone through a recession, what country in the world hasn't, we've done a lot better than a lot of developed countries, that I can assure you, the statistics would bear me out.

Now let us go back to the days before any investor came to these shores, there was rope making, people went to the swamps to get the barks from the trees, it was sold to Jamaica along with the rope. They went to the Cays to catch turtle and sharks, they were sold to the United States. In this country people couldn't hardly live, because of mosquitoes, as much as twenty and thirty cattle died during the mosquito season. Mr. President, those conditions don't exist today, and thank God they don't exist.

When we find people today that have been trying to discredit all the things that Government has tried to do. Government has had to increase the taxation on cars, Mr. President nobody wanted to do that, but let's be realistic, that in just a few years ago, when after a rainy season these roads were nothing but pot holes, and a man with a brand new car, in a matter of three years was beat to pieces. Today the money that he'll save on the maintenance of that vehicle, the life of that vehicle today has been at least two or three more years. Then when we stop to think that all the projects that have been done have been done to make life more pleasant for who, for the people of this territory. Then it is not unreasonable for us as leaders to tell our people sure, we know there's increased cost, we know that jobs are harder to get, we're sorry about that, but nothing we could do about that, but at least we try to draw out the employment period as long as possible, that our people would have jobs, that the recovery programme would be a shorter one, and I trust in a few months we will be able to see an acceleration of jobs, we will be able to see our people employed, we will be able to see money floating around in the country, we will be able to find our people in an even happier position.

No people, Mr. President are trying to exploit this unemployment, they haven't told the people what they would do if they were in that position. If they were building roads, if they were building hospitals, they were building schools, they were building docks, and a recession comes along, they haven't told the people what they would do. But let me say this with the greatest respect, some of the leadership that I've seen shown so far, in six months or a year, I don't believe that we'd be worrying about these little things. I believe that there wouldn't be just a couple of hundred people on their feet, but I believe you would find the whole nation would be up and trying to find out what's going on. Let me say this, Mr. President, I have every confidence the people of the Cayman Islands are far too intelligent to be misled. The people of this country as far as I'm concerned are too enlightened. Radio Cayman must begin to enlighten our people even more than they have ever been, and I am confident that once the facts are laid before the people of these islands, they are capable of coming up with the right answers, make no mistake about that.

Look at our medical facilities again, in my short life time there was one medical doctor in this island, and some times he was on the road two days, he was East and, North Side, and to somebody who was sick in West Bay. And in those days that officer had to be fed in the homes of the people to which he came to attend, because people had hearts that were humane, they were concerned about the officer. They realised he

MR. JOHN JEFFERSON (CONT'D) was doing a good job, he was doing his best, and that's all you can ask of anybody. There were days when the Government Medical Officer wore four or five hats; he was the Judge, he was Immigration. Those days are gone thank God. We have a medical hospital today, the facilities second to none, and I trust in a very short time that the people demonstrating the ability in that hospital can fully be appreciated, and as I've said before we are going to see that more expertise is placed there to attend to the needs of this country.

This Government never lets anything go that it considers worthwhile. A lot was said about the Proposed Development Plan which no legislator in this House has had a chance yet to speak out on. I'm hoping that what I see thank God, that this might be one issue that will come before this House that the people have already accepted it, and we'll have the last word to say, yes or no. I was terribly disappointed though, Mr. President when I went into the Tribunal and saw so few people appearing there. When this Government went into the exercise to find a man of the calibre that was brought in to head the Tribunal, I was made very disappointed, when I went into the Tribunal and saw a panel of four, and about four to six other people.

Let me go on to tell you this, sometimes they say you should never give away your ammunition, keep the powder. But let me say this, as far as I'm concerned, my constituents are going to tell me what to do about the Development Plan. And I'm not worried, Mr. President. But with all the furor and the criticisms I have two questions to ask. what have they got to offer this country, and what are the means of disposing to build today's revenue in these islands that we haven't thought about? We have a lot within our grasps Mr. President, the people of these islands have a lot before them. I don't believe they're going to fool around like the dog with the bone - lose what he's got for the shadow. This has been the story written in too many chapters throughout the world today. So many independant Countries today, the move of independance was started by a few people, the independance has benefitted a few people, while the mass is suffering, we've got the best of two worlds I believe. People are nervous though, because they believe that rationale might prevail, and I go on to say this, I believe rationale will prevail because so far that's the only tool that the people of these islands have used - to be rational, sensible and responsible.

People are disgruntled, why wouldn't they be they've been out of jobs, let's lead them, let's tell them the facts. Let's repeat the words of the great Adeli Stevenson which said, "let's tell the people there're no gains without pains." If I went to go to town, and I don't have a car, if I don't thumb a ride I catch the bus or I use a taxi. Let me say this, no navigator has ever distinguished himself on calm seas, the storms have brought out the characters in people, the character of leadership, this country has been blessed so far thank God with good leadership, and make no mistake about it every member in this Chamber today except the three Official Members are put here by the people of the Cayman Islands to represent them, and when the time comes again they will be the people who will be called upon to make the decisions. So let us while we have these last months to finish this term, let's provide leadership for the country, let's remember the words of the late John F. Kennedy who said, "ask not what your country can do for you, but what you can do for your country." That's what we must to do Mr. President, Government is not able to dole out, and dole out, and dole out. That's why the State of New York is in the position it's in today, they've been giving out too much, they're not getting in anything. And as far as I've learnt, you've got a drum with fifty gallons of water and you're bailing out a gallon out everyday, that's only fifty days, you're not putting any back, it's going to go dry, it's going to become empty.

Mr. President, I'm disappointed that by now the Education Law has not come before this legislature, with all the money, with all the expertise that we've been using to upgrade education, I thought the Education Law would have come up before us before this time. It's needed, it's a lot of things we must have in it, and I hope by the next session the Education Law will be in the hands of the Members of this Chamber.

MR. JOHN JEFFERSON (CONT'D): Let me voice again another disappointment. I'm disappointed that we haven't gained the upper hand in the control of drugs in this island. I'm disappointed that we haven't done more to control the traffic of drugs in these islands. I am perturbed that we haven't done more to eradicate the drugs in the various districts, they are taking their toll, while some people get rich, poor innocent children are being made victims of drugs. It is one of the greatest problems ever to confront this country, the question I want to ask, what are we going to do about it? I've been waiting a long time, waiting, working, trusting, praying, hoping. I'm not prepared to wait any longer.

What about the high percentage of habitual consumers of alcohol, another drug that's having its damning effects on the youth of this country. What are we doing about it? What are we prepared to do about it? When we think of the wives and children of this country that are deprived of food and clothing that they ought to have, they ought to have more food on the table, they ought to be able to have more of other things, they're deprived because may be their husband is a victim of alcohol. What have about the information put out by the Surgeon General in the United States and in the United Kingdom, to educate our people on the dangers of tobacco, what have we done about it? I'm sure that the tobacco industry has spent millions and millions of dollars to try to off-set all the information and facts that have been laid before the American people and people of other countries; their Government has brought on to a programme the information to warn the people of the danger. - all right if you smoke, there's the danger of lung cancer, high blood pressure, heart trouble and what have you. What have we done about it? these damning things that are ruining the youths, there's never been a time in the history of this country when the percentage of teenagers smoking was at the astounding percentage that there is today. The percentage of young people that are drinking, the number of habitual alcoholics in this country, what are we doing about it, we must get on with our programmes of information and rehabilitation, the youths they are caught up in drugs, Mr. President, we can't wait any longer, and I'm not prepared to spend any more money in this country unless these things are included. I'm responsible for the health, I'm not the Minister for health, but I'm an Elected Member, and I'm concerned, and I'm responsible for the health of this country, and while people get rich, I've said there are victims that are going to be left behind for Government to carry, for Government to worry about, the community to carry along. No bartender ever turned a man out of his bar until he was drunk, When he became a problem it was a different story. I'm saying we must embark on a programme of information, educate our people, they must be taught the dangers of drugs. The man who sells marijuana or tobacco or liquor is not concerned about anything else he gets the revenue.

When I see the teenagers, the drop-outs of school, when I see written across their faces the frustration that I see in some faces today, I must confess that I have to search my own heart, and I have to ask God to help me to know what to do. We must get started on a programme of rehabilitation now, it's late, but it's better that we start now than never. We must lick them, Mr. President, or I can assure you they're capable of licking us.

As I've said, Mr. President, while in many of our Caribbean Islands percentage of tourism tourists that are coming to those shores are down and not up, in our country they're up, and climbing - why, because of stability in this Government, because of confidence, because of the warmth and sincerity and hospitality of this people, because there are no real fear of being killed. Let's not make people mislead us, let's get on with the job of leading this country on its right path. I think, Mr. President it is time that we embark or include in our programme of tourism, let's encourage retirees to come to the shores of the Cayman Islands, I believe it's time, and I believe the time is now , let's encourage them, let's open the door.

Let me go back in 1968 when I was first elected, the members of the Cayman Islands Civil Service were housed in old dilapidated offices, the private sector was gleaming the crop. There was not much encouragement, there was not a lot working for Government to encourage.

MR. JOHN JEFFERSON (CONT'D): people to move in, the morale was low. A lot of people never thought of going to work for Government when the private sector was so flourishing, when they could live in an air conditioned office and have some of the nice amenities, beautiful furniture and what have you. This Government wasn't satisfied with that, the pay of the Civil Service was way down, not that it's in some sectors as high as we would like it to be, but thank God we've moved in. We've sorted out the priorities, we've realised it costs a man or woman something to live, and they must be able to live fairly decently. The tables have turned. I confess to you there was no sorrow in my heart that the old Government House burnt down, or the West Bay Police Station burnt down, to me that's the best thing happened in this territory a long time, it helped us to get on with a programme of providing decent facilities for the people of these islands.

Today when I drive up to the Government Administrative Building, and I see the offices provided for Caymanians, when I realise Caymanians are paid a fairly decent salary that they can live, when I realise for the Civil Service of the Cayman Islands have been provided facilities second to none - who are they provided for, the people of these islands. They call it the 'Glass Cage', is that too good for our people, is that again too good for our people, no Mr. President, nothing is too good for the people of the Cayman Islands. That's why we work, that's why we're toiling, that's why we're kicked around like a political football, but we bounce back and we stand up, we're providing the things that our people need, and the things that our people want.

Let me say this Mr. President, some of the things that I'm not prepared to tolerate any longer, and I think that too many times, and let me reiterate that, too many times there have been some problems handled that I know this, and I believe I could handle them better. I don't know where all of the problems lie, I don't know whether the problems lie in the Public Service Commission, or whether it lies in Establishments, or whether it lies in the Heads of Departments, I don't know, but I've always believed this, I'd like to remind myself of a statement that a former Member of this House deceased today used to use, and that is, not only that justice must be done, but justice must appear to be done. There are some people that come back to this country qualified, sometimes they ask to take a lower scale than somebody who doesn't have their qualifications, that's not good enough for me, Mr. President. Every individual must be judged on his own merits, a man must be compensated for what he has achieved. I don't believe in the old philosophy of the communist, we should take from the rich and share it up with the poor, and nobody has anything, I believe we must give people incentive to work, we must reward them after they have worked. We must make sure that as far as I'm concerned I know that you can never do everything to satisfy everybody, I realise that. The greatest man that ever walked the shores of this world was criticised, crucified, but what we must do, make sure that everything that we do regardless of what, we can rest assured at night that we have done the very best, that our conscience can rest assured that we haven't played partiality to somebody else, we have treated every man equally according to his own ability.

We have people in this country today who have wasted their lives in other countries, and have come back home to agitate and incite and build up resentment in the country. Mr. President, I am opposed to that type of dogma one hundred percent, and that person must be made to know that it's the people of this Legislature that's going to run this country.

We've had to go overseas, Mr. President, and bring in overseas expertise, and we've done well, it would be impossible to bring in that amount of people and not get some sour apples in the barrel, but I think we've done well. I think we've had a lot of people that have contributed a lot to the development of this country, we've been able to profit by their expertise, we must realise that we're not the only people who are bringing in expertise, there are developed countries today that are in the same position, they're bringing in expertise from overseas. We must

MR. JOHN JEFFERSON (CONT'D): ...to our people, we must help them to realise that this will have to go on until they qualify themselves, and we must take steps to see that everything is done to make sure that our people have every opportunity to qualify to replace the expertise that is brought in. As I've said a number of people today are overseas, doctors, nurses, teachers what have you, engineers - waste any money on education, the Minister for Education said the other day there hasn't been one application to this Government for a scholarship that had been able to get admittance in a college overseas that this Government has ever turned down, that's a record. But let me say this, let's get on with a real programme to help our people to qualify, let's push them, let's give them every opportunity, let's work hard to see that they get that opportunity, let's not rest until they have that opportunity. But let me repeat, our people haven't done badly at all.

Our economy today is showing signs of responding, and it will respond, there will be jobs, there will be money flowing into this country if we exercise rationale, responsibility - good commonsense. It is worth noting that there are some people who are more concerned about embarrassing Members of this House, than they are about the welfare of the country. That's regrettable, but it's true. Let me say this, Mr. President, I am committed to building a better and happier way of life for our people. That commitment with God's help I will not falter, and let me tell you this, when I go to bed at nights thank God I can sleep, having the thought that I've done my very best. And once we've done our best, the statement goes, angels can't do better. When it comes to the honest enlightened representation in this House, humbly I say I feel ten foot tall, I have given my people thank God up until now honest enlightened forward looking representation. I've nothing in that respect to be ashamed of. I ask God to help me as I come to the time when I with God's help will end my service to this country, giving way to a younger generation, I trust I'll feel no less in that respect of representation than I do today. For I can assure you that everybody in this territory regardless of who they are, as far as I'm concerned, I'm only concerned about the very best for them, whether they agree with me or disagree with me, that's another matter, but as far as I'm concerned, I have my responsibility, and I would be derelict in my responsibility if I didn't feel that way. And I join with you in the Throne Speech, when you said, "I pray Divine guidance, Honourable Members in this final session of the Assembly before the next elections, will continue to afford their country their wise analytic counsel, and that the ensuing year, with patience, endeavour and tolerance, will be one of progress in all important fields." Mr. President, I thank you very much.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, it is hard to follow after the benediction, but I'm going to give the altar call.

Mr. President, I too will thank my Creator, and the people of my district who put me here, that I have the honour today to join with the other Members here in debating this Throne Speech, which is my fourth one. I know that my colleague and myself have many good friends who hoped that we would have not lasted as long, and who hope that we will not last much longer, but I will put that down by saying, that such is the wisdom of little minds. Before getting into the gist of my debate I would like to extend on behalf of myself and my constituency congratulations to the newly Elected Member from Cayman Brac and Little Cayman. I too am sorry that he's taken that seat, because of the death of our friend, Captain Reid, but I believe that in the demise of Captain Reid, that he has passed a mantle on to shoulders that will be able to accept it, and I am hoping that he will have an enjoyable stay in this Assembly, and I'm sure that he will find that it is not like some people say it is. I'm sure that he will find that Members of the House do not try to embarrass other Members of the House just for particular reasons, but rather that we try to remember that we've all been put here by the people to serve the people, and not to be extension cords, we have been put here to do our duty to the people.

MR. JAMES M. BODDEN (CONT'D): I was a bit hesitant in getting to the floor today, but my good colleague here from Bodden Town reminded me of the cable that Barbados sent to England at the beginning of the Second World War, the telegram read - go ahead England Barbados is behind you. So England is going ahead now, and Barbados will follow.

Mr. President, it is quite true that we have come through some very trying times this past year; and I could easily go along and take the road of least resistance and blame it on the recession. It is quite true that the entire world has had to contend with this recession, and it has hit us undoubtedly, but if I were to ascribe to that ideal one hundred percent, I do not believe that I would be true to my conscience and to my people. I am of the humble opinion that we, the Government of this country have themselves into the position of where they helped the recession. Instead of trying to combat the recession, instead of trying to do things that could have helped the economy of this country, we dug our heads into the sand like ostriches.

We have created a tax haven facility, we have created the second largest, I would say financial centre in the world. It is only Switzerland that is probably ahead of us in the amount of money that passes through the country, and in the amount of banks and banking facilities that are available. And it is a proven fact that in the times of recession people become anxious for their money, because most of them have invested it into the stock market. The loss in the stock market is what begins to cause a recession, so when that happens people dispose of their stocks. Those of you who are familiar with the United States papers, that's what causes the Dow Jones average to slip, is when people dispose of their stocks. When people dispose of their stocks, there're only two places that are considered sound investments, that is the bank which pays a very minimal interest rate and the investment in real estate and such ancillary things, that is where the money goes. We have created the facility here for that, and I'm saying to this House, that the reason we did not attract it, was because of some of the foolish legislation which has been passed and which has been adopted by this country.

We have come to the point, Mr. President, in our existence where we have relied too much on the experts. We have come to the point where the experts have exported us out of existence. This country was built by our fore-fathers, people who had very little bit of formal education, but who had wisdom, who had ability and who had plain guts. And if we look around ourselves, this country has been built up for nearly three hundred years by people such as that, and if we look around we can find that they have not done too bad a job, because if it hadn't been for what they did we could not have enjoyed the experts for the last ten years that we have had. We find ourselves in a very depressing position, it is true, many of us find ourselves struggling for regular existence, because we experienced the tentacles of economic strangulation. It is the time of recession that the government of any country steps boldly forwad and is not afraid to stand up and be counted. It is the time when the government of any country will realise that things are not good, but we have been complacent, and we have said we are willing to accept it, because the experts tell us nothing can go wrong. But, Mr. President, this recession has been caused by the many laws that we have begun to pass which have scared the investor off of this country. It has made him begin to wonder whether this country is standing on the firm foundation that it had years ago, and this country is also suffering because, Mr. President, of the Government's actions and the bank failure, that made us lose a lot of respect abroad, and it was a time when Government could have stepped forward, planted their feet firmly on the ground, and made the foreign investor realise that he did have people to contend with in the Cayman Islands that were willing to stand up and be counted. Instead of that we sat back, and I don't think I'm out of order when I say this, because the case has already been tried, but instead of us trying one man, we should be trying still the Liquidators for what we have allowed them to do. Because the people of this country who had money there have lost it all, and it was no reason for it, when Government could have stepped in and have done something boldly and have protected the investments of the local people, and also to have protected the investments of the foreign person. It is true that banks

MR. JAMES M. BODDEN (CONT'D): collapse all over the world, and it's true people lose in them, but I think we lost a golden opportunity when our Government did not step boldly forward, and said we are going to control this.

Our entire economy is dependant on us remaining a financial centre and a tourist resort, but we must remember that both of these are very fickle creatures, because in most cases we are dealing with the North American investor. Ninety percent I would venture to say of the money that comes to this island and is invested in this island, and filters through this island comes from the North American Continent. And the American person who's an investor he has been hit in many countries of the world because of nationalisation, socialism, and so forth, and today he has been buffeted with his investment throughout the world, and whenever they detect a little whiff of socialism it is just like opening a bottle of gas in their face, they can smell what's happening. They pull their horns in and they watch wisely their investments, that is what happens. And today I am going to say now and I'm going to say later, that I feel some of the laws that we have been instituting in this country smell of socialism, and I for one do not ascribe in any respect to socialism. Socialism has ruined many good countries today, we have to go no further than our own mother country than to know what is happening. When we consider the pound which was looked on years ago as one of the most soundest currencies in any country, today has slipped down to the point of where it is worth I think approximately a dollar and eighty nine cents U.S. It is ridiculous to think that such a great country has fallen to such depths. And the reason for it is the reason that is leading us down the same garden path, too many chiefs and not enough Indians. Too many experts, too much socialism.

A couple of mornings ago the Trade Minister I think he's called from England was interviewed on an American broadcasting station, and everytime that the panelist would put a question to him as to what was good for England, and what could solve its present dilemma, he stock answer was, more socialism. And that I believe is what is being preached to us, and I believe that that is what we are beginning to listen to. But I am prepared to stand here today, and I am prepared to ask this House to give a firm assurance to the foreign investor, that when he puts his money into this country it is as sound as the Rock of Gibraltar. And until we begin to do that we are not going to get back on our feet. I think Government owes the people a debt to come out and make a bold statement in the newspaper, assuring the foreign investor that never before has his investment been as firm and secure as it's going to be under our own Government now. These people are afraid, And they are afraid because we have done nothing in the past few years but begin expropriation, that cannot lend itself to a developing territory. Our country does not have the local money for it to develop, the money for development must come from abroad, and no investor is going to invest his money philantropically, he invests that money because he wants a good solid return.

Also, on the point of tourism, that is the other big thing on which we have decided to stake our future, and we must welcome the tourist, and I would say the old Caymanian tradition, of open Arms. If we are going to get like other countries of the West Indies, where the tourist is looked on as an outcast, and where he's looked on as the "damn Yankee go home", we are going to be in for trouble. We must pay more attention, I will cover this further in my debate in regards to tourism, but we must pay more attention to it, and see how it can be stabilised. We must have more control, we cannot price ourselves out of the tourist market.

Maybe it is premature for me to bring in a Motion which has been circulated, but I would just like to touch on it. I like most Members have received a motion in regards to a certain company in this country, which has been sold and which it is proposed that Government head a little backwards. For the good of the country may be it will be a good idea, but I wonder why is Government taking this stand at this time, when so many other businesses are faltering in this island and so many more have faltering already, and Government has done nothing but stand idly by. I

MR. JAMES M. BODDEN (CONT'd): will really debate that one when I come to it.

Local construction, Mr. President, is one of the big motive powers of our local economy, but today most construction is at a stand-still. We have men idle throughout this country today, we have men sitting under the almond trees, breaking almonds as we did as boys. We have families in some cases I think going hungry, what are we faced with, we have got to analyse this problem and search for the reason why it has happened. Our men left the sea, many cases they left good jobs, they left it because they wanted firm ground under their feet for awhile, and to be with their families. In many cases today, those people could not find the jobs going back to sea like they did years ago, now they cannot find the jobs in the construction trade, so what are we going to tell them, rub your empty belly with vicks salve and we'll help you. No, Mr. President, let's wake up, our country has gotten to this position because we have done things like the Development Plan. We have hurt this country, because the developer, the investor, and even the local men cannot do any building anymore, and money in not available from the financial institutions. Again a matter which Government should be giving some attention to. Whether we wish to admit it or not the real estate market has been one of the great boosters of the local economy, and I'll venture to say there's no other item that is dealt with in the island that actually puts as much ready cash into the local economy. Yet today it is experiencing the doldrums in the horse latitude, and it is doing that because no one knows when they buy something whether it's any good to them or not. If you go to a store today and you buy a pound of butter, and it is rancid, you take it back, and you expect the owner of that store is either going to give you your money back or a good pound of butter. Today we have gotten to where we have taken the investors' money, and we tell him, your butter is rancid, but we can't take it back. We've got to change these attitudes.

Some people say that we only criticise, I'm going to prove I don't just criticise, I'm going to throw some laurels also. I'm very pleased to see some of the accomplishments that we have made, and I refer to that at this time specifically to the new hospital. I congratulate all who took part in it, I congratulate the Members of this Assembly, I congratulate the Member responsible for it, most of all I congratulate the people on the street, because without them we would not have this Hospital. It is their money who has put it there, and it is their money who will continue to pay for it. In saying this, Mr. President, I also am going to take some laurels out of this for my colleague and myself, because I'm quite certain it wouldn't have been the priority it was if he and I had not been prodding and prodding from the time we came into this House that we do something about the Hospital.

I am not pleased with the location that it is in, I thought it was unwise, but it is there now, and we must support it And I'm going to be saying this, that I will continually be prodding until we build and build there and put in equipment to where that facility is second to none.

MR. PRESIDENT: I think if the Honourable Member is prepared to give way at this stage, we might take the luncheon break. I shall suspend proceedings until 2.30 this afternoon.

HOUSE SUSPENDED AT 1:00 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. JAMES M. BODDEN: When we left for lunch I was beginning to compliment the Hospital, and I will continue, and in doing so I would also like to say that what has also helped make this Hospital a reality was the beneficiaries departed tourist, and this again will show us how important it is for us to continue to treat the tourist in a decent manner.

MR. JAMES M. BODDEN (CONT'D): I would like to pay a special compliment to some of the Caymanian nurses who are there. I think they do a terrific job, and they do not falter in it. There're also a few things that we could say about it that might be fault-finding, but those I think would be best taken up with the Member responsible, because they are small items. But it does me good to know that we have a facility such as that, and I think that it has lent a lot to the staff in making them appreciate their work.

Before I get off of this subject, I would say, that we must all realise that to get something we've got to pay for it. We're not going to ever get good medical attention in this island unless it is paid for, someone has to pay for it, we're not going to get good roads until somebody pays for it. But that doesn't mean that I'm in complete agreement with the manner in which the rates at the Hospital were set. First of all I would like to make it plain that the Members of this House as a whole did not have anything to do with the setting of those rates, that was made possible, because of the skeleton legislation that my colleague and myself have spoken about so many times in this House.

I feel that it would have been more equitable and fair if the poor cases who had to be treated there were handled in a different manner. It is no shame to be poor, but we should never let them lose their dignity in being poor. Every nation has them, and we all have been in that category at one time or the other, and we literally kill a person when we abuse his right and his dignity. This will have to be changed, it makes a person I would say feel very inferior when we tell him that he first has to go and see somebody else to fix up a poor card in order for him to get in there. I am very pleased to see that we have it in such a way that everybody poor or rich can enjoy the equal facility, but I believe that that poor person, some plan must be worked out that would make it more equitable for him, more fair, to where he could go there in dignity, and not feel like he's an inferior person, because we must remember that the Bible told us the poor you will have with you always.

One thing in your Speech, Mr. President, that I'm a bit more critical on and have been in the past, so this is nothing new today, is the Radio Station. I have never been in favour of Government making this expenditure. I feel first of all that the expenditure was too large for the type of facility that we're getting. I feel that it's one section of the community that Government should have stayed out of. The Press and the Radio or any dissemination of news in my humble opinion should always be in the hands of private individuals. But be that as it may, we have elected to have a Government-run Radio Station, and I am hopeful that that Radio Station will never be used as a tool. But what alarms me about it is, that once again we seem to have created a bureaucracy, we started out with very expensive personnel, we're gradually adding to that, we have a large staff on the payroll at the present time for that station, and all we have to my opinion is a building, because we have been told that it is delayed, delayed and delayed because of parts. Now it would be much cheaper if we had to charter a jet to go get those parts than to sit down here and wait month after month after month and pay a very expensive staff. There are some of the things that I as a poor individual cannot understand, this does not make much business sense to me, for us to continue to pay wages which are probably running into the thousands of dollars a month, while we sit down for a small part to come from England, or wherever it's coming from. I hope that this will be rectified, we're into the project now, we have built it, we've expended our money, and we have decided to go ahead with the Radio Station. So now that we have done all of these things, although I did not support it, I'm asking that Government in its wisdom make whatever efforts are necessary to see that the parts are brought in, that the Radio Station become functional.

The Road Project and the Harbour Project are costing us a lot of money. I will not debate as to whether it's in the right place or we're going it the right way, because I'm not an expert, I have steered away from that portion of the debate in the past and will continue to do so today. But what I am concerned about is the lack of

MR. JAMES M. BODDEN (CONT'D): communication, and the secrecy that is connected with these two projects. It is time in my opinion that the Government of this country be represented by the fifteen Members who are in here. We must know what is going on, we must not be just window dressing, we must not be in a position to where we are on this side of the House, and we either oppose or we say "aye". It is no reason why Government could not come to the Members of this House and fully appraise us on what is going on. They wonder why we question, but the only way that we will ever know anything is to pose Parliamentary Questions, and hope that they are answered. So many times, Mr. President, those answers are so veiled in disguise that it would take the good Lord to figure out the true meaning.

For instance Mr. President, I'll draw the attention of the House to a Parliamentary Question that was posed in this House yesterday, when we were told that a certain place cost $6,000 so far to do. Well the most ignorant person in this country could not accept that as being factual, because I doubt that the $6,000 that was mentioned there could pay for the gasoline that the trucks have used, what you think anything else. These are some of the things that alarm us, these are some of the things that bring dissension, and again there is no legitimate reason for it, because we twelve have been put in here by the people, and it is the peoples money that is being spent, and the people in Executive Council do not have a mandate to spend the peoples money without accounting for it, the money must be accounted for. We must know the truth, we must know the full details. What does not mean to say that we want to have everything to do with the day to day affairs of the country, that would not be correct, but, Mr. President, those veiled answers, I am prevailing on you, as the Leader of this House to see that in the future that these Parliamentary Questions are answered a little bit more thoroughly. I know that these Parliamentary Questions, the answers to them are prepared by the Civil Servants, and I say respect to the Civil Servants, but the Civil Servants must remember that that term is just what it says, servants of the people, and the true facts must be brought to light.

You mentioned in your Speech, Mr. President, that the Cayman Brac Airport could not be re-surfaced because it was difficulty in the rock. Now I am not a geologist, neither am I an engineer, but it is difficult to conceive the idea, as close as these two islands are together that there could be much difference in the crushrock in Cayman Brac and the crushrock in Grand Cayman. But even if it is Mr. President, the point I would like to make is this, it would be much cheaper, and make more sense if we couldn't get the rock in Cayman Brac that we exported it from Cayman, we have plenty of it here that could be used. Because the point is this, so long as that Airport remains without the surface that it should have it could be a detriment to lives of people, and we cannot measure the life of a person against the cost of crush rock, even if we have to export it from Grand Cayman.

Touching on that further, Mr. President, I see no reason why in the very near future that that Airport could not be expanded to the point where maybe a small jet could land on it, you've got to do something to open up the economy of these islands. This one has gone as far as it can go maybe we might be able to do something with Cayman Brac to start life back in these islands that some of it would then flow over to Grand Cayman.

It is very heartening to me, Mr. President, to see that with all the difficulties we've had this past year that we've had a small increase in tourism, (I was hoping Mr. Conolly was going to be here) particularly, Mr. President, when so many islands have experienced the decrease. But again, I would be a bit critical in saying that numbers alone do not give you the answer to the problem. I am alarmed in many cases at the quality of this type of tourism; I believe it is time that we analyse this problem, I believe it is time that we go into it more thoroughly, and aim at the type of tourism that would put more money into the country. I also believe it is time that we look at our staff in Florida, I have had numerous

MR. JAMES M. BODDEN (CONT'D):Complaints made to me, I do not know whether they are true or not, but any man that thinks he's going to run a business under the influence of alcohol is not going to be successful, and I say this without any fear of contradiction, and if such a thing is happening, then it is time that we the Members of this Legislature bring pressure to bear on the Member of Tourism, or whoever is responsible to see that such a thing does not go on. I am not a teetotaller, but I do not believe that any man can conduct a business under the influence of alcohol.

We note from your Speech, Mr. President, that Cadastral will be finished in 1977, I thank God for that, because it has been a long eighteen months. Everything in life has its good and bad, and although, Mr. President, there're many good points about the Cadastral System, there're also a lot of bad points, and just because something has a few good points it is no reason why you should not look for the bad points in it.

I have been against the Cadastral system for many reasons, first of all, because it was rammed through the throats of the Legislators. The next thing is because there was too much ambiguity in the Law, it did not pin-point, and any time that you leave anything to discretion, discretion is not a good thing, particularly in a law, and Mr. President, the people who own property in the midland district, I will call it this time, instead of the Eastern District, are not satisfied in the manner in which they have been treated. They have been discriminated against, their just rights have been taken away from them, and it is time we wake up and realise what has happened. I can only say this, that the private individual, and as a Member of this Legislature that I do not condone the action of Government in that area. I do not condone the entire manner in which it was handled, if we brought in a man, apparently specifically to do that job, what has been done there, Mr. President, smells to me of nationalisation and expropriation, and we have laws on our Statute Books today that would condemn a young boy on the street for stealing an apple, and I'm putting it to this House today, that we have done nothing else but just what that boy would do when he took the apple. We can put no other name to it, and it's a disgrace.

I as much as anyone else would like to see Government have a lot of land, but if you didn't own it before you don't own it now. I would like many things in life, I only got so much, so the next person should be in the same category, be it Government or be it an individual. Many arguments can be made for and against this, but what gets me more than anything else, Mr. President, is that our own laws of ownership which have been on our Statue Books for years, as well as the common law we recognised have been pushed into the background. We have defied every legitimate of ownership that was on our Statue Books in dealing with the Cadastral system in the midland districts. The Law under which the Cadastral operates plainly states twelve years of ownership, it plainly states that dry land claims swamp and cliff, it does not say that you have to own five acres of dry land to claim a hundred acres of swamp, that is one of the ambiguities maybe that is in the Law. But the big point, Mr. President, is this, that that Law was made, it was put on the Statue Books of this country, and it has not been adhered to by Government. If any private individual had done what Government did there, they would have been tarred and feathered. This does not add very much to the prestige of this country, when private investors from abroad who have invested money in areas like this, paid their stamp tax and then find out they do no even get a thanks for Government taking it over from you. This hurts, it does not say much for the overall dignity of this country, it does not say much for this Legislature as a whole to allow such things to happen, and I am putting it to this House, that things of this nature should no longer be done and the Members of this House should be willing to stand up and say that it's not going to happen again.

Mr. President, Mosquito Control Unit seems to be doing an effective job, I have but very little bit of comment to make on that particular section, thank God we do not experience the mosquitoes like we did years ago. If it should turn the other way, I will come back then

MR. JAMES M. SODDEN (CONT'D): and I'll criticise.

We have heard a lot, Mr. President, about the Natural Resources Study, this team to my knowledge has been working for several years, and we were told when it came into existence that it was something we had to have right away, our country and our people would not long survive unless we approved the Natural Resources Study to be implemented immediately. Yet this time has gone by for several years, and I have yet as a Member of this Legislature to see a Report from this team, and I think that would hold true for every Member on this side of the House, and I am asking where are those Reports, what has been done, let us know, and I am asking that those Reports be no longer kept secret, that those Reports be no longer put into the safes and padlocked, but that those Reports be tabled in this House to where every Member who wishes to see the Report, be it good or bad can see it. We should never be put into positions that we should have to come to this House and beg for this to happen, we should never be put in the position to where we have to go on bended knee to Executive Council to get permission to see these Reports. These Reports are made and put together by people who have been paid by the tax payers of this country, and we as the tax payers representatives have the right to know what is going on, and what that money was spent for.

I will touch on the National Council of Social Services. I supported this in the beginning, I said on the floor of this House that it was probably one of the most comprehensive Reports that had ever been put together by one of the experts who came here. It was a chance to give our full country participation to make our people realise that they had to stand up, work together and be counted. But some thing seemed to have happened, and I am putting it to the open Assembly today, that nobody is stronger than the Head, and that Government's Head in this respect appears to be very weak. Now it is time we do something, we do not have the support of our people behind this project the way it should be, and I know I will hear I should not criticise a Civil Servant. But I am criticising whoever is responsible for this, because we are not getting our money's worth.

The people of this country need the National Council of Social Services, they need the people to co-operate, participate, and work together, if not we are going to be bowl walking. And I'm putting it, that it's time that we prod somebody along even if we have to use a little bit of electric shock to shock them into doing something. The only thing I can see that we have done so far is to create another bureaucracy, because this particular department started out with two employees, and I speak subject to correction, but I think at the present time it has nine. The Budget for that department has been increased about three hundred to four hundred percent. Now what are we getting for spending that amount of money? It would be much better if we gave it to the poor and let Mrs. Hylton supervise it, rather than to have expensive bureaucracy, that is sitting down more or less doing nothing. I condemn this, Mr. President, although I support the idea strongly, I condemn the manner in which it is being carried out. We should not sit idle any longer and let this complete idea stagnate.

For once we had something that I'm of the opinion or the majority of our people would have supported it if it had been brought to them in the right manner, and they were asked to work at it. But, alas, what has not happened, no imagination has been put into it, and if we think that we are going to raise enough money by cake sales to keep this department going, we are wrong. And I am saying that in is time that if we have dead wood in this department, we cut it out, get rid of it. I do have one question on that, I must admit I shouldn't probably have to ask, but I notice from your Speech that evidently the National Council of Social Services is not working in the Lesser Islands, and I wonder why. I'll wait to get the answer later.

Mention was made of Education, teaching and the scholarships. The educating of our people is a priority, and I would say particularly in the field of teaching. We are lucky that we are having graduates to go off and study in some of the various other fields, but I do not believe that we have proportionately the amount of candidates

MR. JAMES M. WOODEN (CONT'D): going abroad to study for the teaching field, and I hope that some way we can institute a recruitment policy which would prod more people into the teaching profession. In addition we must also see that whenever a person aspires to a scholarship and they have the ability for it and the qualifications that never do they have to go wanting without getting it.

I commend the setting up of a Labour Office. I at the present time do not know the manner in which this was set up, or how it will function, but I give it my blessings, and I would like to say that this is one more thing that my colleague and myself spoke about some years ago, and have spoken about in this Assembly on several occasions. And I hope that it will be a success, and although it came in the back door, I do give it my blessings.

Another disheartening point to me, Mr. President, in your Address, was to see that the Little Cayman airfield has not been brought up to a passenger safety level. Again my comments on this would be similar to the one I made about Cayman Brac, I know there're very few people living on Little Cayman, but I think that we should do everything in our power to see that that airport is made safe for passenger service. It will serve but few, it will be a drain on the country financially, but such things must happen.

I hope that the oil terminal could become a reality, because it would be a shot in the arm, not just for the economy of the Lesser Islands, but for the entire Cayman Islands. I do not know what is holding this up or whether it will ever become a reality, but I'm hopeful that it will.

I am looking in the coming year for more relaxation I would say of information, and that the Public Relations and Information Office will become more active, and disseminate out to the people of this country the information which it should be doing. Let us take the shroud of mystery off the actions of Government, remember Government is for the people and by the people. And it's an insult to me sometimes when I see some of the information releases that are put out, it is just like you're trying to blind us a little bit more.

Mention was made of the banks, and that's a good sign, it's a good sign of prosperity, and a very healthy climate to know that we have a hundred and ninety four banks and trust companies. And I hope that in the coming year that those institutions will realise that they must play a more permanent part in the building of this country. They must remember to build this country, we need them, they need us, the two must go together. They are enjoying a lot of benefits from our tax haven status, and we are enjoying a lot for our local economy, so I'm hopeful that in the coming years the two will be able to work closer together, because whatever is going to affect one of us is going to affect the other. If we do not have a good stable economy here, the banks are going to move, and if they move we are going to suffer, so it's very important that we maintain an atmosphere that can keep those. But they must also realise that participation should be their watch-word.

The Development Plan has brought forth a lot of public discontent, I would venture to say that it is very seldom in the history of this country that the public at large has been as discontented as they have been in the past couple of years. That Development Plan, Mr. President, has to be drastically changed before it comes back to this House. If it took expertise to do that Plan, we do not need that type of expertise, someone must account to the people for that Plan. We must see that the people's rights are fully protected, and we cannot deny the fact that that Plan that has been brought forward to the people is nothing but a socialist plan. When you curtail the activity of the public, when you lower the value of a man's assets, you are doing nothing than but walking down the primrose path to socialism. And a Plan of that nature is not good for this country, that Plan has brought discontent, but what it is going to bring more than anything else is the lessening of the economic value of properties. When that happens people will suffer, because we have in our country many people who their only means of support in their waning years is a little piece of property

MR. JAMES M. DOUGAN (CONT'D): stuck away some place.

We have no insurance programme for the older people, we have no social security system, we have a wonderful poor relief system that gives a family of six I believe, ten dollars a month. What are you going to do with the man when you take away his land, or you lower the value of it to where no one will buy it, by creating it into a park system or something of that nature. What is he going to live off? Must he walk the streets as a pauper? Must he lower his head and his dignity when he's in his old age and come humbly to the Hospital to get a poor card to be admitted? No, Mr. President, as long as I represent my people I will fight against this, and as long as I represent my people I will do my utmost to see that that Plan is never adopted by this House. We must make it abundantly clear that no serpent with a socialist head will ever rise in this country.

Mr. President, there is an alarming point about the Tribunal. That Tribunal was supposed to be a simple affair, where anyone could appear, have his say and it be noted. This was the idea behind the Tribunal, this was the idea behind us spending the money and the time to implement this. I feel that the man in charge of that Tribunal is a very fair man, I think he's a very knowledgeable man, but I do take exception to Mr. President, is the wasting of public funds to bring a noted lawyer from the U.K. I don't know what we were paying him, but I imagine we were paying him good, to sit on that Tribunal and fight against the people's rights. When we are paying him, and he is there fighting for you to take what you've got from you, no, I cannot agree with that, Mr. President. That is why we have heard so many people have withdrawn their claims, this that and the other, but they have withdrawn it, Mr. President, because we have turned the Tribunal into a judicial hearing, it has become just like a court of law, where a criminal is being tried, and many people are afraid of such things, and many people do not have the money to appoint their own attorney to go in and represent them, so what happens, the poor people withdraw their claims when they would wish to fight them. This should never had happened, I don't know who's responsible for this, but it's not right. How can we give the semblance of respectability to this thing, Mr. President, when we have done such a thing. We have paid a lot of money to bring that man here to prosecute our people, we can't call it any other word, I do not like it; I am saying this is one more instance where Government is wrong, and they should atone for their sins.

I note that this year we will have two philatelic issues, this should go a long way of being a good earner for Government. I am proud of one thing in that respect, Mr. President, and that is, that we have seen fit to honour the American Bi-Centennial. I think it speaks good for this country, and whoever thought of that should get the O.B.E. We are so near to the United State, and for many years the United States has been a father and a big brother to this country, yet so many times we have kicked it. So I'm very pleased to see that our country has done such a thing.

You've mentioned, Mr. President, about the royalties on the Currency Board, and that this year, I think we're going to have some other issues. This is something again I'm very proud of; the amount of money that is earned from these new issues should be substantial, and I'm hoping that we will have a full accounting of the Currency Board and that it will be Tabled in this House, and that we will know what the surplus money is invested in. The issues that are due out are outstanding issues, it will attract a lot of world wide attention on the numismatic field, and I am pleased to see that we are doing this.

Mr. President, we come down to the Police Department, in your Speech, and this is a department which is completely under your control, this is a department which you are responsible to this House for. I think we have gone a long way with the Police Force, we have a lot of people in it, I do not agree particularly with the numbers, I believe we could police this territory with much less. I am afraid that again we may be getting in the position to where we have too many chiefs and not enough indians, but I'm not yet going to criticize that point. What I'm going to speak on at this time, Mr. President is that the traffic enforcement must be beefed up. We are building such excellent roads, even though they're

MR. JAMES M. BODDEN (CONT'D): costing as very little bit of money. And we're going to have more and more cars on the island, and we're going to have more and more alcohol on the road, and we're going to have more and more accidents, so it is incumbent on us to see that we have a very effective traffic department.

Now the drugs, Mr. President, that is something that is becoming a serious threat to our country, and I cannot see the reasons why it is not controlled. If our present force that we have cannot cope with it, Mr. President, then I think it is your duty as our Leader to see that we bring in people from abroad trained in that field who can come in incommunicado and do something about it. Regardless of what it takes, if it takes the entire money that is voted in this year's budget to enforce the drug laws, then the drugs laws must be enforced. This is a small island, it's only two ways for it to come in, by boat and by aircraft, and both can be quite noticeable, and both can be controlled. If our laws at the present time are not adequate to deal with it, then adequate legislation must come before this House. If our officers are not capable of dealing with it, then we must remove the dead wood, but whatever it takes, Mr. President, if it means doing as Teddy Roosevelt said, step softly and carry a big stick, then I'm asking you to carry that big stick.

I'm very pleased to see that the Police Force is receiving a lot of local recruits, but I'm hoping that along with them being in the Force that they will have adequate chance for advancement in the Force. I hope that they will be given the further training that is necessary to qualify them for the further positions in the Police Force.

I'm very pleased to see that you plan to set up a Special Constabulary, and this is something that could be of tremendous help to the country, because there is a lot of people who I'm sure would be glad to volunteer their services to work on this, because when we do things of this nature we are working for the future generations of this country, we're not just working for the merits of today.

I would have liked very much, Mr. President, to have seen included in the Police Law the young cadets, I see no reason why this should not be done. It would go a long way in alleviating the conditions which exist to promote juvenile delinquency, I hope, Mr. President, that you will use that big stick that I just gave you to see that the cadets are brought in.

Now, Mr. President, I come to a sore point, and on this one I'm holding you responsible, a lot of things are wrong in this country, but we have not yet become a Police State, and I hate to keep anyone from having their breakfast fun, because I can imagine that after my colleague and myself hold our meetings in our districts, that there's a lot of breakfast fun the next morning in listening to the tapes. So I hate to take that little joy away, but every since your predecessor was here he told me that he had tapes of my meetings, I do not mind that, Mr. President, because I speak as openly in my meetings as I speak here, and I will continue to do that. But I cannot understand the reason for it, I cannot understand why it should be justified. I am certain that the police could find much more work to do, work that would be more beneficial to the country than to assign people to tape the meetings of my colleague and myself. I think everyone in this country knows us good enough by now to know we will speak what we believe, and not be afraid of the consequences, so I'm not going to say anything in my meetings that I will not say from the floor of this House, and I think, Mr. President, that that is an insult to two Elected Members of this House, to have such a thing done, and I say it's an infringement on our human rights, and that you will advise the Police Chief or whoever is responsible for this, that Haig Bodden and Jim Bodden are not anarchists, we have the good of this country at heart. Both of us have children and grandchildren, and I left a foreign country of which I was a citizen to come back to this country hoping my kids would grow up and stay here, so I'm not going to make any move in life that is ever going to jeopardise them. So I'm not going to take the wrong step at anytime in regards to politics, but I'll tell you this, I will always speak what is on my mind even if I have to face the firing squad for it, I will not back down in my

MR. JAMES M. BODDEN (CONT'D) beliefs, and I believe what I am thinking is helpful to this country. I would be an idiot to say that a hundred percent of it is correct, but I believe at least one percent is correct, and even if you adopt that one percent, which in many cases you have by bringing it in the back door it does help.

Now we know, Mr. President, that the duty of Executive Council is to give prompt consent with a minimum of advice, and I am making that remark in regards to actions of Executive Council pertaining to the Caymanian Protection Board. I am putting it to this House that Executive Council has abused the powers in certain cases when it meant particular reasons to do something. Yet in cases where they could have used that power to alleviate suffering, to help this country they did not do so, they saw fit then to sit back and say we would need much more information, we need notices in the paper, we need this and we need that. Yet they will take that power and abuse it when it is for particular reasons, I do not think this is correct.

Mr. President, I too join with you in paying respect to the two Members of this Legislature who have received the Queen's honours, I'm very thankful for them, but, Mr. President, that does not mean I will not criticise, because no place in the Commonwealth are there subjects of Her Majesty who are more loyal than the people of this Island. No place in the world would you find subjects not even in England that I believe are as loyal as the average Caymanian. And it pains me, Mr. President, just like it did with our visit to Jamaica, an independant country that had told them 'go', yet she paid a visit there, and this little country which is a gem in her crown, she saw fit not to visit it. And what I'm speaking on now, Mr. President, is this, I see them giving knighthoods all over the world to every garbage can collector, and I am saying that it is time that Grand Cayman received a knighthood. I don't know how you get it, don't ask me, I don't want one, but I do say this, that we have some elder citizens who have played an important part in the growth of this country, and it is time they be recognised, and I hope that will happen before I see my 100th birthday, God's willing.

Mr. President, I'm not a bit pleased in what is happening in regards to Cable & Wireless and Caribbean Utilities. Again we were promised Reports, we were told have no fear, it is all coming to you in the good by and by. The experts are here, Mr. President, where is that Report? None of us have seen it, none of us have been able to realise any benefit from it, And it is time that we find it, present it to this House, put it on the Table, let us get the good news. These companies cannot go on with this type of thing, this is done even without it going before Executive Council, not even the Legislative Assembly, this should not be allowed. These are public utility companies, maintaining the monopoly, and anytime they get an increase that increase should be approved by this House, not Executive Council, this House. And when we get an increase as high as 37.5%, 36.36%, 7½, 7½% and so forth, this is doing nothing, Mr. President but putting wind on the flames of inflation, inflation and hardship on our people. I can't understand it, Mr. President. I have debated in this House Caribbean Utilities and its operation in the past, and I defy any of the experts to find the company in this world that has shown the increase in growth and the profit that Caribbean Utilities has shown, as private company, and yet that's a public utility, and yet we allow it. I don't have the figures available to me on the balance sheet of Cable & Wireless, but if I did, I'd work out something like I did with Caribbean Utilities. I am saying, Mr. President, that it is time that the Government directors who are on the Board of these companies have no pecuniary interest in the company, this must not be tolerated.

Cable & Wireless have destroyed a lot of our road-way, road-way which cost this country a lot of money, and to which their contribution was negligible. We have been told by the Member responsible for this that figuring on a yardage basis approximately a mile and a half of road has been destroyed. Yet we were told they've only collected from them two thousand and fifteen dollars, now based on the figures that were given to this House by the Honourable Member in charge of Communications and Works

MR. JAMES M. BODDEN (CONT'D): Yesterday, a mile and a half of road cost approximately a hundred and twenty thousand dollars, that is how much this company then would owe this country. And I'm hoping that you're going to collect it, and I'm asking that the figures for that be not computed on the same basis as the Red Bay overpass was computed. We must have the correct figures on this, and in the future we should watch it very carefully to see that we get the correct measurements, we're guessing this time. But a hundred and twenty thousand dollars, Mr. President, would help our road way project

a lot at this time, it would go a long way to may be finishing it, and if it is owed to us by a company as large as that, which enjoys the monopoly, then they should pay for it.

I join with you, Mr. President, in paying homage to the local societies who are beginning to play an active part in this country. This is very important because when we get participation between the various societies and our people, then we are assured that socially this country will be advancing. I particularly would mention at this point the Agricultural Society, I think it should be commended, because apparently they have achieved a lot in the past few months with but very little bit of support from Government.

Recently, Mr. President, there has been a lot of dissention in this country, a lot of discontent, and I'm saying now that it is time we do not just condemn this dissent and discontent, but we look inward to find out the reason behind it. Remember wherever there is smoke there is fire, and there has to be some reason, when we get petitions with that many signatures on it, there has to be some reason, some legitimate reason, everything cannot be wrong, neither can everything be right. I am saying that the grievances should be listened to, that is their democratic right, I'm very pleased to see the manner in which you have handled it, but we cannot stifle dissention, we cannot stifle the political beliefs, there is no country in the world that is more lax in that respect than the mother country. So if the mother country is lax in that, then we should be lax also. I do not believe in any government by force, I do not believe in doing anything that would hurt the stability of this country, but I do believe that there is some reason for so many people to be discontented, and it's not all caused by what I heard a Member say in the House today, I think something about someone returning from the United States or something to do it. I don't ascribe to that, Mr. President, this is like a virus, the people are getting sick, and they're getting sick because people are abusing their power.

I know what I mention the next things I'm going to get a lecture, because I'm going to be told that the back door is the same as the front door, and the front door the same as the back door, I know I'm going to be told that, But, Mr. President, I'm saying this, that I'm a Caymanian, I'm proud to be one, and we Caymanians are proud people. We do not take insults lightly, and I believe that the Commissioner of Police gave our people a big insult. Our people are not used to be back door people. You come to my house unless there's a big big reason for it, you're going to come in the front door, that doesn't mean you can't come in the back door too, But I don't believe that the Commissioner of Police had any right to ridicule our people in that respect, I don't like it, Mr. President. When I mentioned awhile ago that we should look for the reason behind this, I meant by saying that, that the people need to know what's going on. What I am saying is the big reason for this is, that our Legislative Members have lost touch with the people, we must never be blind to the wishes of our people. We must remember that we are here as the peoples' representatives, and we only occupy these seats to represent them, and to see that they're taken care of. They are giving us the honour of selecting us among many others to put us here, and when they put us here that doesn't give us a mandate to go out and rule them like you would have ruled the galley slaves years ago. Those days are out, and they're going to remain out. I'm saying to one and all, myself included, get back to your people, the people put you here, get back to them. I know that in such a Legislature as this, where our Executive Council only represents such a very small percent of the

MR. JAMES M. BODDEN (CONT'D): electorate, that it is easy to become Civil Service dominated, but I'm saying that we must either change that system or change something else to go along with it, because rule by force is going to get no man any place.

Mr. President, I was very pleased to see in your Address that attention is being given to the sewerage and water treatment, because if we don't do that soon it's going to pose a big problem in the future. I don't know the answer to it, I'm not an expert, I don't know the best way to do it, but some attention must be paid to it. But I'm asking this Mr. President, that when this Report is done, and when it's prepared that it be circulated to the entire membership of this House. Remember that those Reports are being paid for by tax payers money, and I reiterate again, that we represent the tax payers.

Mr. President, I wondered about one thing in your Address, and that is why no mention was made of CAL, when we were told last year the many problems it faced. I for one would like to know the truth, whether it's good or bad. If I'm going to die tomorrow, and the doctor knows it, I'd like for him to tell me, I haven't repented, and maybe it might be time to do it. So I'd like to know the same thing about my business, and CAL is my business, because I'm a representative of the people, and it's the people's money that is invested in CAL. If you don't want to do it in the open House, then call us together and let us know, but I believe that if we face the problems together, whatever it is, something can be intelligently done about it. One thing we must realise, I have never been in favour of the contract we had in regards to CAL, but it was entered into by our Government, and it must be honoured and respected, if it cost everything we have to keep that plane in the air. This is one venture that we cannot afford to lose, this is a venture that we must keep up our prestige with, so let us know fifteen heads, as I said this morning, are better than seven, even if they're pumpkin heads.

I'm pleased to see reference made to the opening up of the eastern districts, the feeder roads, I really hope that this can become a priority this year, because it will help tremendously in the field of agriculture, and I feel certain that when I say this, that it will come to pass, that our Minister of Agriculture will do everything in his power this year to see that that will be done. I look forward to progress on the experimental agricultural farm, but I hope that the knowledge that is gained there will not be just put into a paper bag and a band put around the neck of it. I am hoping that the knowledge that is gained there and with the staff that we have, that the local people who are working in agriculture will be called in from time to time may be in the form of a seminar or something of that nature, and advised of what methods to use to do this and do that and so forth. It is no use of us having an experimental agricultural station and the knowledge is bottled up that is gained.

Another heartening section of your Speech Mr. President, was your reference to the creation of light industry. This is something that we have needed for a long time, and this is something that we should support and encourage in every respect.

Another heartening point in your Speech was your mention of the revision of the Monetary Authority. This is something I take great interest in Mr. President, and I hope that this monetary system and the revision of it, that it will be a comprehensive system. I hope that it will be something along the lines of a central bank. It is time that this country got to that point, it is time that the banking system be modled, and the design implemented by Government under which the future banking system of this island will operate. This could be one of the greatest steps forward that we have ever taken, the main point being, Mr. President, it would make substantial reserves, resources and profits available to our Government. And I cannot understand why we have not considered doing this in the past.

MR. JAMES M. BODDEN (CONT'D): For many years I was of the opinion and spoke it plainly and loudly that one thing Government should do was to go into a bond issue, and I'm very pleased to see that Government is now considering such a plan.

Another heartening part of your message, Mr. President, was the reference to the Agricultural and the Industural Loan Board, I think this is a very commendable move, and I look forward to its early implimentation.

Now, Mr. President, there is a lot that is planned for the year, but I'm hoping that some place in that plan some thing else will be considered, and I'm speaking of what I have spoken about in the House on several occasions before, and that is the re-structuring of the maritime laws. this is very important, this is something that we cannot afford to sit idley by on. If we do not make a move in that direction shortly, other countries are going to do so, and it is something natural for our country to do. It could be one of the biggest revenue earners that this country has ever had, and I'm hoping that we will really put that as a priority for this year. And along with that Mr. President, consideration being given to us setting up our own maritime academy, this is what built this country, was our men as seamen, and I would like to see us help that avenue a little bit more.

Mr. President, in this House I have spoken on several occasions and aired my views on the social security system. Again I think this should be a priority for the coming year, this is something that is a must, something that we cannot much longer delay on. And another thing Mr. President, is I'm hoping that when it does come up it will not come up in the form of some national health insurance scheme, because that is not the answer. This would make available a lot of money in this country, so Government for one, and it would let our own people live in dignity, we must remember that all of us are getting old, one of these days we might all be glad to live off of that social security cheque.

Mr. President, I'm asking that we break down the barriers that separate this House, let us come together, let us join with your side in the implimentation and the formation of this 5 - Year Plan. Let not that plan just be thrust in our face all of a sudden here one morning, and none of us know what is entailed in it. I'm asking that we have the co-operation, I'm sure that the opposition side of this House, that it is sometimes called, will be very glad to lend their two bits of brains to the other side to help.

Mr. President, I understand that when the permit was given to the company that print the Gazette, that an application for a job printing permit had been turned down twice by the Cayman Protection Board, and that after the contract was awarded by Government and found out that it had no licence to print, Executive Council granted a licence. Now these are things, Mr. President, that I do not think are correct, and when I pose questions to the House I want the right answers, and if I don't get the right answers I'm going to expose it just as I've exposed this one. Tell me the truth, let the people know the truth, and the truth will set you free.

This coming year, Mr. President, we must also make a change in the Caymanian Protection Law, we must change the requirements for residency in regards to naturalization, to reside in these islands, and not leave it in the wide open gap that it is at this time. We must also put a little more teeth into Section 15 d(i), not leave the loophole that is there at the present time. I'm in favour of a person getting Caymanian Status, after his five years are up, I've said it before, I still stand to that, but don't get it through a loophole. Mr. President, it's encumbent on the Members of this House to remember that all power is a trust, and that we are accountable for it. It is from the people, and for the people, and for the good of the country, and let none of us ever lose sight of that. Thank you, Mr. President.

MISS ANNIE M. BODDEN: Mr. President, I shall speak on Monday if I'm alive 'til then Sir. Time is not long enough this afternoon.

MR. PRESIDENT: If nobody is willing to speak, we might become more comfortable sitting somewhere else. It is after 4 o'clock, if nobody is prepared to speak today, we could take the adjournment and continue on Monday.

ADJOURNMENT

HON. D.V. WATTER: Mr. President and Honourable Members, I beg to move that the House stands adjourned until 10 o'clock Monday morning.

HON. G.E. HADDINGTON: I beg to second.

QUESTION PUT: AGREED. AT 4.12 P.M. THE HOUSE ADJOURNED UNTIL MONDAY 15th March, 1976.

M I N U T E S

MONDAY, 15th March, 1976

PRESENT WERE:

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

GOVERNMENT AND OFFICIAL MEMBERS

HON.D.V.WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON.G.F.WADDINGTON,CBE.,QC.	SECOND OFFICIAL MEMBER
HON.V.G.JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON.A.D.BUSH,J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. BENSON O.EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON.W.W.CONOLEY,OBE.,JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MCCO, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY (ARRIVING AT 10.35 A.M.)
MISS ANNIE H.POWERY, OBE	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN (ARRIVING AT 10.55 A.M.)
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

MR. T. W. FARRINGTON, CBE.,JP — ABSENT

ORDERS OF THE DAY

MONDAY, 15th MARCH, 1976 10 a.m.

1. QUESTIONS:-

MR. G. CRAIG DOLDEN, CONSTITUENCY OF DOUGLAS TOWN, TO ASK THE HONOURABLE A.B.BUSH,J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

(i) What was the total cost of the Airport freight shed, cistern, filling land area and the complete cost of the project including the original purchase cost of the building?

(ii) What was the amount paid for the labour and construction of the freight shed?

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2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

TABLE OF CONTENTS

	PAGES
QUESTIONS	1
CONTINUATION OF THE DEBATE ON THE THRONE SPEECH	
(a) MISS ANNIE H. BODDEN	1
(b) MR. CLAUDE M. HILL	12
(c) HON. TREVOR FOSTER	18
(d) HON. A.B. BUSH	22
(e) HON. D.V. WATLER	29
ADJOURNMENT	32

MONDAY, 15th MARCH, 1976
10 a.m.

MR. PRESIDENT: Proceedings are resumed - Questions.

QUESTIONS

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, ASK THE HONOURABLE A.B. BUSH, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

(i) WHAT WAS THE TOTAL COST OF THE AIRPORT FREIGHT SHED, CISTERN, FILLING LAND AREA AND COMPLETE COST OF THE PROJECT INCLUDING THE ORIGINAL PURCHASE COST OF THE BUILDING?

ANSWER:-

THE TOTAL COST IS $189,655.83

MR. PRESIDENT: Next question.

(ii) WHAT WAS THE AMOUNT PAID FOR THE LABOUR AND CONSTRUCTION OF THE FREIGHT SHED?

ANSWER:-

$3,570.00

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if this $3,570.00 includes the labour on the cistern?

HON. A.B. BUSH: No, Mr. President, on the freight shed alone.

MR. PRESIDENT: Move on to the next item on the Order of the Day, which is continuation of the debate on the Speech delivered on the opening day of this Session.

CONTINUATION OF DEBATE ON THE THRONE SPEECH

MISS ANNIE H. BODDEN: Mr. President and Members of this House, first I would like to endorse the final statement of your Speech, which said, "I pray that under Divine guidance, Honourable Members, in this final Session of the Assembly before the next elections, will continue to afford their country their wise and analytic counsel, and that the ensuing year, with patience, endeavour and tolerance, will be one of progress in all important fields."

Mr. President, I feel very confident with you, as our leader, and one who acknowledges that legislators as well as yourself must have Divine guidance. I feel Sir, that under your leadership we shall continue to go from strength to strength. Legislators must realise the fact that as the proverb says, in all thy ways acknowledge him and he shall direct thy paths. Unless we acknowledge God as our Leader, we must go astray, and I feel Sir, that it is time that we as legislators and the Cayman Islanders as a whole turn back to that good old fashion way which we had before, putting God first, and everything else will follow.

Now Mr. President, I must welcome our new Member to the Assembly. I feel Sir, that we have a good leader from the Brac I will call him, who I'm very sure acknowledges God. Apparently he has all the world's wealth at his feet, but still he knows there's something higher to crave for. I was proud of him Sir, to see when he came to the alter I would call it of our church, and was baptised like a little boy. Now that took something. I'm very sure, because we can't even get men to come to church, much less to go and be baptised, and I feel Sir, that he has done that, and very conscious that God must be put first, and I'm very proud of him for so doing. Our late Member Captain Reid was a fine man, and he had the good of the Assembly at heart, and I feel that he is ably replaced by Captain Kirkconnell, and I welcome him here.

Now before I go into the merits of your Speech,

MISS ANNIE H. DODGEN (CONT'D): I would like to clear up a little point regarding the Cayman Brac people. In the Session on Wednesday 19th November, 1975, I said, now the Cayman Bracers are doing what I said I'm always doing, struggling. Well Mr. President, the most eminent Brac people that we have in Grand Cayman, with the exception of one or two, have migrated from Cayman Brac, so Cayman Brac does not deserve too much sympathy. They were always better off financially than we Grand Caymanians, but I've helped them as best I could. When they were trying to get lights installed in Cayman Brac, they wanted a loan of $10,000 I think it was them, or it might have been pounds, and you should have heard some of these legislators saying, what do those old Cayman Bracers want with lights. I said it is what do our Grand Caymanians want with it, the facilities that are well afforded, and I voted and my vote helped to get them the loan from Government. Now I feel depressed quite often that I'm against Cayman Brackers, now that is not the truth, I was barely recommending them as people who had money, and I'm sure they needed aid, and I voted when it was needed as they had the lights installed with the Government loan.

Now turning to your Speech, Mr. President, I feel that we should be more than thankful for the success that we have achieved during these years. If one would only go around Grand Cayman and see the houses, and I mean houses that are built all over the place, mansions I would call them. Mr. President, in the olden days if a man went to get married and he managed to get a two room shack, I would call it then in comparison to what we have now, they were lucky. They perhaps ate, slept, done everything in those two little rooms, but now not one human being is satisfied to have a house with less than four or five bedrooms, all the beautiful furniture, everything, and still there are people who are complaining and saying this is the worst off island. They should be ashamed of themselves, because we have been flourishing in the last I would say half a century. And then going on, things might have gotten a little bad, and then the breath from the World War Number 2, the breath of good hit the Cayman Islands, and ever since that we have been getting I would say more than we deserved.

I am positively ashamed of people who say that we are no good, we are no good legislators, if we had not been good, and I'm not putting the credit to this crowd here, I'm putting it to all the people who have served in this Assembly. People who have devoted their time, their talents, their everything, without one penny reward. They have worked, they have laboured, they have gone out of the way to try to keep these islands on the map, and they have succeeded. And I feel that we as legislators would be letting them down as well as ourselves if we would allow irresponsible people to take the reins and go and try to ruin what has been done. Now I agree Sir, that the Government is not always right, they're like everybody else, they're like a family, sometimes right, sometimes wrong, but is it right to expose all the little things that are wrong and just put them in the limelight, and all the good, never said a word about it. I feel Sir, that we as Caymanians, not legislators alone, Caymanians as a whole should step forward and get on their knees and thank God that we have survived like we have. In these days when recession has hit the countries of these rich countries of the world, we have enjoyed I would say luxuries. So I don't know what they're complaining about, we have gone a long way, and Government has done great things for the people. They might have made some mistakes, but they have done great things for the people.

First I will take the schools. When I went to school we were housed in the little school house opposite the church on the sea front, over a hundred and fifty, we had to go outside, teach under the grape trees. We had to march on the marl road, do physical exercise eleven o'clock in the day in the broiling sun, half the time we never even had but a slate, sometimes we even had to break a piece off that slate to write with. One copy book, one exercise book and a reading book, and we made the grade. Now these children with so much facilities, bus rides to school, books furnished, exercising, playing, doing everything, still they

MISS ANNIE H. BODDEN (CONT'D):complain. What do they want? It is like an old man once told a friend of mine, he said captain I want to learn to navigate, he said you do what is right, you bring brain you damn fool, and I'll do the rest. Well I'm saying the school children carry their brains and I'm sure the teachers will do the rest, and I do not know what is the complaint. My complaint is this, that Caymanians who have been educated as teachers, they for some stupid reason they give up, they can't do this, we're out-numbered, we're out-witted, we're out everything. It is Caymanian fault, who have been trained as teachers that they just quietly leave the scene and somebody else has to do the job.

Now we have got Police Stations built, I don't know if any of these people remember the old jail house that we had there, little square with glass bottle around the top, and the little building upstairs. Now we have passed that stage, we have got nice Police Quarters, through the generosity of Her Majesty's Government. Now I can't say I'm too happy with all the policemen themselves, but I know they have good quarters, and we do have some good police. We have some who are doing the best they can, we have others who like everybody else, not up to scratch, but I hope and pray in good time they will become more competent. Personally, I've always said I would like to see that place manned by six footers, whether they're black, white, blue, purple or green, I admire strong big men, that the people can look up. I don't want to see runts in the Police Department, who respects a runt? I know I don't.

Now coming to the Hospital, all from the time I can recall we wanted a Hospital, we wanted like every other country in the world good medical facilities. I remember the first little hospital, I was up there I think somewhere around in front of the Government House, it had twelve little beds, that was the first one. Then we gradually got this one built, and it was a good building in its day, and I thought Sir, that when the Hospital was to be built, we should keep that old one and build a new one altogether. Well, somebody thought different from that, and they have this new one, I have not personally seen it because I don't like to go near hospitals, but I'm very proud of it. I'm proud of the facilities that we have in the medical field now. I wonder if these people who are complaining so much remember that when there was a post mortem to be performed Doctor Horter had to go under the mango trees in Ligueneo (I believe you call the place) and that was where post mortems were performed. Now we have a Hospital, modern facilities, and I feel that this Government is responsible for this achievement.

Now this Parliament Building, all you can hear is, it's too large, it's too good, it's too everything, except the right thing. Now I'm very proud that we have this Parliament Building, when we had to sit in the old Town Hall, half the time when a truck was passing business had to close down, you couldn't hear a word. People coming in up and down, making all kind of noise, you couldn't hear a word. Now we have got a beautiful building, and it is a credit that we, with no taxation I would say, were able to accomplish such a thing as having this building, and I personally am very happy that Government had the foresight and the ambition to get such a building. Every other person in the Island today is not satisfied with the shock they had before, except me, I live in the same old house I was born in, and I don't want to change it. But not every woman is like Annie Bodden, most of them want a new house, maybe two or three times a year they need to have their furniture changed. I'm not that way, but maybe I haven't got much ambition in that respect. But I feel Sir, that the Government when it went and had this building erected and furnished like it has been done, it is something to our credit, and I cannot agree with people who criticise everything that Government does. This building is a credit to the Cayman Islands as a whole, no expatriate, no foreigner, no anybody can take it away when they leave, it is here for us, it is established on our Island on our soil, and it will remain here I hope forever.

MISS ANNIE A. BODDEN (CONT'D): Now the Court House. Those of us who had to walk up the twelve steps going like that under your feet, thinking you might fall in a minute. So there and sit down in the heat, endure sometimes days and weeks, and we needed a Court House, you hear now we should have built the Court House, it should have been a combination with the Parliament Building. Well administration is one thing, judicial is another, and I feel that we have done well to get a Court House. Personally I don't like its division too much. Some of the rooms are too small, but we'll manage with that, and it's an improvement on the old building that was on the water front. And by the way, that has been improved, the present man in charge of the registration of lands has that improved, and you do not believe you're in the same place when you go in there; to what the old court room was. So we have gone a long way.

Now coming to this "Glass Cage" as it's called. The First Elected Member to Exco, my colleague Mr. Bush, we have always advocated Government that we wanted a proper house where our staff could be at ease. The old Government House.Mr. President, once I went there not too many years ago and the Clerk of the Legislative Assembly was there, he said Miss Bodden, you as a legislator, and I along with you Are we not ashamed of ourselves to have the Government housed in such a building. There was a wood-lice nest as big as that on the steps, he said what do foreigners think of us coming here and seeing the Head of State in such a building. I said I couldn't agree with you more Sir. Well we agitated, we talked, finally there was some renovation to that old place, which we were against, we wanted a new building Sir. Well finally God intervened, and the building went to the ground by fire. I'm sorry of the lost of all the valuable files that went with that fire, but in any case it showed the necessity that we must have a building, and we have got that beautiful building called the "Glass Cage", call it what you will, it's a credit to the Cayman Islands. It has cost money, and I feel that every right-thinking Caymanian should be proud of that building. Now I will never be in it as a Civil Servant, I'm very sure about that, I'm too old. But the younger generation, those who are coming up, those who should prepare themselves to take the place that they should take, they will have a building where they will be at ease. Look at the Civil Servants before that, look at Miss Francis Bodden, Mr. Ernest Panton amongst many more, who were there in this little place, when you walked on the floor your shoe heels would be trapped in the floor, and would we still want that? No, we want Government in the front seat, going ahead, we don't want the private sector to have every beautiful bank building in all the directions, and the Government in a wood-lice house. We wanted a proper building, now I agree it was expensive, I agree that the furniture was very expensive too, and maybe we could have got cheaper one, but nevertheless we have it, and it is a credit to the Cayman Islands as a whole. I've heard people come to my office and said, how can you Caymanians with no income tax, no tax this way and the other, how can you accomplish such things, you should be proud of yourselves. I said,we certainly are proud of ourselves, that we have been able to do what we have done with so little means at our disposal, and I feel Sir, that it is a credit not only on us here, but a credit on all those good people who have gone to glory. They have tried, they have struggled, and they have got something to their credit because they laid the foundations of what we now enjoy.

Now this Dock Facility. Mr. President,I am almost sixty eight years of age, and would say for the last half a century sensible Caymanians were crying out we want a dock, we must have a dock, we need a dock, but in those days Sir, money was lacking. I remember as a child, and Mr. Bush should recall this, we had an old uncle called Uncle Teddy, who had a large I would call it a galley, like we see in the pictures the old time boats, rowed by oars and it must have been twenty five feet long, and that boat had to go out to the schooners in the harbour, low ashore the freight, bring it to Red Bay, Hog Sty Bay, and people go and collect it in their arms and take it to the stores. That was what we had fifty years ago, but you see this younger generation knows nothing about those hardships, they think everything was as it is now. Well if they were as old as I am they would know better.

MISS ANNIE H. BODDEN (CONT'D): Well we have got a warehouse, we had that I think Iran must have been in the 20's. Now that is antiquated, we wanted and needed a dock, and I've always said that that dock must be in George Town, and here it is. Now I'm sure it's going to cost a lot of money, because I never did believe it would cost a million dollars, I said at least it would be four million, and I'm sure it might be right. But nevertheless, we needed a dock, a dock is the life-line of the Cayman Islands, we didn't have aeroplanes before, everything was by ship, and I would say that shipping is still the major factor in our survival. Now everybody wanted a dock, sometime in the early days, in the Cumboco days, if the tide was low they had to wait 'til the tide rose so they could get the boat in, unless they bilged her. We had to endure all kinds of stuff, but now we're coming forward, and we are going to put that dock by God's help.

Now the 31st day of December, I was up at the Police Station trying to get my car passed and a West Bay man came in, he said Miss Annie, you're running in the next election. I said if the Lord spares my life, and my health is no worse a state than it is now, by God's help I shall run, I hope to get in. Now he said you know what we at West Bay got against you, you said if the dock cost two million dollars we got to finish it. I said of course I said so. He said no, you should leave it like it is now, leave it just like it is now. I said what do you mean, it must be finished, well he said that might put you out of the Assembly, you mightn't get in. I said, well this Sir, if that keeps me out, I'm very proud to stay out, because that dock has to be finished, and we are going to see it's going to be finished. Well he said, where are you going to get the money from, I said God will provide the money, we might have to borrow it, but we're going to finish that dock. So he went on to say well, that might keep you out of the Assembly, well I said I'll be happy to go.

Now Mr. President then Radio Cayman. I can't say that we could not have done without that, I feel that that is really a luxury. But everybody wants to be modern now, everybody wants to hear themselves over the air, everybody wants to get things, and we have got this Cayman Radio. I could never agree Sir that outside capital should furnish it. I feel that our Government should be in the front driver's seat, the public behind that, the outsiders coming behind us, we must be in the driver's seat. If we allow people to take all these projects, they will dictate terms to us, not we to them. And I feel Sir, I hope and pray that the Radio will be a great success, I was a bit disappointed that I heard it would only take three people to operate, now I was not long ago they've eight people on the staff, I hope that it will be a paying proposition and not be a drag on this Government. I would have preferred to see attached to that television, because I myself would like to have a television set, but I'm afraid if we had television we might have to close the schools, since most of the children now have no parental authority used on them, they might take over and don't go to school. So with that I'm willing to sacrifice my personal interest.

Now coming to Cable and Wireless and Caribbean Utilities. Years ago we had merely kerosene lamps, those who could afford the chandeliers had them hanging in their house, or they still had to use the kerosene oil. Now we have electricity at our disposal, and sometimes I do not agree that the companies are right when they increase their rates without the consent of this body, I feel they're taking us in because they can, but nevertheless they're affording us a great facility. You take now the Cable and Wireless, many years ago I recall Mr. Duncan Merion coming to my office, and saying Miss Annie how many telephones would you like to have installed, I said not either one, because we will never get them. Oh yes he said we're going to get them in a few years time, but I thought it was a big joke, and now here it is, we have telephones, we have telex, all kinds of communications with the outside world.

Last night a lady called me from California, about land as usual, and her voice was like it was in my room standing up by me. Now we have gone a long ways, but my great fear, Mr. President is this, that we Cayman Islanders could cause this great prosperity to tumble overnight, unless we watch our steps, unless we are willing to go on as we

MISS ANNIE D. BODDEN (CONT'D) have been doing, we do not want any agitation, any trouble. Look at what is happening in all those Eastern Caribbean Islands, even in our neighbour next door here, troubles, we don't want any violence, we want to live in peace. The hundred and thirty third Psalm says, blessed are they that dwell in unity, pleasant it is, well we want to follow that Psalm, and we want to dwell in unity.

Now I do not agree with all happens, and I feel some correction should be made, we should be more informed on what is happening. Because I do not look on us as an any opposition, I look on the twelve Elected Members as people who have been put here to lead the people, to help the people,and I feel that we should get some more information. If it's a secret, we can keep a secret. I always heard woman cannot keep secrets, well I know I can, and the other eleven men, they ought to be able to. I also read in the paper, I think it was the last Nor'Wester, that some business-man said, woman have no place in the Legislative Assembly, I agree ordinary women do not have any place here, but I don't call myself an ordinary woman. I've been a politician for the last fifty years, because I worked with Mr. Parsons, and his office was the Government Office, I would call it, few books, everybody came there to study, everybody came to discuss problems, everything went on there, and I have unfortunately a photographic brain, I never forget anything, and I absorbed into this big head, laws and regulations, government rulings, from then on, and I don't consider myself an ordinary woman. If I had been smart enough to hook a man to marry me, and have children and grandchildren, I wouldn't be in this Assembly, I would be attending to them, that would be my place. But I'm a free woman, unfortunately I haven't got anybody to stop me, so I consider this is my place, and I'm here to stay with God's help, if the people want me til I draw my last breath, because it gives me a lot of pleasure.

A man came to my office not too long ago, and he said you know we got to get rid of you, I said okay, he said you and Mr. Bush, you haven't done anything, we got to get rid of you. I said well who would you replace us with? Well, he said we can find anybody as good as the two of you, because you are not serving the people. Well he got me so provoked, I must tell you,Mr. President, I said you please go to hell. Well he went on and a week after he came back and apologised. He said you and Mr. Bush, are the two best legislators we ever had. I said I accept you apology, but I hope you mean that now.

Mr. President, I must tell you,Sir, I disagree with this Development Plan. I do not disagree with planning, but I disagree with that particular plan. I feel,Sir,that the people were not consulted enough, it's not what anybody from the United Nations want, or what on the petition says, the picture that a Northwester not what they want, it is what the people of the Cayman Islands want. And I feel Sir, that they should have been consulted, and their views taken into account. I will also say Sir; that Caymanians make a fuss about a lot of things, but when it comes down to facing the issues they pull back.

Now when three cases were going on in the Court House during this year that is passed, you couldn't hear through the throngs, you couldn't get a seat anywhere, and that was more curosity. Now when it came to the point that the Tribunal met there, you hardly ever saw a Caymanian, didn't have time by go. But when or if this plan was to be passed, you'll hear these no'legislators passed it. They don't have the chance to object to state their reasons for objecting, and they'd never put their foot near to that Court House, with the exception of I suppose might have been a dozen people. Now what do they really want? They have the opportunity to object, but unfortunately they would rather go and listen to the curiosityof three cases that were there, rather than protect their own interest.

Mr. President, I repeat, I am not in favour of this Development Plan, and I want to see,Sir,a plan prepared that is suitable for the Cayman Islands. We do not want to drive away investors, we want to welcome them, and to give them the assurance that our Government is stable, and that when they bought land in the past, with the understanding it could be used for certain things, that we will not deprive them of that

MISS ANNIE A. BODDEN (CONT'D): privileges. Now I'm not saying to sell out the island, by any means they must be under our rules and regulations. We cannot go to any foreign country and change their laws because we do not like them, but we must make laws and regulations that will be a benefit to us Caymanians, and also not to discourage foreign investors.

About expatriates as they are called, I cannot agree with anything being said about people who come here to help us. I will refer you,Sir, to when the American Navy came here, they came in May 1942, handsome men, looked like bronze gods, most of them, brought food to supply the island. They had Doctors for our facilities, they were willing to help us, every two weeks two coast guard boats came from Guantanamo Bay, loaded with food. When the food that was over from the shipment before they distributed to the poor people, in fact rich and poor, but all you could hear, those American scums come here to take our island, they're not any good. And those Americans never took one penny of Government's coffers, they never took a cent, they were here to protect us. But nevertheless Caymanians didn't want them, those old white Americans, they're not any good, well there were white and black and all kinds, and they were good. They served us, they protected us, but still the people resented them being in our midst, for what reason I do not know. But what I'm telling you here,Mr. President, today is like you read it in the Psalms.

I remember when they first came here they were such a novelty, married woman and all drove past and coming up and going up to see this encampment right here in this Town Hall yard. Well that lasted for about a month, and then I don't know what happened they suddenly, the majority, I would say ignorant people thought,not the better class people, the ignorant people, didn't want these Americans here because they're taking away our island. Well so this has been a policy right down through the ages, anybody that comes here, whether they're working for the Government or not, some people not all think they've come to take away our island from us. They cannot carry the island away, and had it not been for foreign investors, in the person I would say of Mr. Truman, we would still be in the dumps. He came here, he started investments, the Government did recommend to give him the land for ninety nine years I think at a hundred pounds a year, but that was the beginning today of our prosperity. Whether this younger generation knows it or not, that was what began our prosperity, foreign investment. Now I'm not saying to let them come here and take over the reins, by no means, we must be in the driver's seat, but we should assist them, because they have assisted us.

Now there's one thing Mr. President that I'm a bit worried about, and it is this, I do not know if the Government is getting any royalty from this Sand Point development there, but I see the sand humped up, they're taking sand from the sea making land, and I see it advertised selling for seventeen thousand dollars a lot. Now I'm wondering,Sir, if and what is the Government getting from that? Are we being paid or are we allowing these people whoever they are to come here, build land, sell it at their pleasure, and we get nothing out of it. That is a question I would like to have answered sometime, but I feel Sir, we must be getting some concession, because we hear, There's no dredging to be done otherwise, but they are dredging, they are building land, they are making money. They have sand stored there out of waste, I'm wondering what is our Government getting from that.

Now in this Assembly Mr. President, I feel that the people who are supposed to be our leaders, must be as the Bible said, men of integrity, men who can govern their own households, and those who have their household in subjection. Now Mr. President, I am saying this, if I cannot rule my own household, I cannot be a deacon in the Church of God, and I can't come here in this Assembly to criticise and rule, I must set an example, and I want all of us legislators as legislators to think very carefully about that.

Now the tourist industry, Mr. President, that did not spring up overnight, our first thought of nearing about tourism was in the person of Mr. Cardinal, he advocated tourists must come here if you are to develop, he started. Well unfortunately the war intervened, and it dropped, now I very glad that people are coming to our islands, people who can help us, and people who leave money here to help in the coffers of our Government.

MISS ANNIE R. BODDEN (CONT'D): I heard a man say that there're people in this island, visitors who say, I hope this island remains as it is. It is heaven, and don't ever do anything to destroy the goodwill, stable government, everything that you have, try to preserve it, and that is what we must do. We cannot allow silly criticisms to ruin us, it is so much easier to criticise than to correct. What we want to hear from our people is that they are making corrective measures, not criticising, help us to correct if we have gone wrong, if we have fallen by the wayside, if we haven't done the things they want us to do, come forward help us make suggestions to keep this island on the road of prosperity, which we have it on now.

Now I remember when we campaigned four years ago, my colleague made it emphatically clear, we want roads, I'm not prepared to wait until after I'm dead for this island to progress, we need roads. We must have roads, we have to find roads. Everybody cheered, you could hear, "oh yes, get us roads", now we have those roads. I call them satin roads, they might not be all that we expect, some people say that the black-topping or asphalt should come right up on all the sides, not leave any vacant spaces. Well, that would help too if we have the money, but we should be proud of the roads that we have now. Mr. President, I remember at the coronation celebration many years ago of the late King of Spain, that there were public celebrations, well cars were more or less a novelty then, not like they are now. So we managed to get enough money to go on a tour, we went North Side, on to East End. We were gone practically all day, and believe you me Sir, when I came back I was so sick I had to go to bed. The roads were terrible, we were jetting up and down, up and down. Well look at the roads now, have we not gone a long a long way, and still you hear this island is in the worst shape it has ever been in. Yet I don't know if they're blind or what is the matter, but I'm saying this is the best state that this island has been in, it must be something wrong with the people.

Now the Cadastral Survey, that has accomplished something Sir, it has shown that land-owners have their titles. But, Mr. President, in some cases, I'm not talking about swamp land now, I'm talking people have gotten lands to which they are not entitled. I have done enough work this year in the Cadastral Court to have thousands, unfortunately I never got paid for quarter of the cases, and in some instances I had to pay my own transportation. But I have cases where people have had lands individuals have taken that land, sold it, and now these poor people can't get one inch of their land back. I feel Sir, that the twelve years possession is good, but I cannot really agree that if my father left me in his Will a piece of land, and I happened to go away and not come back for thirteen years, that somebody could take that land and sell it and I'm deprived of it. I feel Sir, that it's dishonesty, not on the law in people who would do their neighbours such a thing. Well I've said it before, I repeat it again, that our beloved Mr. Hicks, but by the grace of God myself I try not to do anything wrong. He's the only person I know will not go over-board to get land.

I had a case in Bodden Town. Just week where a leader in the church, a professing christian, a son of God who he sold eighty eight feet of land for one ten shillings. I told the Adjudicator the vilest thing on the street would not do that, that the Government charged him two pounds for the stamp duty, but the price of the land, ten shillings. Would any human being believe that? No, couldn't believe it, because it's not true, but nevertheless, they're children of God. I said Children of God, we must love our enemies and our neighbours as ourselves, and I'm very sure if any of us loved our neighbours we wouldn't take his land and sell it for ten shillings.

Now Agriculture. I feel Mr. President, that if our Government could afford to open roads in the hinter parts of, I would say like North Side, I had a case there, and it took three hours for the Adjudicator and the witnesses to get to the land in that. Well he said I would have to come, I said Sir, I can barely walk to the Town Hall much less over the cliff of North Side, no I didn't go. But I feel if the Government in time could open up roads in these places whereby the people could get more easily to their plantations, that we would be accomplishing a great thing.

MISS ANNIE H. BODDEN (CONT'D):I saw one man come out, he had a basket on his back loaded, twelve o'clock in the day. I asked him why didn't he use a donkey or something . He said, "Miss Bodden, donkeys can't travel over that cliff, only man in his wisdom can make it some kind of how". Well I feel Sir, that we to encourage agriculture, we should in the near future if funds are available try to get if no more than trails into this farm land.

Now the Mosquito Research, I would say,Mr. President,I've always endorsed that. The Director and his team have accomplished a great thing, if people would just stop to think what we endured from mosquitoes, they wouldn't criticise. They would say thank God that there's such a thing as scientific means of eradicating mosquitoes in the Cayman Islands. And I feel that we should give every encouragement to this department, to go on, I know it's very expensive, but anything that's any good cost money, and this is a good investment. If we had to endure what we endured in the past Sir, we wouldn't have any tourist in this island, I can assure you of that.

Now the Social Services. I believe they're doing the job, I don't know very much about it, but I hope that they are accomplishing something. I feel that it is needed for people to investigate those who are in poorer circumstances, and if possible help them, and I believe they are doing such a service.

Now coming to this hospital fees. Mr. President, I was one here who said that the present fees at that time were too little. I felt that they were too little, and I still maintain that speaking personally of what I had to pay in two cases I had there, the case in court cost me thirteen hundred dollars, the expense of the hospital sixty three, paying for the patient who got bit by my dog or said she was bitten by my dog. Anyhow I said Sir, that we should have fees that are really suitable for such facilities. If you go abroad you have to pay, I heard a man say not long ago his hospital bill in Miami not much either, three thousand dollars. I personally had to pay twenty five hundred dollars when I was there,about five or six days. In Jamaica..I was there two weeks, I had to pay three hundred pounds, so if we can get the facilities here we should expect to pay for them. Now I'm not saying that we might not have to be able to adjust the fees on a sliding scale, but it has been explained to me that people who can't afford it can go somewhere and get a ticket, and they get the same facilities as the rich people get.

Now we do not really want to make the people who are termed 'the poor' feel dejected, and if they are getting the facilities at the hospital that the rich are getting and they haven't got to pay, then I feel we should be satisfied. Twenty five dollars a day I agree is quite a sum for some people, but on the other hand if you go to a private doctor you have to pay twenty five dollars for an examination and a few tablets. So the Government needs money to help to run the country, to provide five doctors, nurses and everything else, and those who can afford it, and need the hospital they will have to be prepared to make a little sacrifice and pay fees. Now if Government would consider putting these fees on a sort of sliding scale, perhaps it might be more workable and would appease the people better. But I cannot say that fees must be reduced all the way round, because I have heard people say that the hospital facilites there are equal to any you find in any part of the United States. Oxygen, telephone,all the rest of it, so if we want things modern, we have to realise that we have to pay something. We have to make some sacrifice, because this Government is not in a business where they can get money like the private concern, they have to depend on tax payers, and we are fortunate that we haven't got more taxes than we have. If you go to the United States of America, and you buy a pack of powder, you have to pay five or ten or fifteen cents tax, man here you can go to the stores, you pay one price. Now I'm not saying that the merchants do not make a good profit, they must, they have to live, they have to exist, nobody is going to keep a store just to serve the public and not make a livelihood out of it, they must. And besides that there are people who will go to these merchants and credit stuff which they have no intentions of paying for, and if the merchants do not make some profit, they will collapse, and what would we be without stores.

MISS ANNIE M. BODDEN (CONT'D): Coming back to the war days Mr. President, if you had a million dollars, half the time you couldn't get the bare necessities. So we are fortunate, and I think we should encourage people to do what is right to help Government, and help the people, and most of all help themselves.

Now I would certainly agree with your statement Sir, that this country owes much to the United Kingdom. Although prior to I would say thirty years ago we didn't know much about England, but nevertheless in times of calamity they came to our aid. I remember hurricanes, you would see the big ships coming the "Danae" and all coming in and going around and aiding and assisting in every way possible. And we owe much to the great nation, I very proud to be a Britisher, it's the greatest nation in the world as far as I'm concerned. God forbid with all their prestige, everything, and I would never agree for us to talk of going independent, what have we got to go independent with or for. We haven't got anything, we are much better off than we used to be, but look at the aid that has been given to us, schools, police station, all the things that we have had assistance from the British nation, and when I hear people talking their foolishness, 'cause that's what it is, talking about us being independent, independent of what? Now you know my mother raised us with the theory, we were very poor, I don't know my father, my mother always said, we're independent you know, I said no mama, we're not. She said yes, we're independent, because what you can't do I can do, and what I can't do Alex can do. I said no, that is not the theory, we're all dependent on somebody. Well I'm sure she did that to boost her spirit, but I know there's not one of us in this world that's independent, and when it comes on us, these three little islands, talking of independence, we want to break away from the British Empire, we want to do this, we want to do the other thing, with what? Can't people come to their senses, and be proud of the fact that such a great nation condescends to keep us.

Some people say they should be proud of us, and I agree they should be proud of us, and Her Majesty has not got anywhere else anymore law abiding subjects than we Caymanians are, but we need to show our appreciation. You know when I hear people talking about experts comin, this and this and that, I agree that when, and if Caymanians are qualified we will not need an expert, but in the mean time, we do need them, and we should be grateful for the assistance we get. There in the Cadastral Court as I understand the lawyer, his expense was financed by British Aid. We had a wonderful man there as the judge, a very human man, a man who I feel did a justice, but I heard criticisms, that we had to pay this money. As I understand the lawyer was paid by British Aid, and even if it was not, look at all the other things Great Britain has done for us. And I feel, I hope that people will come to their senses and realise that we cannot go independent. We have the great nation of Jamaica, with all its resources, they have what I call three car boats for war ships. Now what would we have? Nothing, a canoe.

Now the Legal and Judicial Department, Sir, I see here we have thirty laws enacted and nineteen regulations. Now Mr. President, I personally do not agree with too many changes in the law, I mean when it's necessary, change it, but let us not make laws that will hamper us in any way. Let us stick to the old, and if necessary make new regulations, new rules, but never make anything that will hamper us in any way.

Now I shall come this drug traffic, I feel Mr. President, that is a very serious thing. But what I'm alarmed about is this, there's the little boy on the street, the little cigarette smoker with his two dollar stick as they call it, who goes to prison. I feel Sir, that the big fish should be caught and punished, not given one day or one hundred dollars as the case may be, let them serve prison terms, and that will teach them a lesson. We need more vigilance from the Police Department. I'm convinced that there is some loophole somewhere where these pushers are punished and the real wholesalers, they're getting rich over night.

MISS ANNIE H. BODDEN (CONT'D): I understood not too long ago, there was a yacht out here, a blue yacht they said, and it landed twenty nine pounds of cocaine. Now I'm very confident that some of that stuff was in the area where I live, I'm very confident about that. I've seen people trafficking up and down that I've never seen there before, all day, all night up and down, bearded people, white skin people, red skin (as my maid calls them, red skin), all classes, boys, girls, all kinds. And I feel Sir, that the police should pay more vigilance to this job. All these ships you see out in the harbour most of the time, posing for one thing or the other they have come here, either to get or to supply ganja. And I feel Sir, that this is something that is ruining our island, and we have to do something about it. What is God only knows the answer, but I feel the police department, criminal investigation, or whoever they maybe must be more alert, and when they get a notice from any individual, act on it, act on it immediately, do not have traitors there who will go if Annie Bodden is selling ganja, and say you'd better look out, they're coming to raid you. That is not good enough, we want people who are taking this thing seriously, and we want this stopped.

Mr. President, it's impossible for a lot of people who you see with houses and boats and two or three motor cars, just making ordinary wages, it's impossible for them not to be in some illegal trade. But unfortunately the big shots are never caught, and I hope and pray that this will not continue, and when they're brought before the courts they must be severely punished because they are ruining the youths of our island. You see black-eyed boys, talking about lend me two dollars to buy a stick, I said a stick of what, ganja ma'am. I said I'm sorry for you, I won't give you two dollars to buy food, or go to a doctor, but certainly not ganja. I feel Sir, that we are lacking in our duty when we do not deal with this problem.

And then there's the liquor traffic. Oh, I am sick and tired of wishing every drop in Cayman could dry up. Five boys passed my house last Saturday when I was sweeping my yard, they said Miss Annie we are not going to vote for you ma'am, I said do you think I care about that, but if you buy us a bottle of rum we will. I said a bottle of rum, I'm sorry for you, I'll buy you a bottle of medicine if that would help you, but certainly not rum. Well that is prevailing Sir, youngsters, him and shes are using dope and drinking liquor, and they're ruining our country. Talking about the coming generation being leaders, how can drunkards and ganja smokers, and dope addicts be leaders of the people, we want sound, sane, good christian men, and women to lead us. We want people with morals, high morals, we don't want all kind of riff raffs, talking they can do everything they want to lead us, we want people who fear God, and people who know that there's a day of accounting coming, and we may escape in this world, but we carry out of this world or they go before us the good deeds that we have done. And I would hope that the people of the Cayman Islands would realise and know that if they fear they will get on, but when they disregard Him as some are doing now, calamity must come. And I hope and pray and trust that we as reliable, sensible, upright people we will set the proper examples.

Now Mr. President, I have to thank whoever is responsible for this honour that was bestowed on me. I'm very proud of it because I had a very hard life, and I wonder sometimes what have I got out of being good; I sometimes wonder when I see other people who I know have done all kinds of things, and dishonour their parents, dishonour their God, dishonoured everything, and still they seem to go on. But, thank God that so far I kept myself if I must say so, in an upright God-fearing way, and among the letters that I received one lady said, those that honour God He will honour them, and I'm very proud of it, and thanks to all concerned.

I feel that my good friend Mr. Walter, he had deserved such an honour long ago, but the thing that bothers me, that alarms me, that makes me frightful, is to think that he's going to resign. I pray about this thing very sincerely, because I feel that a man of his integrity, a man of his uprightness, that he should not leave us to struggle. Mind I was very well acquainted with his father, and respectfully his sons haven't got the stamina that he had, because he would stand up and when he was right as shelling down, he stood by his convictions, and sometimes his judgments were rather hard, but he believed he was right, and in most times he was right

MISS ANNIE H. DONDEN (CONT'D) and be stuck to this. Now his sons are a little more self-assured, but nevertheless, we have in the person of our First Official Member here, a man of integrity, when you hear people criticising, this one in the Government getting bribed, the Civil Servants are getting bribed, legislators are getting bribed, well they say one man we can vouch for, that is Mr. Desmond Watler, and that is the name he carries throughout the Cayman Islands, and I'm sure everyone here will agree that he is well deserving of such an honour.

I forgot to say Sir, that not too many nights ago, a man rang over the telephone, saying Miss Annie is that true, I said what, he said they're going to make a knight, we're going to have a knighthood. I said I haven't heard of it, who is it? So they said you as a legislator should know, the Financial Secretary. I said well, I hope it's true, but I don't think so. Well I feel Mr. President, that we in the Cayman Islands we should have some person that should be knighted. I feel Sir, that the late Albert Collinridge Panton, he did a lot of things and good for the Cayman Islands. Although when he got jobs on the National Bulk Carriers for men, all you could hear, he sold our men for five dollars a piece, you cannot satisfy people, but he did a great thing, he put this island on its feet, because without these National Bulk Carrier seamen employed that was the beginning of our prosperity, and I feel such a man should have had an honour.

Then again I would refer to Captain Eugene Thompson, who in the war days, when a German submarine torpedoed a ship right inside of our harbour, he and his feeble crew with Major Watler went out in those submarine ridden waters and rescued over thirty odd men, he never even got a war medal. Now I feel that was bravery in itself, when we ashore were quivering thinking these Germans would be in any minute to blow us up, and there the Cimboco went out with Captain Eugene an old man and his crew and rescued those men. But he didn't get any honour, but that was bravery, and I don't think anymore brave acts were ever done during the entire war, with no guns, I don't even think he had a rowboat aboard.

Mr. President, another thing I'm against Sir, hearing Caymanians talk about people coming here to look work. In the past Sir, we were so poor those who had men to export had to export them, unfortunately we didn't have any, but other countries received them joyfully, Did not make they feel cheap or common, but they had employment, and they were able to help to finance those families left at home. And I feel Sir, when we have got to the place we have gotten to, and there's any extra work, I'm not saying now to take it from Caymanians, I am saying any extra work that people who come here seeking employment provided they are law abiding, that they should be given some chance. I can't stand this foolish talk that jobs are being taken away from us, we can't get any work, sometimes you'll try to employ young boys to do work, they'd say no ma'am I'm not working, and if you get somebody else from outside, there's a talk. Caymanians must be alert, they must wake up to themselves, and understand that unless they are willing to work that somebody else will get the employment. I hope and pray and trust Sir, that in the coming years that things will continue to improve, that we as legislators will work together in harmony for the good of all and sundry, and above all, I pray in the coming election, that we shall have a crew no worse than we have here, because I understand they said they're going to sweep the floor, but if they're going to sweep the floor, sweep it but put in honourable christian God-like leaders." Thank you Sir.

MR. CHARLES HILL: Mr. President, and Honourable Members. I rise to compliment the Throne Speech. The deliverance shows used your sextant and I'm sure that the nautical tables were also used and so was the log , as you mentioned in your first Throne Speech in this Chamber. For where we are now, and where we expect to go one can fully imagine what you have in mind. You are a true mariner Mr. President, and with your guidance we are assured a future with hope. You said in your address that you proposed to follow the same pattern as last year, and that is to outline the main events of 1975 before attempting to chart the course for 1976.

I would like also to extend welcome to the new Member from the Third Electoral District. The road before him may not seem smooth, but the people that he's representing will try to make things

MR. CLAUDE HILL (CONT'D) seem hard for him, and I am also assured of the fact that he will do his best endeavours to make things within reasonably at all times. The seat that he occupies was occupied by a dear friend of all of us in this House, and he will always be missed. The gap that the new member is filling, I am sure is a gap that the late member would have liked for him to succeed in case of anything happening to him, he would prefer Captain Kirkconnell taking his place.

Mr. President, I will follow your Throne Speech as brief and as condense as possible. First you outlined events of 1975 before us I said attempting 1976, and with that we begin on Government's policy and the development projects..

Mr. President looking at the local economy in the year 1975 it seems as if recession effected us in as much as some items were hard put, this apparently was brought on all over the world, this recession and it affected us here in many ways. But it seems as if some have made it okay, and they have also expanded, there are good signs from that when a world is confronted with recession and people can expand in their businesses all over the place, it sure leaves food for thought.

Then we go to Government's policy, the Government has proceeded with the completion of large development projects with all of its set-backs, with all of the set-backs with the projects, they proceeded with them. This was one of the things that as I say, Government's policy was to proceed with what they had before them regardless of the recession.. The Administration Building, the renovation of the hospital, and the improvement at the George Town High School, and last but not least the improvement scheme on the roads. This all helped the unemployment which was running at a very high rate at the time that this unemployment existed, and is still existing.

The construction industry showed signs of the recession , and is still showing signs, because there are men who were working and looking forward to work and found that work was closed down on account of hardships confronting the business sector.

On Communications and Works and Public Transport, you mentioned the progress that was made during the past year, this is a fact, because the Administration Building, the Owen Roberts Airport freight shed the Customs Office, and the in-patient hospital etc., all was done at that time. We have people complaining continually about legislature bringing on hardships on them, and this is something that as as I said world wide, it is not done from this Chamber that recession is not with in this island.

The Broadcasting Studio was also finalized, but shipping delays hindered work on the transmitting stations.

The George Town Port Project was commenced after successfully competing with the contract by international tender.

Then we go to the air-terminal building at the Airport. The airport has been deferred until revenue position improves. This Mr. President, needs attention, as for now, the place looks like a rodeo with the fences that I've seen around the airport on arrival of departing passengers, in coming is not as bad, but with departing passengers seeing this, many of them are wondering if they came in at this airport. It is fenced in such a manner that I feel that by fencing it it makes it look like a pen, whether it be a cow pen, hog pen or whatever pen it is, it has a look of a pen.

You mentioned also of the Post Office. We learn that two million pieces of mail were dealt with in the year 1975, over two million pieces..

Then we go to Tourism, Lands and Natural Resources. Contracts with travel agents were increased, the cruiseship traffic in a year of depression has brought in a number of tourists six times the number of population of the island, that is something to be thought of. When we have six times the amount of our population as visitors entering this island as tourists, that is something that not many islands in the Caribbean can boast of at this time.

The Cadastral Survey has completed field work in all three islands except the area going east of the Transinsular road on Grand Cayman. We hear much about the Cadastral Survey, and even although people

MR. CLAUDE HILL (CONT'D): are complaining this work goes on, and when it is finished, I do hope that land tax will not be the next move placed on us when this survey is completed. We hear they have dealt with 10,095 claims, 3,384 pieces involving 12,388 acres, and out of that they had 89 disputes and 148 petitions, or less than two percent contested. Mr. President, I am sure that many of the people whose lands have been surveyed are not aware and will not be aware of what is taking place whether it is for good or for bad of the islands, only time will tell.

Now Mr. President, dealing on Agriculture. In your Throne Speech I see where Caledonian Farms had its set-backs, but there are hopes under the new management, the operations will resume. But I also see where Rothwells cattle farm progress was made, and also at his poultry farm. The cost of living in these islands has created problems, and it is very surprising to see something grown on this island being sold at the same price that goods are imported at.

The Agricultural Society had a show, and I'm pleased to learn from your Speech that they have plans for establishing a market for local produce. I say this, no country can survive without growing something from its soil or producing something.

Dealing on Mosquito Research and Control Unit, they're doing fine job, and I only hope they'll be able to continue to deal with the breeds which seems to be going down in count, from the men fogging and digging of canals and dykes took place. I see where the Aedes Aegypti is now reported eradicated, and that was a great concern with visitors coming in our shores, because they were afraid of being bitten by the mosquitoes carrying malaria fever, and going back home and a matter of days when they are home they find that they are infested with malaria from the island, This gave great concern to the man in charge of the Mosquito Unit, I'm sure.

I also see from your Speech where the Government invited a team of experts on mosquito control from Florida, and they seem also to agree with the method that is being administered here. It is very gratifying to learn that they are under control, and will be continuing to control mosquitoes in this Island, because I knew of incidence where when the light company had to close down on account of mosquitoes getting in the banjo rings of the generator and stopping the flow of oil going to the bearings that kept the motors running.

Dealing on Health, Education and Social Services. Mr. President, the Cayman Islands National Council of Social Services was inaugurated in 1975 and the chairmanship is being handled by a Caymanian, who we should all be proud of, since the feeling is so great that Caymanians are kept down. Although I must mention that the holder of this job does not get any money for the post. Let me tell you, that it's a very vital job when you're taking care of the aged, the youths and the welfare of a country.

The nursing home while Cayman Brac can proudly brag of - they have a nursing home at Cayman Brac, and I'm sure that people from this island may have to find themselves in a nursing home if land which they lived off is being taken away from them. This was their means of support when they became aged and not able to work. They sold what portion of land was left to them or they leased what portion was left and lived off it, but if the land is taken from them I cannot see where anything else concerning us finding some other source to live by.

Mr. President, I'll now deal with the garbage collection. The garbage collection in the George Town area is not what it should be. I am one who will not complain too much on the matter, but I prefer dumping my garbage myself, for the simple reason, that garbage is brought in from all angles before coming to my area. The truck is loaded and they try to put an extra load on and with that they leave a lot of garbage in the road, in front of the homes. Another thing I would like to bring to your notice Mr. President is that at my home I don't carry cocktail parties, and I don't have left-overs of rum or beer put in the garbage to let anyone dig in or enjoy coming to pick that garbage up. Another thing, half of the time the men appear drunk or under the influence of alcohol, and they don't even stop when garbage falls off the truck.

MR. CLAUDE DILL (CONT'D): Mr. President, I will now deal with the water testing. I'm glad to hear that water testing has been carried out, and I do hope that more laboratory will be able to supply the islands with good drinking water in the near future. This has been a matter where drinking water today may become contaminated owing to the spray that is being used by the MRCU, which we can't eat our cake and have it, we must make a sacrifice of something. If our water becomes contaminated and not able to be drunk by people, this could also lead to infants drinking contaminated water and cause a very serious epidemic in this place, and with a small island like this, if an epidemic strikes it could mean the end of burying in the whole of the Cayman Islands.

I now deal with the construction of schools. I am very pleased to learn that the school buildings over the past years are all done by the United Kingdom except the Savannah School, was the only one that was not built under British Aid. Additions took place in the schools in Cayman Brac and West Bay, and I am sure that with these additions we have more children coming in schools yearly, and those additions will be needed.

Speaking of qualified Cayman graduate teachers. It is also pleasing to hear you say that qualified Cayman graduate teachers and medical staff would reduce our dependence of staff now recruited from overseas. My hope is, that when we send students overseas for studies they return and serve their country to the best of their ability. I know there are bonds that hold them for a matter of two or three years after graduating from colleges, but I am speaking in general that they should try and stay here and serve this country, rather than going and seeking jobs in other countries which gladly accept them because of the shortage that they encounter in this profession that they have graduated in.

Dealing on labour. I see where the appointment of a Labour Officer will help people who are looking for work. It is good to have an employment agency and I hope that the public will learn of her activities and use it to the best advantage.

Dealing on the other two islands, Cayman Brac and Little Cayman, the information you gave on Cayman Brac and Little Cayman stated that projects completed during the year included the additions to the Cayman Brac High School, the construction of a District Officer's house on Little Cayman, a new doctor's residence on Cayman Brac, land bought for a public beach, the continuation of the Bluff road.

Mr. President I am very pleased to see that during 1975 Cayman Brac and Little Cayman our sister islands were well taken care of in that respect. I don't know if it was left to the Members who represented that constituency or not but they sure have had their share by what was carried on in those islands. But I'm sorry to learn that the DC3 is still considered inadequate, this closure came for the airport in January of 1975, the airport was closed to the DC3, the passenger service was done by a smaller aircraft, and I'm hoping that Little Cayman the flightman be resumed there by the DC3 in the near future, because there are people who would like to see those islands. That Caymanians who would like to visit their people - there's not so many people at Little Cayman, but there're quite a few people at Cayman Brac.

We learn of the Cayman Gazette from your Speech. The Cayman Gazette was introduced in January of 1975 and all Bills to be presented to the Assembly are printed by them. This is something that the entire community should be proud of. But the role by the Press in the Cayman Islands should be to give valuable information to people, they must carry the facts that surround. Some say that laws are passed and they never read a thing about it, it's not the matter that the person cannot read, it's the matter that it was not put in the Press, and if anyone buys a Gazette, I can assure them that they will see whatever is passed in this House in that Gazette.

Speaking of Finance and Development. In the Honourable Financial Secretary's Budget Address, he covered the history of 1975, and he also made us know that there is no slack for Supplementary Expenditure in the year 1976. This also leaves us with food for thought.

Now I come to a very important issue, which is the Development Plan. This has brought on some very strong opinions of

MR. GLADER HYLA (CONT'D)- to... Bill... if the Government feels that it is a wonderful thing that is being done, and in the way that they are bringing it it's up to them, but I say this, Mr. President, the report sent in by the Tribunal when it is completed with the Planning Authorities will commence, by that it will be laid before the Assembly which will be final. The Development Plan will affect every Caymanian for years to come if it is passed as is in the light of what is placed before us when the Plan was first presented to Members.

The Lady Member and myself held a meeting in the Town Hall, and it was surprising to see how few came to hear what was the idea of the Plan. We had the First Elected Member from Bodden Town, he came and assisted in explaining the Plan to the people. And although the meeting held that night - it did not prove very fruitful because the turn out was just a handful of people. It shows,Mr. President,the interest that some people seem to take in things that they should be concerned about. And yet they'd go back and say, our representatives did not tell them, did not explain to them. These are the things that lead one to wonder if we're doing the right thingor the wrong thing.

Dealing on the stamps - the 1976 issue marks the 70th anniversary of the use of postage stamps in the island. it also marks the Bi-Centenary of the United States Independence. This alone shows our international relationships with United States. The United States has meant very much to us in the past and is still meaning much to us. Not leaving the Mother country out, it is always said that the United Kingdom is late to develop. but I say this, it is better late than never.

Mr. President,I'm pleased to learn that the year 1975 a committee of senior Government officials and the Financial community was inaugurated. which meets quarterly to discuss matters of common interest. This I'm sure is an inauguration which will help the growth and development of this island, when we have quarterly meetings with the community dealing on common interests and various aspects in the island.

And I see here we had visits, we had very valuable discussions with a team of British Advisors from the Development Division in Barbados. They seemingly wanted to identify the fields in which British aid can be most useful. Mr. President I know with your guidance Sir, that you are doing your best to push forward issues that could put us on the map.

Dealing on the Police, we learn from your Speech that an influx of Cayman recruits were into the Force, and the report from the Commissioner of Police reports excellent progress has been made in the training, and I hope that this trend continues, because we have been getting recruits from other West Indian islands and seemingly don't stay with us after a matter of years. they go back home or they leave the job, get married and take over jobs that Caymanians could be having.

We hear you speak of an expansion of the Civil Service which took place at the beginning of the year 1975 also. The Immigration Department has been separated from the Police, which I think is a very good cause knowing that the job was becoming complicated, and it would become confusing for those two departments to be together.

Speaking of the Commonwealth, during the year two Members of the Assembly were honoured by the Queen. The Honourable Chief Secretary, Mr. Desmond Vere Watler with the CBE, and the Honourable Member for George Town Miss Annie Huldah Bodden with the OBE. On behalf of the people of these islands I send my best wishes to both of them, and I do feel that they deserve to be honoured, knowing that they have never tired in doing what they feel is good for the continuation of a good and stable government in these islands, and may God's richest blessings be theirs also.

Mr. President, I go now to the private sector. it is always said that criticism is good sometimes, but it must be constructive, but I do feel that no one can exist without it, and if anyone is to try to please the public, there will be criticisms and they will be criticised.

MR. CHARLES HILL (CONT'D): 1976 is an election year as you said in your Speech, the fever of politics seems to run very high. The question arises, can any change in the people who represent make matters any better or any worse? Mr. President, it is only at election time that politics become a concern. When a person reaches for his back pocket and finds that his pant has no back pocket, it is then that he wishes for a pocket in his pant. You hear much said about the need for fresh blood in the House, but I say this, that fresh blood in the House if it is not used for a stable government and good government it could mean nothing but destruction to the whole of the Cayman Islands.

We learn in your Speech that the George Town port work will continue and the re-surfacing of Cayman Brac airfield will begin in April. The report of the Water is under study and as soon as British Aid funds are released additional piped rooms at the Comprehensive School will be had. And the black-topping of roads in West Bay will be completed.

Speaking on the Department of Tourism. The winter seems to be a bumper season. And planning approval has been given for an expansion of facilities at one of the leading hotels, they have a boost in the construction industry, this is all dealing in the year 1976.

We go to the Mosquito Research and Control Unit will continue control on mosquitoes by expanding in all aspects.

The Hospital in George Town is expected to expand with addition to the staff of a fully qualified Caymanian. You mentioned that a Boys' Home will be sponsored by the Rotary Club.

I noted with great interest that you stated in your Speech that if possible an addition to the airfield programme. A start will be made on the community centre in the outer islands, and an additional classroom will be added to one of the schools.

The year 1976 was entered with a deficit, and the Islands had several projects to be finished by the end of 1975 and for which we had no money re-voted. It seems as if the 5-year draft Economic Programme Plan is nearing completion and the Plan formed. Let us hope that this will be one of the issues the new House will have to deal with.

Speaking of an Economist. The United Nations Economist will be replaced by a Caymanian. And you also spoke of the Police in 1976 the training of a special Constabulary force, I do hope that it will make better relationships between the Police and the general public.

Dealing on the private sector a barbed-wire factory will commence operations in George Town, and there are other proposals for light industries on Cayman Brac and Grand Cayman, and in the next two years we can look forward for some development in the building of hotels.

I'm very pleased to learn from your Speech of the Executive Council as to its dedicated performance they have administered during the past year, and also the work that has been done by the Civil Service and many other organisations.

Mr. President, from your Speech I understand that you will be returning to the United Kingdom for two months' leave which is at the end of the first half of your term in office. I wish on behalf of the people of these Islands the best, and I do hope that those who you leave in charge will be shown every inch of respect as the work keep the Islands stable in a hard one.

Mr. President, in conclusion I must say during my time in this Chamber, and while serving the people I tried my best to do what I thought was good and right for the people who placed me in here. As I sing my "Swan Song", I say it without any malice or ill-will in my heart, may God guide us and guide this House in all its deliberations, and may the Cayman Islands remain a sound and stable Government as it has been in the past. Although criticisms we will have, may God's richest blessings be with us always. I thank you, Mr. President.

MR. PRESIDENT: I think this might be a suitable time to suspend and resume discussion at 2.30 this afternoon.

HOUSE SUSPENDED AT 12:32 P.M.

HOUSE RESUMED AT 2:30 P.M.

HON. TREVOR FOSTER: Mr. President, Honourable Members, I first would like to take this opportunity to compliment His Excellency on the very informative speech which he delivered a few days ago. I would also like to take this time to welcome Captain Charles Kirkconnell, our new Member and my colleague from Cayman Brac. I sincerely hope that Captain Kirkconnell's term in the Legislative Assembly will be one which will be fruitful to the constituency and I am certain if it's fruitful it will leave him as I have been left over the years with an inner feeling of satisfaction, once he's made accomplishments for his islands or for the constituency.

Captain Charles, I might say there will be times when the going gets rough, but the job has to be done, and you have to stick with it as others have done, and I feel in the end you will be victorious. I might add that Captain Kirkconnell brings with him, before going into politics, achievements which he has done for Cayman Brac and Little Cayman, as I said without any political attachment whatsoever, and I feel that the people in the Brac have said thanks to him during the recent by-election.

Mr. President, your Speech has been a very comprehensive one, and one which has detailed the state of the Islands, I must say that once the public reads this properly there should be no misunderstandings to what has been done during 1975, it has out-lived the position as it stands today.

Mr. President, I would like to endorse your words that few tears were shed during 1975, not only by this small area, but by no country in the outside world. 1975 has been a very hard year economically throughout the world, nevertheless Sir, with all the problems in the outside world, I can't help but say that the Cayman Islands were very fortunate during this time. It was what I would consider a year of achievement for the Cayman Islands and its government, and this speaks well during a period of recession. It was a period when government was able to complete certain projects, although all are not completed, such as the Hospital, a very needed facility in the community. It is an amenity which the people expect to have and which very well said, an amenity which was needed. It was during '75 that government was in the position to complete this so needed facility. The construction of the freight shed went on, additions to the schools, the Administration Building, roads, and of course the Port Project still continues.

In saying that it was a year of achievement for Government, vast amount of money has been spent on these projects, but I feel that it is what the people have been asking for, many of the facilities what no doubt this area needed years before, but it was only at this time that funds were available. And as you so very well stated, it was no better time that it could be under-way, because so to speak cushioned unemployment, and which I feel that this is part of Government's obligations to the people of the small territory. Many have said that it was not good leadership to spend certain reserves, I asked the question, when should this be spent, if it is not during a time of need by the people. We're not the only government, Mr. President, that has gone forth with a small deficit, and I don't suppose we will be the last, but with good housekeeping as you stated in your Throne Speech the position will be corrected and no doubt reserves will be created again for future needs as such. I think and can only say that I feel it was good sight in Government to use them at this particular time and to give the working man in the Island a break to have some employment when the private sector seems to have gone under to a certain extent.

HON. TREVOR FOSTER (CONT'D): Mr. President, Honourable Members, as far as I'm concerned another great achievement during the year was the small increase in the tourist arrivals and of course the financial sector as the tax haven as it's mostly called. It could have very well been the other way, the numbers could have been down. We realise that all through the West Indies, or at least most of the islands tourism has taken a downward trend, due to unrest, political upheaval and various problems that are happening within the area, but thank God the Cayman Islands, our tourist trade increased. I feel during the year '75 that with the coming in of the cruiseships added quite a bit towards this, and it seems that this will continue in the months to come.

Mr. President, mention was made during the Throne Speech of a survey of the Brac with respect to instituting a garbage collection. I feel this is very much need on Cayman Brac, although it is being done on a small scale at present, I feel the advice of the engineers should be noted, I feel every move should be made to institute this system as quickly as possible. I might add that it was thought that last year we would have been able to get the garbage truck, but it didn't work that way, and we hope to be able to purchase this truck for the purpose this year. Although in the Brac we have, should we say a very segregated community, that is district-wise, I feel that the institution of collecting garbage would not cost very much. No doubt co-operation from the public would be forthcoming, and it could be used to a very constructive move in helping to fill swamps or even say the Bluff road while it is under construction.

Mr. President, I must also endorse your statement that the islands owe much to the United Kingdom for schools. Education is the key to success, it behoves Members and this Government to make every endeavour to upgrade our educational system. First we have to have suitable buildings, which are up to standard, and so that they create an atmosphere which lends itself to higher learning. Mr. President, if the men and women are being educated right we should be expected to fulfill the needs our labour facilities, and if the children in the Cayman Islands expect to fill the higher posts, higher positions in our modern age, they must obtain an education, we must give them an opportunity to be educated. Needless to say what counts today is a certificate, practical experience is very good, it plays its vital role in any young man's or young women's life, but in the world today of modern education, the piece of paper is what counts. This has been the down-fall of many of our Caymanian people, they're practical people, in many cases they can do the job, but we are entering a new era, and it's an educational era, and we must educate ourselves and guide our educational system so that it will bring about young men and women which are of a higher standard of education, and therefore be able to fill the posts that at present we have to import people for.

It's since 1973 I must say, it has been one of my particular goals in the Brac to upgrade our High School, we have come a far way with it, like for we have put an extension to the school each year, we've increased the number of subjects, and also the teachers, but we still have assistance to go, particularly in the sciences. We need laboratory equipment, and the facilities that go along with it in order to bring the school up to the 'O' level standard and have it self contained. The 'A' level standard in the school in the Brac, Mr. President, is another problem, before the arrangements were, that once a kid was that type of material, he wanted to take 'A' levels, he would come to Grand Cayman, I don't think this is going to work too much longer, a matter of fact each day sees a less attitude towards coming here to school. I know that the number of kids that excel to this level are limited, but I feel every endeavour must be made to have the educational system upgraded so that the child, if he so feels; or if he or she wants to get a higher level of education he can attain it in his own island.

Mr. President, progress during 1975 in Cayman Brac was satisfactory, nevertheless there're always need for more. I touched on the projects that are still under way, which number one is the airport, it has been on the way for quite awhile. I'm aware of all the problems which

HON. TRUMAN FOSTER (CONT'D) why this project could not be completed before, there always seem to be one hurdle at the other which is nearly impossible for us to get over, but at present they seem to all be coming to an end. First it was waiting on the hot mix plant, then it was crushed rock, for which this need has been fulfilled by private enterprise, and crushing goes on, but then came the problem of getting the crushed rock suitable to the needs of the project, and then at the last when it go on the way it was a major break down in equipment. However, that has been made right, and we're crushing rock again, so we feel certain that this job will get on the way shortly, but I may say, also for the benefit of my colleague on my left that it's unfortunate that this delay has been, and every effort in the future must be done to get this off the ground. On the contrary I feel if it's not done shortly the plane won't be able to get on the ground, because the field is very rough, and I think I know a little bit about the surface of the field. So I can only ask Sir, that every effort be made to push this job for the benefit of Cayman Brac and Little Cayman and its people.

Mr. President, another pet peeve of mine over the year has been the airport at Little Cayman. I fought the re-opening of this for six months, but without success to a point, I've discussed this with my colleague, and we're going to make every effort to re-open that airstrip, we're going to try during this year to push this, I feel it's very needed. Not only that the islands need to be supplied with transportation for the few visiting tourists, but it is also the need for freight, to get into the island. and it could help the income of Cayman Airways if they can carry their passengers direct as well as the freight. I feel there's no need why this should be closed much longer. I feel the criteria for the re-opening is small, it's limited, I feel it can be answered, and I feel with pressure it will be answered. And I am certain that we're going to turn every stone to get this re-opened, I can only ask co-operation from the right channels.

Mr. President, we're still struggling on our Bluff road, last week saw the re-surfacing of the South cut and now cars and trucks can approach on the south side. We have approximately two thousand and one feet to connect the road, and then we will be able to cross right across the Bluff. Here again I can only ask the support of Members with financial help for the continued construction of the road. I feel that the Bluff road and the opening of the agricultural land and the land which is up for development will mean a lot to Cayman Brac. It will mean the people can get there to cultivate their lands, people can get to their land on a whole, and it could, in the future open a whole new area to the Brac which is very needed.

Mr. President, mention was made of the Town Hall, or Community Centre, whichever you wish to call it. This is definitely a need in the island for this, there again we ask for help with it, it's unfortunate I might say that the Commissioner who had town halls as I am told for his pet graves did not remember Cayman Brac. However, as the job befalls us, here again we shall put our shoulders to the wall and see what can be done about this. It could mean a great thing to Cayman Brac, not only as a town hall where meetings can be held, it could mean a hurricane shelter, if and when it's needed which we don't have at present. A heavy hurricane like what the island witnessed in 1932 could be very disasterous to Cayman Brac, with water supply particularly, and I feel it could offer a service in two ways, as a town hall, a hurricane shelter and a water supply in time of need. I think here again, if we can get this off the ground, community help can be found again for this project.

Mr. President, Broadcasting, I would like to touch on that very briefly, I feel very happy about it, I know some of the delay, some of the additional expense to this project has been caused, should I say, directly through me, as the representative of the Brac, but I feel it was very essential. It would have been very discriminating if a broadcasting system was constructed in Grand Cayman, and the people of the Brac and Little Cayman could not hear the same news, music etc. Therefore with additional expenditure in the way of transmitters etc., when it goes on the air it will be possible that the people in the Brac will have the same service as those in the larger island. This I'm very thankful for, and must say the co-operation by Members was appreciated.

HON. TREVOR FOSTER (CONT'D) Mr. President, the projects that I have mentioned before are still on the way, we still have a fight to complete. The ones that I'm going to mention now are projects that have already been finished, and which have in their small way played a similar part to cushioning unemployment as did the projects in Grand Cayman. That is our new doctor's residence, which new lands were purchased for this building, and a new building erected on it. The District Officer's house in Little Cayman, of course the land for that was purchased previously, and of course the extension to the High School. Road construction went on during the year, as I said to help alleviate unemployment. One can only say that we were very thankful that these few projects were made possible during 1975. Although the allocations for development in the Drec for 1976 are not as large as that of '75, we still have continuous projects, such as the constructions of road and the Airport, which indeed will alleviate unemployment again. As you mentioned the other enquiries about light industries etc, we look forward to this, and we hope that in the not too distant future some of the dreams can become a reality. And a reality which will be beneficial to our people on the island.

Mr. President, you mentioned Agricultural and Industrial Loans Board. I must say that I feel this could be of great help to the people in Cayman Brac as well as here in Grand Cayman. One and all know that certain agricultural developments can't go on in the Islands, but we have not been blessed with the very best land for the purpose, therefore, it takes additional funds always to go any type of agriculture. I think if this can be initiated, it will be very helpful to the farmers. The only point I would like to make with it, is that we would like to know that it's available to the people in the Brac as well as it's available to the people in Grand Cayman. I feel we have quite a few that are interested in farming in Cayman Brac, and if they know when it comes about, it's possible for them to get small loans, I feel they will endeavour to utilise it and make the best of it. So I can only say that I look forward to this becoming a reality, because I feel it can be very helpful to the people on a whole.

Mr. President, much has been said about communications and information since the debate on the Throne Speech started. I'm thankful for Members that in truth and in fact this Session, the Members of Executive Council on a whole have not got as much blame as has been given to them in the past. I'm very thankful for this. But Mr. President, I feel that I should take time to make clear the channels and the roads that have been left for all gripes, all problems to be carried to under our Constitution. As far as I'm concerned the course is very clear, we have twelve elected members from the Cayman Islands, and out of twelve four were nominated and elected by the twelve to be the representatives of the people on the Executive Council. We're all representatives of the people, therefore Members have taken their representation on Executive Council.

Prior to 1972 when we got this new Constitution, people asked, Members made suggestions that we should have more say in the affairs of our own country. Mr. President, the new Constitution brought about this. With my limited political knowledge I feel it is the Members' duty to channel his complaints to the particular Member on Executive Council in charge of the portfolio under which his complaint may fall. Members of Council each have offices, they would be quite welcome whoever comes there to discuss business and problems of Government, and, Sir, this is the channel left open for Members to carry their rights directly to the Member in charge of the various portfolios, and I am certain that Member will try to do all that is within his power to explain to him or to have the problems solved to the best of his ability. Mr. President, during the same course information can be derived from the Member as well.

I feel that the Constitution has worked very well, it has laid the road for us to travel. Now if we do not want to travel that road, this is another problem. But I feel it's not too much to ask any Member or representative of the people to do this, be it to the particular Member's office, carry his gripe, seek relative information, whatever he wants to find out about. For example I think it would be a lot more simple to sit an office and scrutinise the contract, rather than have it laid on the Table

HON. TREVOR FOSTER (CONT'D) :here, it's not a problem. Much has always been said about contracts being laid on the table for Members to see, Members can see those contracts if they would just go to the particular Member's office. He has the privilege of scrutinising them, the word is there. I do not think it's fair to say, that the Constitution is not workable, I feel what is needed is that we must make it workable. Members may have become a bit complacent, and Members need to channel their problems to the right source, and likewise, seek information from the right source, and may be the outcome of the enquiry would bring a different picture forward to the public.

Mr. President, whenever you go, even to people probably visiting the Legislative Assembly here seem to interpret people's speeches or statements in the wrong way at times. I feel that one should be very careful if he's attending to listen to be certain to carry out the right information, because at times the wrong information can do more harm than it can do good. As the Lady Member said this morning, the Cayman Islands have a lot to be thankful for, we all have a lot to be thankful for. We are a source of envy in the Caribbean at present, but it doesn't take much to upset that apple cart, it has taken many years to build it. The Lady said that our forefathers/helped build the foundation on which we now add other parts of the construction to, and this is very true. But I might add, that it doesn't take much to tear it down. I think that the people of the Cayman Islands have come a far way, as she recalled the old days when one didn't have very much to work with, to live with or anything else. We should be thankful for the great strides ahead that we have made over the years. We should take time out to count our blessings, we should take time out to remember that there're less fortunate people in the world than us, some are dying, some are starving to death, some would be happy to eat the crumbs from a Caymanians' table. It's a time that people here never seem to stop and think about this.

Certainly Government during the latter part of '75 have had to make small tax measures to keep up the facilities the people need, a bit of griping has been going on about it, but I would like to ask, what is the job of our representatives? The people asked for the amenities which they need and rightly so, the people in these communities need amenities if they are to exist, that.Mr. President.is one side of coin. The other side of the coin, Government needs money to implement these projects, it needs a source of continuous income to keep the facilities going. And as one member stated, and I feel that way with his thoughts as well, that if we are going to build or we are going to create these amenities, whatever the case maybe, we might as well create and build something that we can be proud of in the years to come, and not have to retrace ourselves and redo a job which was done two to three years ago. It might seem a little bit extravagant, but I feel that the islands have done without these amenities long enough. I recall the Hospital in the Brac; the people suffered long enough, the people must have the needed facilities, but they must remember as well that it costs money to operate these facilities. They ask on one hand for something to be done, and it cannot be done without money, so I would say, that if the public of the Cayman Islands stepped and looked over the course which has been taken over the last years, they will see that we have excelled. Surely it will cost a bit of money, but don't convince yourself without proper information. We're not taxed in the Cayman Islands, go abroad and you will find out what taxes are. A few people might gripe about paying thirty three and third percent import duty on a commodities, and in the Bahamas it's something like sixty five percent, Costa Rica, someone said up to nearly two hundred percent, we're not taxed, but one thing, your Members in the last four years have tried to fulfill the needs of the people. Can one ask more than that? They've tried to fulfill these needs, and naturally it takes money to keep them going.

Before concluding,I would like to say that the days when vast amounts of aid would be coming As far as I'm concerned, I think it's getting to an end. Caymanians are going to have to realise if they want stuff they're going to pay for it, if we don't want it that's another matter. I feel today after going through the President's Throne Speech and watching the detailed manner in which he outlined the various departments and their operations, a steadfast course has been set for '76. One which is not

HON. TREVOR FORBES (CONT'D) ...over-investment, but putting the projects together, putting the facilities together, and trying to see what is the next priority for the future. I feel that the State of Government affairs deserves credit, things could have been worse, and again I beseech the people, don't get over excited, we have a good thing, do not let us turn it up.

Mr. President, I must say that I feel your Speech will be quite enlightening for the people to read and understand it, and I feel certain that it will achieve what it has set out to do. I feel that it has been a period when Members were all a bit touchy, not knowing exactly what to do, and finances were not all coming in as maybe expected, but I think with your leadership a great job has been done, and in conclusion I would like to say that it has been a pleasure over the years working with you, and we look forward to continued co-operation. I thank you very much.

HON. A.S. BUSH: Mr. President, Honourable Members, I see that the time has come when the Government Bench should really have more than one speaker, and so I will now undertake to give my comments on the Throne Speech. First of all Mr. President, I want to congratulate His Excellency the Governor for the magnificent Speech he made from the Throne, and to say how very much it was appreciated. I'm sure by Members of this House, and by Members also of the public who were there in the Gallery on that day. The pomp and dignity of the procession of the State Opening of our Parliament was really something for us all here to be proud of. It was a Speech well written and well delivered, and I know Members here realised that it's not a very easy thing to make an address for more than an hour without failing or faultering in some way. This you did Sir without any faultering whatever, and again I say I congratulate you on such a splendid Speech. I too must mention the prayer that was said at the State Opening of our Parliament by our Chaplain for that occasion, the Reverend John Gray. I don't know who else took note of it, but I certainly did, and I consider that it is one of the best prayers that I've ever heard in the Legislature.

Mr. President, your Speech was so clear and plain of the accomplishments of the past, and it set out so clearly and plainly the expectations for the future, that it made us all feel like we could visualise everything that had been done and what is hoped to be done.

I, Mr. President, will touch on the subjects in your Throne Speech for which I am responsible, those relating to Communications, Works and Public Transport. I will not go into any of the other subjects which other Members of this House are responsible for, and for the benefit of those who don't know, every subject mentioned in your Throne Speech, there is a Member here in this House responsible for it. So I will stick to what is mine, and I'm quite sure the other Members are quite capable of replying to any criticism which was said on the subject for which they responsible.

I will, Mr. President, first of all start off on our roads, and on the Road Programme which Government has undertaken to do. I believe if there's any other subject that has been talked about more than this particular subject, it is the one on our dock facility. Our first tarmac road lasted on something like seven or eight years, and it all got into such bad disrepair that something had to be done to it. We thought of course when we built it, that it would last forever, but with the ever-increasing flow of traffic this soon proved to be not so. Now when Government undertook to launch a new road programme it was decided that rather than follow the same method of building roads as we had in the past, that a new system altogether should be adopted, because of the increase in traffic which we had experienced from year to year. The type of road we built in the past could no longer stand, and I will have to bring myself into this, Mr. President, because I will have to say that I thought about this particular way of building roads.

HON. A.B. BUSH (CONT'D): We had been spending something like a hundred and fifty thousand dollars yearly on the repair of roads, maintenance of roads, and it was decided then, rather than spend that amount of money each year repairing roads, it was better to spend it to build a new type of road. This matter was put to Government, it was agreed to, and I took the matter up with the Chief Engineer of Public Works to get some idea as to cost, and also to determine from him whether it was possible for the Public Works Department to undertake such a scheme. I received a figure from him on the cost a mile of roads of this particular type of road.. But still, not being satisfied, and in an endeavour to make sure that it would be undertaken in the right way we also asked for any interested contractors to give us a figure on what a road like this would cost us. We received figures from two contractors, and conditions under which the roads were to be built by those two which gave us figures, they were not acceptable to Government.

We considered that although we would get our roads built by a contractor, that the best way to continue with our road programme would be for us to purchase the equipment ourselves and have the Public Works Department re-organised and do the work. Mr. President and Members, I believe this has been the surprise of the century, to Members here and to members of the public, to see that our Public Works Department here in the Cayman Islands had the expertise and the ability to undertake and to do this new road programme which we are on today. And I want to say for the benefit of Members who criticised, who find fault with delays, who because everything don't work just as they want it to work, condemn the Public Works of these delays; but I am sure had Government given it to anyone else the programme would have been stopped by now, because even the revised figure of the Public Works Department hasn't reached the original figure of those we had to bid on it. And I'm sure Members know that with the escalations of cost in fuel and bitumen, by this time the programme would have been stopped, and you would not have had as many miles of road finished as what you have today by the Public Works Department. There's another factor in it, that we can continue building roads, the money has been spent in our Island, the work has been done by our own people, and they have been masters of the work to continue doing our road work in such a way. And we today in this island can boast that we have roads as good as any Caribbean Island.

Mr. President, the next subject that I would like to touch on is our dock facility. This has been criticised, so much fault found with it, that probably if Government didn't know it was right in what they're doing might have given it up. I can assure Members that before Government undertook this, they went into it in great depths before undertaking it. Mr. President, I would like your tolerance Sir, if I should go into this matter a little more thoroughly. I don't want to speak so long because I don't like long speeches, I don't like to take a hundred words to say what I should be saying in ten. But I believe from the criticisms we have heard of this facility from Members of this House and from members of the public that it warrants some explanation in great depths. So I will ask your tolerance Sir, to go into it.

As the Lady Member from George Town said this morning, for fifty years, and I don't think she was exaggerating at all, because from the time I was a boy I heard it, the need for a dock, something for boats to come into to land our goods from abroad. Well, I won't go into what it was in the past, but I will say for the last ten years Government has given serious consideration to the building of a dock facility.

Government employed under technical assistance a team of consultants, I think this was done in '69 or '70, to make a survey of the island of Grand Cayman to determine and report back to Government where they considered was most suitable for a dock facility. I remember when that report came back to this Legislature, I was sitting right where Mr. Claude is sitting now. When the announcement was made that Government had decided to put the dock facility in the Red Day area, I rose from my seat and I said, I am very concerned to know that Government had made such a decision, because as everyone knows the south side of the island is the roughest part of this island all the year round, and I do not agree that any dock facility for the island of Grand Cayman should be put on the south side of this island, because everyone knows that anytime the wind goes south our easy

HON. A.H. BUSH (CONT'D): it is rough, there is no mistake about it.

Four areas were surveyed, namely, West Bay, George Town, Red Bay area and North Sound. West Bay was rejected as not suitable, George Town was rejected as not suitable because of its northwesters. The Great Sound was rejected because it was not at all economically possible to put any facility in the North Sound, because of the cost, and so the consultants considered that the best place for this facility was in the Red Bay area. Now they estimated that the cost of this facility, that is the dock alone, the berthing space, and the warehouse space would cost something like three million dollars. But there was a considerable amount of dredging to be done, and in order to get the true assessment of the budget it was decided that they would have the consultants draw up tender documents for the dredging. And, Mr. President and Members, the files which I have seen, which I have today in my office, the dredging alone was estimated to cost and bid on by contractors, I think was from five to eight to eleven million dollars, so add your three million dollars to it for the dock and there you have true cost.

This information was given to the Caribbean Development Bank that was to finance this facility, and they turned it down flat, this is according to the records which I have seen. So in 1972 under our change of Constitution, (the present Constitution), which we're in, when I was given the portfolio of Works and Communications, this was one of the first things that I went into, because I was very concerned about it. I know the island needed it and should have it. So I've seen correspondence from the Bank on this, but they were willing to finance a dock facility in George Town for the sum of one million dollars. This was a small amount, because it didn't at all provide for what I wanted to see. I took this matter to Government and suggested that an application should go to the Caribbean Development Bank for this project. As a result of this they sent down one of their port engineers, a fellow from up around the state of Maine, I think he was from, I know he was a down easter, we always called him, a man by the name of Lufkin Johnson. He brought with him three or four drawings of what he thought would be suitable for George Town. I must tell you this, I didn't accept any of them because they all called for open structures which I did not agree with, and I know that there are some here who know as I do, and have put forward the argument at that time, that any time you put an open structure that the sea can break on it, it will soon be destroyed, regardless of what you build it out of, if it is an open structure where the sea can wash it.

Well, there were quite a lot of arguments went on about that, and another engineer was sent from the bank and I told him I thought that it should be a solid pier. He agreed with me, but it was somewhat modified to what I really had in mind, however, he asked me to go along with him, and let our present consultant which we had then, draw up tender documents for consultants to make other designs to let us see what they would come up with. We agreed to this, and as a result of that you have the designs which we are working on today. And I want to say here today, that I don't think that any other design or type of construction was suitable or would do the job that it has to do but the one which we have here today. I know that it is behind in construction, this is because of the adverse weather which we had, that kept the contractors back. This was to have been done in November this year, but it has gone on that the completion date for this facility now is February, 1977. I think the Member from Bodden Town asked me yesterday, do you think that by 1980 we'll have the dock in operation? I told him the completion date for the dock is February 1977, that is the date for it. It is a limited facility, but it's going to be a splendid facility, and we hope that it will take care of the needs of this island for the next twenty years.

You know Mr. President and Members, I would like Members to make a tour of that area and see what is being done. But you know I may get the same retort from Members that I had when we went on a tour of the first paving of asphalt on the West Bay road, I was told that it's only a political gimmick, so I'm not going. But you know, Mr. President and members, I suppose the reason why they wouldn't go, is for the same reason that the devil won't go into the Lord's House, because the good works which he sees there will put his criticism to shame, and so he'll rather stay at home. So much for the dock, Mr. President.

HON. A.B. BUSH (CONT'D): The Radio Station, that too is behind. We were expecting that this would be opened much sooner, but because of delays in construction of the building and of equipment it was just impossible to get it ahead any faster.

Now I heard a Member say in his deliberations on the Throne Speech, that the Radio Station was something that was far too great, or something like this, for what we are getting. Let me say we have a first class building, and again I would invite any of you who haven't been there to go there, it's something to be proud of. And it was thought that it was best while we were building it to build something good, because to have built something not good enough, and to have built something good enough in years to come was going to cost us more money. So we put something again that it will be a long, long time before any expenditure in building this will be needed. And we hope, as has been outlined in the Governor's Throne Speech, this Radio Station will be on the air on the end of this month.

I'd like to touch, Mr. President, on our airfields, which I consider part of our infra-line. The Cayman Brac airfield was to have been re-surfaced, and this was to be undertaken and it will be undertaken by the Public Works Department. I know much criticism has been levelled at this, about the delays, and I think the Member from Cayman Brac would have gone in to some of this more fully than what he did. But the delay in the re-surfacing of the Cayman Brac airfield is not altogether the Public Works fault, what he said is true, there was a delay in getting the type of plant to do this particular work, and then another delay was the material to do it. The Public Works Department contacted a firm in Cayman Brac who promised to have undertaken the crushing of rock, and we thought this was to go along, this was going to be undertaken by that firm, but after some months they decided that they were not going to buy a crusher to do the work. You know, Mr. President, I looked at this as something that was expected of somebody else but yet somehow there wouldn't do it, they had no faith in their own country, but they expected somebody else to have some faith in it. And so the Government did not want to purchase a crusher just to do that one job. But I argued with these people that the need for crushed rock would always be in the islands for building purposes, but it didn't seem like I could get it across. Anyway the position now is, that we do have someone, and someone from Cayman Brac who undertook to purchase a crusher, and to do the work. First they had a different type of rock mixed up in the rock that was blasted at the Bluff to crush and I think they have the fault straightened out now, and we are hoping that sometime next month work will commence on the the re-surfacing of this airfield. I know it is the ambitions of the Members from Cayman Brac that this should be turned into a jet strip, I think these ambitions are indeed high at this time. I am a realist, Mr. President, and although I, too, would like to see it, I cannot see where it will be economical for this Government to do this airfield as a jet strip for the next five years.

Mention was made by a Member that this should be done, that we have the airfield in Grand Cayman as a standard that we can't go any further. Well, this just tells you how much that Member knows of the airfield in Grand Cayman, because although we do have a jet strip in Grand Cayman it is a bare minimum of a jet strip, and it is lacking to international standards. We have six thousand five hundred feet of run way and eight thousand feet of run way is required, the Government cannot do it, but we hope that some day this will be done to bring it up to international standards for a run way. The expansion that is needed to bring this airfield up as a first class airfield is great, and surely every endeavour should be done to bring this one up as well, because we should realise that if you don't have one in Grand Cayman there's no chance of you getting one in Cayman Brac, and I don't think any of the two Members or anyone in this House to take it that I am against improvement of the Cayman Brac airfield, I am wholehearted in agreement with them, and this is going to be done, but a jet strip is a different matter altogether.

The Little Cayman Brac airfield, this is as most people know a grass strip, and not at all available for night operations. It does not meet the requirement of a DC3, and this has been intimated to us by the airline, but passenger service it does not meet it, freight service is

HON. A.E. BUSH (CONT'D): permitted in there. But I just want to try to make it quite clear to Members that when the Government licenses an airfield for a particular type of operation you must understand that a man or a woman buying a ticket on that plane that's going to land on that airfield feels like that Government knows what it's doing. And every precaution has been taken to make sure that it is safe for them to land on that airfield, the Government could not do this in the case of the Little Cayman airfield. I think what the Member did not explain is, that air service between the islands of Little Cayman and Cayman Brac still continues, of course with a different type of plane.

I see the Member has left, and I'm sorry because I wanted just to explain to him and just to touch on this claim on contracts which he's given me such a grueling in questions - contracts which Government entered into, and in particular one contract. I wanted to let the Member know that this Government is as capable of entering into the right type of contracts as any other Government in the world. I want the Member to know that these contracts are drawn up by our Legal Department, and I have no fear that they are in any way wrong. He mentioned in particular the contract with the American contractor for the deepening of the water along side our dock facility which we are building. So I have to go off on this Mr. President, but I think it deserves some explanation, because I know how easily things can become misconstrued by the public, and I'm glad that some Members are here today from the public and maybe they can carry the facts out.

When the water along side our marginal pier, this is the wall that is being built now running north and south of our dock facility, it was ten feet of water, and when this was undertaken Government decided that it was best to endeavour to deepen this water, so we decided to take it down to fifteen feet sound. Now we tried to get someone to undertake this, and I will just give figures of two that we asked to do this job. One gave us a figure of a hundred and twenty thousand dollars, the other two hundred and fifty thousand dollars, this was impossible, we were faced with leaving it at ten feet, or paying this amount of money which we did not have. Our consultants started searching around, and they found one in Miami, this is the American contractor that the Member has questioned me so strenuously about, and considers that forty five thousand dollars which this Government paid to have that work done was too much. I would like him to be here just to compare that figure of forty five thousand dollars with the one I gave him before. It is true as I've said in replies to the questions asked me, he got into financial difficulties, simply because I consider he was doing us more than a favour to undertake it at such a small amount, we accepted it. But the little that's left to be done can be done after the dock is completed, and can be done from the dock area itself. What remains there can be pulled up on the dock with the dragline without any problems whatever. So had we not got on to that contractor, we would have had to leave the dock the depth along side of that marginal pier at ten feet, and it would have been regretted for the balance of our lives, because as you know ten feet isn't very much today.

Mr. President, I want to go back again because I omitted a part of what I wanted to say. I've heard so much about a deep water harbour, and surely the Government hasn't undertaken to build a deep water harbour, but for those who find fault with the facility which we are building in George Town, they claim that a deep water harbour could have been put in Red Bay. I forgot to mention this, Mr. President, but I want to go into it, the deep water harbour that they talked of in Red Bay and the plans for which I've seen was a depth of nineteen feet of water an alternative to that was seventeen, now where's your deep water harbour? You've got twenty four out here at the end of finger pier which is to be built, and you can easily get thirty if you undertake a little dredging. Where's the deep water harbour, this is really. Talk by people who actually don't know what they're talking about. And I predict that had we, and thank God we changed our Constitution when we did, had we undertaken that project in Red Bay we would have been sorry all the days of our lives for it, because no longer than last week an engineer from the Caribbean Development Bank told me in my office, he said if you had only taken that Red Bay project it would have

HON. A.B. BUSH (CONT'D) least you sixteen million dollars today, and where were you to get money for a project that would take more than the total revenue of this island. Well, who were we going to see, no one as I know of. I must touch on, (and you know I almost forgot this) of that diversion at Red Bay, since we talked about the Red Bay area.

A Member asked the question, how much money has been spent on the diversion in the Red Bay area? I answered six thousand five hundred and eighty four dollars. He doubted it, he didn't know what to say, he disbelieved it, he disbelieves it now. I want to let him know that that is a factual figure, it's nothing fictitious about it at all, I have nothing to hide, it is taken from the records of the Public Works Department, and they have an accounting department in the Public Works Department for the information of the Member. I also want this substantiated by the Financial Secretary, Members of Government have seen this answer, if there was any doubt in the Financial Secretary's mind he could easily search the records, he's the man that controls the money. I don't, and would I or the Public Works Department risk such a thing as to be condemned by the Financial Secretary, who could say, this is not the figure you've spent on that, it is something more. They're surprised to know that the Public Works Department can give such performance for so very little. Have no fear, I give you no fictitious answers to any questions asked in here, they are factual as far as I am concerned.

Now another thing, Mr. President, I would like to touch on, because there has been some criticism levelled at it. You mentioned that there were so many laws passed during the year 1975, I think the Member counted the laws that had been passed are responsible for the recession which we're in, because it has shied off the investor from our shores. I wonder if the United States and all the other countries that recession has hit passed such laws, the Bank really lies on the Development Plan, but I wonder if the United States also had such a plan, or the other countries in the Caribbean had one as well. I took it Mr. President, that what the Member was trying to get across to this House that we should leave the foreign investor and let him do just what he wants to do when he comes to the Cayman Islands. I say no, we welcome the foreign investor in the Cayman Islands, but he must abide by the laws of this country; this country has a government, and that government should rule, as far as I'm concerned. It is not left to anyone to dictate his terms to this government. Surely we welcome them, but when we go where he is, we have to abide by what his country's laws say, and I am not at all prejudiced against any investor coming in here provided he is willing to abide by the laws of our country.

The Development Plan is one of great concern to all of us, I'm not saying what is down there in really what we need or what we want, but the intention is there to try to control the use of lands and this is what the whole problem is about, because you, I or anyone else can't take his land and do just what he wants to do with it. The Government with expert advice is trying to direct the people, to guide them in the right way where the land which they have could be utilised to the best advantage of the country. I don't at all take it that the recession we're in has been caused by anything which we did here, it is a world-wide something, and it looks to me like it hits the whole world every thirty, forty years. Because I remember as a younger man going to sea around the United States in the late 20's and early 30's when, of course I was on a boat and we were much better off than some I've seen on shore, because I've seen big men come down to the boat to get a cup of coffee, things were so hard in the United States, because of the recession. The depression they called that, however, that country, by good management came out of it, and I'm sure this one that we're in here today with the management which this Government has, can come out of it as well.

Things were flourishing two years ago, we had reached the stage where I had some say, you'd better stop it, it's going away from here, you'd better stop it. Too many people coming too much of this happening, you're losing control of the island. I know it would come when you know, we're right back to square one again, it gives you breathing space, it is good for you, as I say, the recession, it makes you appreciate more what you had in the past, and to look forward to getting it again. We have been

HON. A.B. BUSH (CONT'D): called spend-thrift, words similar to that, because we have embarked on such large programmes of providing the amenities for the islands. I want anyone to tell me what would they prefer, to have money in the banks or money's worth that they could use. This is what happened to the United States in the depressions, they had a President at that time who starved the United Republic to death, set up soup kitchens all over the United States, while the banks/bulging with money. Is that what we want here in our island? When the island needs so much, when you needed roads to get over with, when you needed a dock facility, when you needed some place to house the administration of the island, some place to take care of our freight when it came in at the airport. Rather than spend the money on these amenities would you much prefer to have had it in the bank stacked away somewhere else saying we got ten million dollars in the bank, while we just as poor, suffering human beings here in the island. I say people who would want such a thing are not fit and proper representatives of the people, they do not have the island at heart. In all my time in this Legislature as a representative of George Town, I have always preached that my aim was to provide the common amenities for the island, and I won't be satisfied until I see them all provided for here in our island. We have a magnificent road programme going, but that's not the end of the road programme, the end of that road programme will be to me, when every road in this island is surfaced as the roads of George Town are today, and side walks are put on them; then I will have achieved my goals of road building. We have a place today for the cars to run on, bear in mind, Honourable Members, we don't have a place for the people to walk, this must be the next step in our road programme.

Well, Mr. President and Honourable Members, I believe I have talked long enough, I hope I have gotten across the subjects that were criticised for which I am responsible, and I do hope that although it may appear to some as not the right thing for Government to have done in trying to provide the amenities of the island, that in the long run they will see and thank God that they had a Government who was prudent to do all that they have done, and to not out for the popular the things to be done. Thank you, Mr. President.

HON. D.V. WATLER: Mr. President and Honourable Members, I just want to add my bit to this debate, and to compliment the President for his very informative Throne Speech on Wednesday last. It was a very comprehensive Address, giving an account and a brief synopsis of all that has taken place during this year that has passed. A year that has had its ups and downs, a year of the recession, and yet we have done reasonably well in coming out of it, and I think one and all should be complimented on the way that we have survived this 1975. And then of the chart that he charted his course for this year, a year that has a lot of hoping for, there's still a lot to be done but with co-operation from one and all we can succeed and make this A very fruitful year.

I would also like to welcome the Member from the Sister, and we trust that he will have a very pleasant time with us into this Legislature. It is to be noted that he fills a seat that was filled by a master mariner before, and the new Member is also a master mariner, and we regret the passing of the late Member, and we look forward to this one contributing to this Legislature as much or more than his predecessor. And it is good to have master mariners in here, because these islands have a great tradition of the sea, and the course that has been charted for us this year is one that will need all of the skill that one and all can put in it. As you are aware with your tradition with the sea, not every trip is going to be smooth sailing, there are times when you have rough weather, and then there are times when the weather is smooth, indeed it takes the rough weather sometimes to really develop a proper seaman. Because a smooth sailing in that weather does not make for a good seaman all the time, so in that case we've had some of our sound wits in the year that has passed, and we might have some more in the future, but with all pulling together and working together, and that is the time when you find that seamen had to stick together is when the rough weather comes, so be able to sail the ship. And thus I hope that we all will stick together here in this Legislature, so as to sail this good ship Cayman, that we are endeavouring to pilot.

HON. D.V. WATLER (CONT'D): There were a few points made in the debate by some of the speakers, one was touching on the Radio Station. Yes, it has taken some time for it to be erected and to come on the air, due to delays of one kind or another, and a member has mentioned to wondered what the Government is doing to speed it up. May I say that we have had a report from one of the parties that is going to install this radio, because they went across to Britain over the week end, in order to try to see if they could speed up. All of the smaller bits and pieces for this equipment will be air freighted out, and the balance is coming as quickly as possible. There might have been some ideas at one stage that you would operate a station with a skeleton crew, but that isn't possible, when you realise that those that are taken on there, there'resome that are going to collect the news, some that are going to be broadcasting, so that you could not run a station with only three, we had to have more to do that. A broadcasting station is a necessity, so often we have things that are news that get around, and the reasons are very often speculations instead, and it is good to have a radio station to be able to tell the people what is really taking place, and what the Government is doing. It may be nice to have a television, but we've got to be able to get the facts and the news across to the people to let them know what the Government is doing and what is in store for the future. We can only hope that that station will be on the air as soon as possible, whether it will be at the end of this month, it is hopeful, but it might even go on until next month, because there are still parts coming. And this is Cayman, you're in to Cayman, and one and all are aware of this fact, that things that you order and order that you plans sometimes are delayed, and this is all that is holding up this station. The staff has all been recruited now, and they're ready to go on the air as soon as the equipment can be installed, and it will be done as soon as possible.

There was a criticism also about the report the Natural Resources Study and would like to have it presented on the Table so that the Members of the Legislature could see. We have not received that report as yet, and that is contained into the Throne Speech itself. In the Throne Speech mention was made that it has not arrived, so that there's no one trying to hold up any report, it just has not arrived.

Mention was also made about expatriates coming in to fill a post that is held by a Caymanian. If you read the Throne Speech you will see that the Government now has twenty nine students into colleges and universities trying to qualify them to be able to come back to fill these posts. One is back now, one that has been called to the Bar, and that one is now our Deputy Clerk of the Courts, and we're hoping that two others will also qualify and come back and take their posts also. But again like good seamen, it is all very nice to get the master's licence, but in order to have the master's licence there have been times that that man before he get his master's licence has had some time before the mast, in other words he needs some experience also. Qualifications are good, but you can't just bring a young chap out of the university and put him in charge, he has to have some time to gather experience and know how the Government operates, and how things go on. So don't be too concerned or too ambitious to say that the minute the person gets that qualification they can step into the head of a department and run it, they need some experience also.

Here in this session we've had the new Police Bill, and we've had the first and Second Readings, and there were some criticisms in respect to the traffic and to the drugs section. Well the traffic is doing as well as it can under the circumstances, and they're trying, and we have a special drug department also headed by a man with a lot of experience in drugs. But one good thing about this Bill, it make provisions for our Special Constables. How many times you'll hear in Cayman that this has happened and the other has happened, and why hasn't the Police done something about it. But many times the Police may not have heard of it. It's difficulty sometimes to get people to come forward and give statements, and go into Court, but if you now have Special Constables that can be taken on, they will be our own Caymanians, not people from overseas who the people do not know and may not want to divulge all that they know about the things that are happening, therefore our Special Constables may be the ones that will have to help us to carry out more of the things that we would like to see happen, and be able to know more of what is taking place.

HON. D.V. WALLER (CONT'D): The Cadet Force, yes, I think that the Commissioner would be and is considering this very carefully, but before a Cadet Force we would like to get a Special Constable on the way first, get that started to where he can have assistance, and he can give consideration to anything in respect to the Cadet Force.

Another mention was made about the Maritime Law and bringing it up and having our own Caymanians trained and all this. It is to be noted, and if the Members of the Legislature are not aware of it a Committee has been formed and is actively pursuing this, but you don't get these things done over-night, it takes time. There's a lot of communications and a lot of things to go into, the Laws and everything else, and it's going to take some time before anything can come, but it is being looked after.

In respect to the Nationality Act that was mentioned, that was mentioned in a debate, that is the British Nationality Act, we can't touch it yet, we have nothing to do with that. But what we can, and what we are looking after is our own Caymanians' protection, yes, but we won't be able to do anything about the British Nationality Act, but we are examining even now where our present Caymanian Protection Law, and at some future date we might have amendments to that, which may answer some of the problems that maybe in the minds of the people.

At one stage into the debate a mention was made of Caymanians not being treated as they should and having to come through a back door. Now this I would like to get around straight to, it was nothing disrespectful to Caymanians why they were asked to go this. They had a march in December, and at that time the road in front of the Administration Building was pretty well deserted, there was quite a number of people standing. When the application was made for this second march, this stated that it was going to be even more people, the Papers, and that the first one was about two hundred and fifty to three hundred, and the Commissioner was told that was going to be about a thousand people in this one. Therefore it was going to be difficult to have any traffic moving on that road, it was going to be a complete block of the road, and for that reason he suggested it would be better to go around. There is nothing disrespectful about going around to the back door, because frankly I can only remember twice that I went through the other one, once was when I came out to the demonstration, and the other time was once I went across to the Immigration Office, but all the time I go through the other door, and indeed, in fact, is it the back or is it the front, I don't know because when you come in to the one where the flags are, and they say it's the front door, you walk straight into the Treasury on one side and the Savings Bank on the other, and in order to find where you have to go, you have to go to the back of the building, if that is what you call it, to the receptionist. So sometimes you wonder whether the reception area then is in the wrong place, or the back door is in the wrong place, this seems almost like having the front door at the back of the building.

During the course of the debate, I was also criticised about an answer I gave to a question. Now frankly I did not mislead the House, the question was simply, did the company have a Trade and Business Licence? and I said "yes", it is a fact, no company can operate into these islands without a Trade and Business Licen. What did the member have in his mind otherwise, I don't know, but in order to operate a company into these islands you must have a Trade and Business Licence, and as I said in one of the supplementary questions, that they had that licence from time they started to operate, they had a Trade and Business Licence. So I was not misleading the House, and I would like to put that quite straight.

Well, Mr. President and Honourable Members, I don't intend to go into too much more, because other Members will be touching on the points that effect their own particular department, but I thought I should clear up those bits and pieces that were cited during the course of the debate. The only thing further I would like to say, that into the Throne Speech the President made mention of the fact that he will be going home at mid tour, and I would like on behalf of this House to wish him and his family a very happy holiday, and trust that he will be refreshed and strengthened to

HON. D.V WATLER (CONT'D): come back to lead and to direct us in the balance of his time here, and that it will be as fruitful as the past has been. And I'm going to trust and join him in that prayer, that as good Caymanians and seamen, that we will take God with us, the eternal pilot to help us to guide that ship of state, the ship Cayman so that she can be brought safely through all storms as stress. Thank you Sir.

ADJOURNMENT

HON. D.V. WATLER: Mr. President and Honourable Member, it seems as though no one else would like to speak this afternoon, in this case I would move the adjournment of the House until tomorrow morning at ten o'clock.

MISS ANNIE H. DONDON: Mr. President, I would like to say that tomorrow morning I have to go to the opening of the Grand Court, I shall hope to be back in an hour and a half.

HON. C.E. WADDINGTON: May I second the motion for the adjournment.

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 4.45 P.M. UNTIL 10 O'CLOCK TUESDAY MORNING 16th MARCH, 1976.

MINUTES

TUESDAY 16th MARCH, 1976

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE _ PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. K. HADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. ROSS, JP	SECOND ELECTORAL DISTRICT (MEMBER FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. M. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MACO, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M. DAWSON	FOURTH ELECTORAL DISTRICT, DAUPHIN TOWN
MR. C. CRAIG DOLDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

MR. T. W. FARRINGTON, CBE., JP ABSENT

ORDERS OF THE DAY

TUESDAY, 16th MARCH, 1976

1. QUESTIONS:

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE A.D.BOOTH,J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

(i) Give the amount of the various bids submitted for the tender for the Administration Building

(ii) Was there a penalty clause in the contract for this building for a time over-run?

(iii) State the daily cost for workmen that was written into the contract, i.e. masons, carpenters, painters, plumbers, electricians, labourers?

2. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

TABLE OF CONTENTS

	PAGES
QUESTIONS	1
CONTINUATION OF DEBATE ON THE THRONE SPEECH	
(a) CAPT. C.T. KIRKCONNELL	3
(b) HON. W.W. CONNOLLY	6
ADJOURNMENT	20

TUESDAY, 16TH MARCH, 1976

10 A.M.

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

QUESTIONS

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A. B. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

GIVE THE AMOUNTS OF THE VARIOUS BIDS SUBMITTED FOR THE TENDER FOR THE ADMINISTRATION BUILDING?

ANSWER

(a) $1,527,230:38

(b) $1,572,624:79

(c) $1,625,629:70

(d) $1,632,584:92

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Supplementary, Mr. President, can the Member say to which of these bids the contract went.

HON. A. B. BUSH: To (b) - the tender as listed here in the Answer (b).

MR. PRESIDENT: Next question.

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A. B. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT.

WAS THERE A PENALTY CLAUSE IN THE CONTRACT FOR THIS BUILDING FOR A TIME OVERRUN?

ANSWER

THERE WAS A PROVISION FOR ASCERTAINED LIQUIDATED DAMAGES OF FIVE HUNDRED DOLLARS PER WEEK.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary, were we able to collect any on this.

HON. A. B. BUSH: The whole matter has not as yet been settled, Mr. President, and so far nothing has been decided, as to what will be done, or this clause will be brought in at all in the final settlement of the cost of the building.

MR. G. HAIG BODDEN: Mr. President, can the Member say by how many weeks was the contract overrun.

HON. A. D. BUSH: I really can't answer the amount of weeks, there was an overrun, but I don't know exactly how many weeks.

MR. JAMES M. BODDEN: Was the overrun in any respect caused by the delay in the delivery of the furniture.

HON. A. D. BUSH: No.

MR. SPEAKER: Proceed to next question.

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A. D. BUSH, JP, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT.

STATE THE DAILY COST FOR WORKMEN THAT WAS WRITTEN INTO THE CONTRACT, i.e. MASONS, CARPENTERS, PAINTERS, PLUMBERS, ELECTRICIANS AND LABOURERS?

ANSWER

WORKMEN EMPLOYED ON THE ADMINISTRATION BUILDING CONTRACT WERE PAID ON AN HOURLY RATE AND NOT ON A DAILY BASIS. THE RATES WRITTEN INTO THE CONTRACT ORIGINALLY WERE:

MASONS	$2:00 PER HOUR
CARPENTERS	$2:00 PER HOUR
PAINTERS	$2:00 PER HOUR
PLUMBERS	$2:00 PER HOUR
ELECTRICIANS	$2:00 PER HOUR
LABOURERS	$1:40 PER HOUR

THESE WERE THE RATES IN FORCE AT THE TIME WHEN THE CONTRACT WAS CONCLUDED.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member say if the rate of a dollar forty cents an hour for labourers is below that of the minimum Wage Law.

HON. A. D. BUSH: I don't know, Mr. President, the rates as stated were this is what was paid when the contract was concluded, I can't take it any further than that.

MR. G. HAIG BODDEN: Can the Member say, Mr. President, if the rate of two dollars an hour for an electrician is less than fifty per cent of the normal pay for an electrician.

HON. A. D. BUSH: I can't say, Sir. That was what was being paid, and that was the list given in the contract.

MR. G. HAIG BODDEN: Mr. President, can the Member say where a carpenter can be found, or a plumber can be found for two dollars an hour.

HON. A. D. BUSH: We remember ..... (MIKE TURNED OFF)

MR. G. HAIG BODDEN: Mr. President, can the Member say two years ago where a carpenter could be found for two dollars an hour.

HON. A. D. BUSH: (MIKE TURNED OFF)

MR. JAMES M. BODDEN: Could the Member state, whether the figures he has given us here were the exact amounts that was paid for this type of work two years ago.

HON. A. D. BUSH: (MIKE TURNED OFF)

MR. JAMES M. DOUGLAS: Mr. President, we quite understand the question, the point we are getting after is what this big over expenditure. Would this not have tender to increase the cost of it.

HON. A. D. BUSH: (MIKE TURNED OFF)

MR. JAMES M. DOUGLAS: Mr. President, it is plain to see. How much did this increase the cost by.

MR. PRESIDENT: I think I must remind Members that in putting supplementary questions, under Standing Order 27 it is to elucidate any matter of fact not made clear in the original reply - it may not be used to introduce matters not included in the original question.

MR. JAMES M. DOUGLAS: Mr. President, with all due respect, I think this is what we are doing, is elucidating the facts. Why was this not caught when the contract was written.

HON. A. D. BUSH: (MIKE TURNED OFF)

MR. JAMES M. DOUGLAS: Mr. President, we all know that two years ago you could not get people to work for this type of money, these are prices that prevailed in the Cayman Islands about seven or eight years ago, and that is why we are digging into this, because when this was written into the contract for two dollars an hour, there is no reason, or that is the reason why they came back and we have to spend about another hundred and forty thousand dollars for extra labour, is that not a fact.

HON. A. D. BUSH: I don't know anything about that.

MR. JAMES M. DOUGLAS: Well, what was the amount that we had to pay for extra wages.

HON. A. D. BUSH: I don't have the figures here.

MR. JAMES M. DOUGLAS: Who prepared this contract that these figures were not caught two years ago.

HON. A. D. BUSH: (MIKE TURNED OFF)

MR. JAMES M. DOUGLAS: Is it not a fact that is usually the position that the consultants put us in.

MR. PRESIDENT: I think, I must disallow that question, it is very far removed from the original.

We will proceed now to the resumption of the debate on the Throne Speech.

CONTINUATION OF DEBATE ON THE THRONE SPEECH

CAPT. CHARLES L. MCCONNELL: Mr. President and Honourable Members of this Legislative Assembly, I thank you most sincerely for your welcome to this House. I assure you that I will do my utmost to fill the sad vacancy left the late Capt. Ashton Reid.

I know that this will not be an easy task, but I will, with the help of God serve my country, and my people to the best of my ability.

I must congratulate you, Mr. President, for such a comprehensive, instructive and encouraging speech. Without the leadership of a positive thinker, an able and energetic leader, we would find ourselves in real trouble at this time. I wish to assure you, Sir, again of my loyal support, and will use my best endeavours to assist your Government at this critical time. I'd like to take this

CAPT. CHARLES L. KIRKCONNELL (CONTD.): occasion to congratulate our First Official Member, Mr. Desmond Waller, for being awarded by Her Majesty the Queen, the C.B.E, and our Lady Member who is absent, Miss Annie Bodden, for receiving her O.B.E.

I wish to bring to this Honourable House, the importance of communication in our society. This has been a problem from the beginning of time, and we must continue to struggle with it. At this moment, I will confine myself to air communication. We have experienced a setback in Cayman Brac and Little Cayman over the past year in this area. The airfield at Little Cayman was closed to passenger service of the D.C.3, and the re-surfacing of Cayman Brac airfield is still left to be done. I do not wish to be unduly critical, or unkind to anyone, in any respect, but I sincerely hope that more attention will be given to this matter, which is one of utmost urgency, and efforts will be re-doubled to have this runway re-surfaced in the shortest possible time. This airfield, Mr. President and Honourable Members, is now unfit to be used. I also hope that further consideration will be given to the re-opening of the Little Cayman airfield to our D.C.3 passenger service. The future of Little Cayman and Cayman Brac is completely dependent on better air communications. Until we have a modern airfield to accommodate a jet aircraft, these Islands will continue to be a liability on the economy of the Cayman Islands.

I realize that this will be a big step, but as the Chinese proverb says, "the journey of a thousand miles begins with the first step". I have been told that the re-surfacing of this runway will make a good foundation for a jet strip. Let us include this in our new five year economic programme, and make provisions for this essential development. Cayman Brac and Little Cayman will benefit, but the entire development of the Cayman Islands will benefit as a whole. It will bring Cayman Brac and Little Cayman into an age of opportunity and development, and will also enable Government to do away with the present costly system of servicing them by air. I am sure, we will then see our own National Airline, not only flying in the blue sky, but operating in a sea of blue ink. We have, Mr. President, the nucleus of expanding Cayman Airways Limited, and I believe we should continue to develop it. We have able men and women, managing the affairs of Cayman Airways Limited, excellent pilots, as good as any, anywhere in the world. Let us encourage and help them, and I am also respectfully requesting that this essential service be included in the five year economic programme.

I now turn to Agriculture. I do not believe that too much emphasis of this important matter can be stressed too strongly. I believe that we are making positive progress in this field, and I am sure that we can become self supporting and self sufficient. This is a big step forward in the right direction. I was very impressed by what I saw at the Agricultural Show, and I am sure that all who attended there were impressed too. The Agricultural Society are to congratulated, encouraged and helped. I hope that the Director of Agriculture will not only continue to help the people of Grand Cayman, but will give the people of Cayman Brac in particular more practical assistance too.

It is gratifying to know that the Mosquito Research and Control Unit is successfully continuing its good work here. The people of Cayman Brac and Little Cayman, are indeed grateful to this unit for having the light infestation of the Aedes Aegypti mosquito detected and eradicated so quickly. It is hoped, however, that a programme, an improved programme will be implemented, not only for Cayman Brac, but also for Little Cayman where there is no programme at all.

Turning, Sir, to Health, Education and Social Services - I must at this time congratulate the Honourable Member of Executive Council, his Senior Principal Secretary, the doctors, nurses and all, for all the hard work which have been put in on this new hospital - the results are there to be seen, and examined. This splendid hospital which Government has just provided for the people, should make every Caymanian proud. It is equal to any hospital, and better than most that I have seen in the Caribbean area. There is discontent at the moment over the charges, and the system used to admit the sick. I see no difficulty in working out a scheme, whereby our people will be given complete satisfaction with

CAPT. CHARLES L. KIRKCONNELL (CONTD.): regards to fees and their getting immediate care, and attention whenever they must go there. Mr. President, as you are aware, the people of Cayman Brac a few years back built their own hospital. this was as a result of a community effort, of which I am proud to be associated with. Government assisted them after it was started, and Government is running it now. However, we need some help with it now. The hospital has no emergency generator, and this I consider should be given top priority, as we are all aware of what could happen, should there be a power failure when someone is being operated on. The cost of a suitable generator should not exceed three thousand dollars, which is not a large sum of money when weighed against a person's life. We also respectfully request, Sir, that the Chief Medical Officer set up a programme, or schedule whereby a doctor living here would be on standby duty, and could be flown over to Cayman Brac in the event of an emergency. We are indeed grateful to this Department for sending over Sanitary Engineers, who have recommended that a garbage dump be established.

Retirees - I wish to bring, Sir, attention to this Honourable House of the benefit, or benefits our Islands could derive from people who have retired, and are trying to find a place of peace, and quietness to settle in - where they can get away from it all. These people would be of tremendous benefit to our Islands. They would come here, purchase land, build homes, they would employ one or two Caymanians the year round - they would not take away jobs from our people - they would increase our revenue, and improve our economy in many ways. I hope, Sir, that favourable consideration will be given to this matter, and that Legislation will be enacted to allow them to come, and settle here.

Radio Cayman - I am happy to know that Radio Cayman will soon be a reality. I am sure it will help to narrow our communication gap, and that it will be used to keep our people informed.

I turn now, Sir, to District Councils. I would like to see this Government establish District Councils throughout the Islands. They would give our people the opportunity of participating in their Government. They would also keep our people informed, and would enlighten each Legislator, as to the needs and wishes of his, or her community. They would give training to other members of our community interested in becoming members of our Government.

I have been listening to, and studying the many activities of this Legislature, and I am most happy to find, Sir, that behind most of what people hear, and read, there is a spirit of brotherhood. I know that there are differences in this House, but this is nothing new, and it is a healthy sign that keeps every Legislator on his toes. I believe that the differences which exist could be narrowed down, if better communications could be established between the Members of our Executive Council, and the ordinary Members of the Legislative Assembly. It is, Mr. President, my opinion that this is also the reason for the wave of discontent in our society today. Caymanians are a reasonable and understanding people, who are willing and prepared to share any burden imposed on them, provided they are properly informed.

I am, respectfully requesting you, Mr. President, to examine this problem, with a view to correcting the break-down in communications. I am sure, Mr. President, that once it is corrected we will have fewer problems. Let us work together in love, and harmony for the good of all the people in our Islands. I came here, Mr. President, for one purpose only, and that is to serve my people, protect their interest, and to keep them informed of what is taking place, with this in mind, I am anxious to have the communication barrier removed, so that I will be able to tell my people what is happening, and why.

Drugs - the drug problem is a real one, and I fully endorse the views of two of our previous Legislators.

I must now heartily congratulate this Legislative Assembly, for the able manner in which each and every Member has carried out the task assigned to them under the New Constitution. To the Honourable Members of Executive Council, I salute you, to all the other Members of this Honourable House, I commend you, I commend you for a job well done. A strong and good opposition is necessary in every Government,

CAPT. CHARLES L. KIRKCONNELL [CONTD.]: as it keeps those in executive positions alert. Let us continue to use this Honourable House, as a means to improve our Island home. I wish you, Mr. President, and your family an enjoyable holiday, and may you come back with renewed strength and vigour. I pray, Mr. President, that the divine guidance that you have asked for this House will be granted to us, and that each, and every Member of this House will be able to say like Lord Nelson, thank God I have done my duty. I thank you, Mr. President.

(LONG PAUSE)

MR. PRESIDENT: Are they any other speakers. If nobody gets to their feet, I have no alternative but to move the closure.

HON. W. W. CONOLLY: Mr. President, I was hoping to speak tomorrow - the point is that I would have been able to answer criticism that was levied at Departments for which I am responsible. It puts me in a very unfortunate position, because I would not be able to answer criticism as such - up to the present time I have heard no criticisms, and as I have said I may just speak generally on what has already been said in the Throne Speech.

Mr. President and Members, I too would like to add my quota of compliments to the preparation and delivery of the Throne Speech, I would also like to endorse the words of welcome that have been extended to the Honourable Member from Cayman Brac, who is taking his seat for the first time, I am sure that being a Member of the Legislative Assembly will be an experience, but I am quite confident that he is capable, and he is prepared to take that move on behalf of his people in those Islands.

Mr. President and Honourable Members, I would like to thank those Members who have spoken, and who have at least concurred with your words in the Throne Speech in respect of the Departments over which I am responsible. I would just like to, at this time, make a general comment by saying that in reviewing 1975, as you have so ably done, I would like to look back a little further than '75. I would look back a little further in the past, and I would like to say what the developments that has been achieved by these Islands have not been accidental. These achievements have been planned, and I would like to say that up to the present time, it appears that the planning has been successful.

The Honourable Lady Member from George Town, mentioned Tourism, which today, I would say is one of our major industries in the Islands. I would like to look back to the time when we had one cruise ship coming to these Islands - that was a very great event when the British ship "Andora Star" arrived in these Islands way back in 1938. As she said, before we got started we were finished - the second world war came in, and that ended all of the concept of cruises, and holidays abroad. And Mr. President and Members, it was not until years after the end of the war, before people were settled enough, and they could find it convenient to travel as tourist into foreign lands. Areas even in those days - after the war, areas of resort were limited - limited to the Caribbean - limited to the Pacific Islands, Hawaiian Islands and a few other places, and the Miami Beach area, and Atlantic City in the Eastern Seaboard, United States.

But as time progressed, and as industries popped up, developed, fade out - as time changed, we find that there has been more competition into this market to attract tourists, and today we are competing very, very heavily with nearly every country in the world for that tourist dollar. It's no more confined to the beaches - tourism today takes people into mountains - takes people out skiing - takes people into the safaris of Africa - it takes people to the temples, and mountains of the Eastern countries. So we in the Caribbean area have found ourselves competing very, very heavily for this tourist dollar.

Tourism has seen its ups and downs, and definitely 1975 began to us as a very bad year. 1975 we had the effects of the recession, and naturally when people in the North American continent find it hard to have spending money for vacation, we don't see their faces, so we found it very difficult to keep the numbers up. This gave us here quite a concern, and naturally, as you have said, Mr. President, that the

HON. W. W. CONOLLY [CONTD.]: Department could not leave one stone unturned in order to investigate, and to bring our share of tourism up to what its normal standard was. I know there are some people here, who like to use percentages - makes good talk, when you say that percentage of taxation has risen three hundred per cent - when taxation of certain fees has risen five hundred and six hundred per cent, well, I am going to say today that believe it or not, that in 1976 in January, January of this year that our increase in cruise ship passengers has been three thousand one hundred and fifty-four point eight per cent.

I was hoping, Mr. President, that I could have waited until tomorrow before I spoke, and I might have been able to say that we, on that particular day had had some one thousand per cent increase, because I believe tomorrow we will see quite a number of tourists on the shores of Grand Cayman. In 1976 in January, we were up eighteen per cent on tourists by air, and in boasting of these percentages, Mr. President and Members, I believe I am safe in saying that we are one of the few Islands in the Caribbean that can boast of an increase. The point I am trying to make in this, and I said so at the beginning, that development, and particularly development in the tourism industry does not come by accident, it has to be planned, but I would like to remind Members, and I would like to remind the public, that it can also go as easily as it has come.

We today are sharing a beautiful Island, we are advertising friendliness of the people, we are advertising a good climate, a lot of aquatic sports - fishing and diving - and these today, Mr. President and Members, is fine for us to say, and it is fine for us to advertise these, but if there is unrest in the Territory, if there is political upheaval, these could disappear the same as they have done in other Islands, and there is plenty precedent on these. I would not base anymore on that particular point at this time - I would like to say generally that as far as I am concerned this Island is in a better position today than it has ever been, and I would like to elaborate a little bit on this. Today, we hear that the Island is broke - that this is happening and that is happening, and if we take some time to look after the developments that have been achieved in recent years - if we look after the agricultural - if we look after the building programme - if we look after the development in other social services, and one most important aspect of this development, Mr. President and Members, I think is the development of our monetary system.

Few people in this Island realise that it has only been a very short time that we have had our currency. Prior to about three years ago we were not responsible for a currency, we were using Jamaican currency. It is true that money was in circulation here, something around a million dollars, were in circulation in the Cayman Islands. Today, I believe we have Cayman currency in circulation of approximately two million dollars, and the currency is being backed - we didn't have the responsibility as a Cayman Government to back the Jamaican currency, we have the responsibility today to back the Cayman currency. Apart from that, and the printing of our own currency, we have entered into a new market of Proof Coins, as a result of that there is quite a reserve built up, as has been stated, somewhere in the region of a million dollars, and naturally some of this will go into revenue.

When I look back on the pages of time, when I can look back not too far away, Mr. President, (I have some papers here, as I said a little bit disjointed, I didn't figure to make this speech today, I think I have it in my bag) back in the thirties, in 1931 when this Island had a deficit of seven hundred and forty-one pounds - 1932 I think we had a surplus of sixty-two pounds, and coming down through the years, I can well remember, not too many years ago, when we had one truck in the Public Works Department, no buildings, no hospital, no dock - look at what we have today, I think it would be unfair to say that great progress has not been made. Surely people get criticised, they get criticised if you do, and if you don't you will get criticised all the same. But I believe, and I stand here today, Mr. President and Members, I stand here to support decisions that this Government has taken. I stand here to support policies, which I believe have been, and are in the best interest of the

HON. W. W. CONOLLY (CONT'D.): majority of people of the Cayman Islands. If it had not been so, the majority of people in the Cayman Islands would not have been better off, and this is a fact that no one can gainsay. The people are better housed, the people better clothed, the people are better fed than they have ever been.

There is no doubt in my mind, Mr. President and Members, that we have placed more value on the material things of life than what we have done on human values, and surely there will come a time when one gets disenchanted with life, because one has done that. But this/no fault of a policy, this is no fault of boom years, if a boom has come to the Island and people chose to all-use, and they regret it - you can't blame the boom for that - you can't blame the policy that created the boom for that, you have to blame one's own self.

I would just like to take a point, its not my portfolio - I feel sure that the Member responsible will deal with this, but in speaking generally, a point has been raised on several occasions about the hospital fee - twenty-five dollars a day - /twenty-five dollars say is a lot of money - that is true, but when one thinks of the actual time that one stays in a hospital - its not like the home that you have to live in all the time - the amount of time, the amount of days per year out of one's life-time that you spend in a hospital, and when you sit down and commit that to paper you will find that it compares favourably with other expenditures, and in fact, as in some cases money that could be spent to better advantage. I was going to bring up a point, Mr. President, and I will bring up a point of comparing a person who smokes cigarettes, I think the price is fifty cents a pack, the average smoker smokes a pack a day which is fifty cents a day, that is a hundred and eighty dollars a year, if that person spends two days out of the year of a lifetime in the hospital, its fifty dollars. Yet one will spend one hundred and eighty dollars, and don't argue about it, but if they have to spend fifty dollars for the services of restoring such health, then there is a big Hullabaloo About it.

I feel, Mr. President, that, and it was my comment when I went to the hospital, that it was a credit to Cayman. I believe that the people of these Islands needed an institution, I believe today that at twenty-five dollars a day, I am sure that it is being subsidised heavily by Government, I know it is being subsidized heavily by Government, and since it is being heavily subsidized by Government, why then should there be a discrimination, why should you have classes of accommodation, since Government is going to subsidize it, then give anybody, regardless of the person, the right of having the same facility, the same bed, the same room and what not. I believe, Mr. President, that a lot of the criticism that/levied at this particular institution has been past history. I believe today as people visit there, I believe as people have to get the attention of the services that are provided there, that their minds and their actions, and what not, will have been changed.

The point made, Mr. President, and I would like to clear this up, I would to refer - I promised the Honourable Member from George Town, that I would mention this point of contracts - to dredging permits - it is true that the dredging permit for the area that was quoted, this permit was granted prior to my coming to the Executive Council - this permit was granted, and the royalty that was set, at something in the region of two thousand five hundred and sixty dollars per annum, was for a five year concession, with an option to be/contract for further five years under the same terms and conditions - the beginning of this was 1st July, 1968, so as you can see this contract would expire, ten years time, 1978. Fortunately, here I go back to percentages again, I was successful in negotiating, and as result Government has been able to receive an increase of three hundred and thirty per cent on the annual royalty. Mr. President, I am afraid I can't say this of other dredging permits, or other dredgings that have been done. Nevertheless, in this particular instance I can say, that an increase has been achieved.

Mr. President, I would like to say that, and at this time I would like to thank all those who assisted me with the performance - the Departments, under these portfolios.

HON. W. W. CONOLLY [CONTD.]: Much, and a great point has been raised about communication between Members of the Executive Council, Members of the public and Members of the Legislature. Mr. President, I would go on record as saying this that if there has been any gap caused in the communication, that it has been caused by the lack of Elected Members seeking information. At no time during the years that I have held my respective portfolios, have I absented myself, have I objected to, or have I not entertained anyone from the general public, any Member of the Legislative Assembly, in fact, I am more than happy to discuss with Members of the Legislative Assembly. There have been some exceptions, there have been exceptions to this, and I will speak, even though that it is regrettable that he is not here today, and that is the late Member from Cayman Brac. It would not be true for me to say that of him, he was calling or telephoning to find out what was happening, he was always there with his advice, he was always there seeking information, if he heard something outside he would relay it, but I am afraid I can't say so with all the other Members.

May be you will say that it is a two way street, and I guess you are right, but I would feel that on this side there has been no gap. I'll tell you what has happened in the last four years the development has been such, that if either Member of the Executive Council carried out his responsibility, he had a full time job and more. He had to work long hours, and I've known a lot, contrary to what some people may think, he has carried, and shouldered a lot of responsibility, and I would hope that regardless of who may ever fill these places, would do likewise, and I will assure you that if they do this country will be better for it.

Mr. President, very little so far has been said on the Mosquito Research and Control Unit, other than praise, and I myself would add to that, I have personally congratulated the team, and I would like to do/from this Chamber. I think that the wonderful work that has been carried out, we are very fortunate to have had people so dedicated to a task. I would say this, that the leader of that unit is a person that is in great demand today, great demand from other places, and I think that we are very fortunate to have his services here. But like everything else as was said in the Budget Speech, Capital Expenditure had to be curtailed, and in the Mosquito Research and Control unit, Capital Expenditure plays a great part - cost of machinery, cost of digging trenches, the cost of insecticide, they are all expensive items, very very expensive, and naturally the unit may not be able to do any additional work this year, we may just have to keep things going, but I am sure under the supervision of the team leader, that the people of these Islands can rest assured that an endeavour will be made to maintain the quality of control that we have today.

I'll go a little bit further, Mr. President, and say this, that we talk about Tourism, we talk about off shore business, but let me say this, that if it had not been for the extent to which mosquitoes have been controlled in these Islands, I dare say we would not have seen, regardless of the friendliness of the people, or anything else, we would not have seen the influx of tourists to these Islands. So this is something that we have to keep plugging after, eradication is something in the distant future - it is an expensive exercise, and it is a long process, but I believe that with the unit that we have set up, with the cooperation going on between the party leader and the men, that we are going to keep these Islands in a condition where that comfortable living can be had.

You mentioned, Mr. President, that a team of entomologists from the United States had visited the Island, that is very true, if Members refresh their memory, this was something Members considered should have been done, I agreed with it, I agreed that if we had a unit working here, we should take an outside look at it, it is the same thing we do with our finances, we have an external auditor. I thought it would be a good thing to bring in, and despite the criticism by some Members of the experts, I think it would be a bad world, I think it would be a sad world, and I think we would the worse off/we didn't have experts. This particular time, I believe those who critise experts were willing for me to bring in experts, and I did bring in experts, I brought in four experts in this

HON. W. N. CONOLLY (CONTD.): field from the United States, these people were very willing to come over here to assist us. I haven't had a full report/it, but from the discussions with us, Mr. President and Members, in an informal meeting in the Legislature, we were satisfied, or we were told that they were satisfied that the programme that we had here was going fine.

Mr. President, this matter of Cadastral Survey comes up every now and again, and I dare-say that this is one of the root causes of the recent demonstration, I believe that this has the most part to do with it - its the swamp land. I don't know if I can say too much on this, more than you have said, Mr. President. The Adjudication Law, The Land Surveyors Law and The Registered Land Law, these were a package of Laws that was legislated for these Islands. The Cadastral Team came in here, some three to three and a half years ago working in the Western end of the Island - worked in Little Cayman and Cayman Brac, and at the present time they are completing the Western end of the Island.

The survey started off with quite a lot of criticism - there were a lot of people who were afraid - I don't know what they were afraid of, probably some felt like they had done something that might not have been right, or they might have had something that wasn't theirs, I don't know, but it was fear of the Crown grabbing swamp lands and cliff. Well, this exercise went on its way, and we had the public at that particular time, when it first started, the public was pretty well worked up. Government was going to grab their land, was going to take their land and what not, but I believe today that the majority of people in these Islands have seen differently, I think the people are satisfied that the Cadastral Survey has put the land holding in these Islands in a good position. Because in areas where these surveys have been completed, and finalized, and parcels have gone on to the Land Register - a person gets a guaranteed title - I think that means a lot. Now, no one said at the beginning, and I don't think that I should stand here today and contend that there wouldn't be contentions over land, I don't anyone said that, there will always be contention, what was said was that titles to land, disputes in respect of titles would be ended, and Mr. President, I think that/right, and I believe despite, as I've said, the hysterian of a few people now, I still believe that the majority of people in these Islands are satisfied that it is a good thing.

Mr. President, and Members, of this Assembly, I believe that our responsibility here/to legislate Laws for the majority of people of these Islands. In any Law that is legislated there is bound to be some individual affected. I don't think that you could do anything that you wouldn't affect an individual, but what I believe is this that our responsibility here as Elected Members is to see that we, whatever we do, the decisions we make are to benefit the majority of people of these Islands. I am saying this, that the Cadastral Survey is continuing into the Eastern end of this Island, the survey should be completed sometime next year. The same Laws have been used in Cayman as in Cayman Brac, and the same english legal system, the same democratic process that existed in West Bay, or in George Town, or in Cayman Brac, exists today in the Eastern section - where there is a claim to land, if there is a dispute it goes as a petition - it is heard by the Adjudication Tribunal - if there is an unsatisfactory settlement to any of the parties, they have the right to go through the legal system, the same as if someone goes out on the road today and he feels that his rights have been affected, he has that right of going through the same legal system, you have the same right of going through the legal system there, so as far as I am concerned, the Law dealing with the Cadastral Survey is a Law on the statute books here, it gives the individual the right, and the same right through the processes of the Law. Naturally, if two people are contending for an issue, and one wins, there will always be somebody dissatisfied.

If there is an Appeal Court, the Judge can't make two people right, one has to be right and one has to be wrong. What I would hope in this, that people would be disciplined enough that if a ruling is made, and they are not satisfied with that particular ruling,

HON. W. W. CONOLLY (CONTD.): go through the process, at the end of the process, even though you might feel that you were right, but the ruling is that I am wrong - that is it, once you have gone to the end, this happens in anything, whether it is a criminal case, or whether it is a civil case. So Mr. President and Members, as far as I am concerned, I believe this is something that is understood now by most of the people - the problems that have been created by it, have been less than one imagines - a very small percentage to the number of claims that have been made.

Mr. President, I would like to say that no legislation, regardless of what the legislation is, if it happens to affect an individual there is going to be a bit of mumbling. But there is one thing that a person should remember is this, that one cannot take on rights without responsibility is, you have a right you also have a responsibility of looking into the matter as a sensible person, going through the issue at stake, and being disciplined enough, to have the final decision taken.

You mentioned, Mr. President, in your speech the Development Plan that should come before the Legislature sometime in the future. This is nothing new, Mr. President, a Development Plan to some people here has just been heard of - it is a big furor over the Development Plan here, I guess because it is comprehensive because it takes in the whole Island, but we have had planning here as far back as 1935, and if I am permitted, Mr. President, to read just an excerpt from a document that was written twenty-one years ago, and that document happens to be a Throne Speech, when one of your predecessors was leaving this Territory going back on his mid-tour leave, and Mr. President, he had something to say, among other things about the Development Plan. This is a document that I - I'll just read an excerpt from it, Mr. President, if I may, and he was speaking on - this is his Throne Speech - "many people talk airily of the Cayman Islands becoming, in due course another Nassau. In the first place, as I have just said I don't think that that can happen very quickly, and in the second place, I don't think that it is necessarily a good idea. The Islands should aim at preserving their own identity, and their own individuality and if this is to happen then there must be planned development. When the words planned development are mentioned, there are usually sounds of hearty approval, but when planned development is brought into effect, and adversely affects the immediate interest of the individual, in some mysterious way it all becomes rather different, and it all becomes rather unpopular. A barrage of questions are fired, in particular by that not altogether rare bird, the person who cannot see beyond the end of his nose. Such questions are, are you going to tell me what I can do, and what I can't do with my land, are you going to tell me that I must put up a five thousand pound house, when my own inclination is to put up a five hundred pound shack, are you going to tell me that I must plant and water trees and shrubs whether I like it or not, are you going to tell me that it is not my God given right to charge as much as I can get for taxi fares, for goods, for services, in general are you going to tell me that, if I happen to want to, I am prohibited from putting into practice the philosophy of never give a sucker an even break.

Now, this was twenty-one years ago, when the word planned development - and there Mr. President, was one of your predecessors - and I can go back further than that, I can go back thirty-eight, thirty-nine years ago, when the first planning Law came into effect. There is always an opposition to planning. People want to see a beautiful building, oh, yes, we want to see a beautiful Island, we want to have Cayman a beautiful place, we want George Town immediate area, we want to be different, we want to let tourists come in and see that we are Caymanians. But if it takes for somebody to give a bit of land for road - you can't take my land, you can't get my land - everybody wants to do as he likes, and if everybody is going to do as he likes, then there is no plan.

And I am saying, Mr. President and Members, that despite what happens with this Development Plan, or any Development Plan, I am saying without a plan, no one can guarantee what will happen to this place. If it is properly planned, this place can be a place

HON. W. W. CONOLLY (CONTD.): that is worthwhile to live in. But surely, if a person puts up a nice home, and there is absolutely no planning, and another land owner next door goes and puts up a bar, or a machine shop alongside of him, it automatically decreases the value of that man's house. And I am saying - continuously daily, as Chairman of the Liquor Licensing Board, the absence of proper planning zoning, the Members of the Liquor Licensing Board are faced with the problem of making decisions, on where a bar should go, or where it shouldn't be allowed. If there was proper planning, proper zoning, then there would be no question, because if in area "B" or area "C", there is no bar allowed, then no applications would come.

Mr. President, despite the criticism of planning, and I know what some people say, oh, we want planning, as was said in this Throne Speech, oh, yes, everybody agreed for it until such time as you have it, then nobody wants it, everybody you can't tell me what to do with my land, and that is the same thing going on now, ninety per cent of the people that I have talked to said oh, yes we want a plan, but we don't want this plan, well let us have which plan. I believe today that the Government proved, and I think the Government showed the public, gave them the privilege of sitting in on the tribunal, of giving their objections, of producing alternatives, and as reported in this House, the few times that people were there, they were outside too busy, couldn't bother to come, I am not interested.

I feel, Mr. President, that if this Government is going to shape the destiny of the future, planning, even though it is controversial, and even though it is unpopular, planning has to be a very very important ingredient of what happens to this place. Particularly, if we want this to develop as a tourism resort, and it looks to me, Mr. President, that tourism is, and tourism will be, one of the main industries of these Islands. No one can judge what is around the corner, but if all things are equal it would appear that people are looking for new destinations, people are looking for destinations where they are not threatened by violence, where they are not mugged, where they are not cursed, like white man go home, yankees go home, limeys go home, like they are doing in other places. Surely they are looking for new places, if we can keep this Island free of these ills, I dare say that tourism will flourish.

Mr. President, there is in the Island at the present time, some people out of work, this needs to be studied very carefully too, the causes of this, and everything else that goes along. One must remember that shipping is not as it was a couple of years ago we had seven, eight, nine hundred men out to sea, today we have. I have been made to understand just a few hundred men, most of them are here, the job opportunities, ship-board are not as they use to be - and naturally your population is growing, there are more children coming out of school - there are a hundred upwards coming out of your high school yearly that are going on the job market, and what is happening is this that new areas of employment will have to open up.

It would have been wishful thinking, for people here to have imagined that the building boom in George Town would have continued. If you look in George Town with the number of office buildings, some unrented now that were built four years ago, no one is going to invest his money just to build a building and lock it up, and I believe that as far as the large office buildings in George Town is concerned, that we have reached saturation point now for a few years, but there are still some buildings going, some homes going on, and I look forward, because as the economy in the United States improves, as the interest rates go down, there will be more likelihood of investors investing in these Islands.

There are hotel projects that have been approved. Last year when the Planning Department was being criticised for not approving plans and this and that, there were millions of dollars of planned approval given, but they remained, and people were not told this, the fact was that people couldn't build because they couldn't get available money. I can name institutions that had planning approval, had architect

HON. W. W. CONOLLY (CONTD.): drawings, and had to shelve these projects, because the money was not available, if it was available the interest rates were too high for economical building. My last contact with a large scale building operation here, and the reason for that being shelved, was the cost of land. There was a hotel complex coming into the West Bay Beach, which would have been a welcomed guest for the building trade, a hundred and fifty rooms, plus the ancillary buildings, it was shelved because of the cost of land, the cost of land on the West Bay Beach was over three quarters of a million dollars, and as a result of that the people shelved the idea.

Now these are things, Mr. President, that I think the public should know, these are things that are causing some of the buildings not to go up, the high cost of land, when one charges something like seventeen hundred dollars, I think complete including closing fees per foot on the West Bay Beach, it is prohibitive, and yet we hear in the Planning Department, into the Government - it's not the Government. Mr. President, I am sure that there will be more activities in 1976, but I believe that it was wise to consolidate, I believe that it was a good policy, because here we are for the last eight years, we tried to catch up with what should have done by people years ago. It is no magic, and I don't want particularly to take any praise, I was only one of a number of twelve people, but I believe that when we sat in a committee, and decided our priorities, and we decided with this particular building first, going on down the line, that we made the right decision, and I think today that if we had not made the right decision then, this Island would not have progressed as it has done.

I don't think, Mr. President, that we should sit back on our laurels, I believe that there is a lot more to be done, I believe that the Port Project, when completed will be another jewel added to this necklace of developments. The Road Programme, I believe has already shown itself, I don't believe anyone is doubting that the road has been improved. And Mr. President, I believe today that it would be wise for people to get acquainted, I believe they have heard, some have doubted, some heard, and didn't want to hear, but I believe its a good thing for people to sit back and realise that a lot of our development has been by the gracious kindness of Her Majesty's Government. In this same document that I have here twenty-one years ago, it spoke of that. Today we are considered fortunate, we are considered among the few places in the world with no unemployment, and surely the British Government took a decision of curtailing that aid. I think myself, I cannot criticise their decision, if the British taxpayer is taxed heavily, and very heavily, surely the politicians who make the decisions in London to grant the Cayman Islands, or any Territory money has to face his constituency.

Now put us in his position, we today were taxed, and we are turning around helping some other place, who is not helping itself - and we talk about taxation, let me say that taxation is a bad word in anybody's language, no matter whether it is German, or Greek, or Spanish or English, taxation is something that has always been, and it has been from the beginning of the world, and I think it will continue to the end of the world. But be that as it may, what I am trying to say, Mr. President, is this that we here in the Islands, we expect, we demand, we ask and we are given certain things, so naturally its no more than right that we pay for them.

When one considers, and I'll take a simple item, I believe that in debating the Throne Speech we can drift quite a bit, Sir. For instance I asked one of the taxi drivers what he was paying on his car, he said sixty dollars a year, which is five dollars per month, and when one considers five dollars per month as the license fee, and what he earns - I said well how are things, he said not too bad - well, I said I think so too. So when you go down and you hear all of this about increased taxation, and this and that, and the other thing - how much is it - what is the amount, even though some of my colleagues had used these arithmetic and maths of percentages - when you come to the actual figures, five dollars per month as a licence fee - improved roads, you can wear a tyre now to the thread - your mechanic bills and everything else should be less - springs, shocks, all this. So after all, Mr. President, what I am saying is that I don't feel that we should be here exporting the British

HON. W. W. CONOLLY (CONTD.): taxpayer, or the American taxpayer, or the Jamaican taxpayer, or any taxpayer to provide services for us. I think our first obligation is/ourselves, and I believe today that this has been the Caymanian attitude, I believe today that if we adopt the attitude of the foundation Caymanians, this was their attitude, they didn't depend on anybody, they wanted to be self sufficient, they built their boats, they sailed the seas, and they did all these things.

Surely, Mr. President, we are grateful for assistance, and surely we feel proud we can assist some people. We have neighbouring countries who are not as/us, where unemployment is running, and has for several years - but we get a lot criticism about letting people in - this true, I think that the Immigration Department has been watchful, and very careful, I think they have done a good job to control it as it is, but we remember, and every Caymanian who can remember further than yesterday will remember that he left this shore to earn a living some place else. It is only the last few years that people are permitted to stay home now, and can earn a living. I think this is what we were working for, and we want to maintain that, we want to continue that, we don't want to send people out again because we don't have any place to send them, people are leaving their countries, but of course we have to be sensible about it, I think we have neighbours, and if we can share with our neighbours, we should share as much as possible with them.

Mr. President, Agriculture, I haven't heard much said about agriculture, you mentioned that some of the larger agricultural developments have failed, and some are doing alright, Mr. President, this is a subject that has been under review, I believe today that the Government's policy dealing with agriculture is one that is well suited to the place. It was the Government's decision and desire to bring in a qualified vet, it was a fortunate thing that we had Dr. Jackman here. You know the last Budget Speech, we had a lot of discussions about meats - I hate to go off, but it was so much then I still remember the taste of it - Swan Island meat, and Mr. President, why I am saying this, I believe I became a little unpopular as the Member on account of devising mode to allow meat to come in from Swan Island for a limited time - that's water under the bridge now, but these are things I believe will show themselves. We have just had one the largest animal rearers on the Island import cattle, fortunately we had a qualified man, or else he would have lost the whole stock. Some people say you must let meat in, you must let animals in, you must do this and that. Our concern of bringing in animals, even from the United States, there is a great concern of bringing in animals from the United States, there is always this concern of bringing meat from the United States, don't ever get away from the fact, and it is true that one has to take a chance, but I believe that the decision that was taken, was/decision that reasonable, and profitable, it was a decision that was alleviating certain hardships that were put on Caymanians, when Government made that decision there was a hullabaloo about it. I haven't heard a word about when certain things happen the other way.

Nevertheless, Mr. President and Members, be that as it may, as far as I am concerned, I am still watchful of what is happening. The Department of Agriculture provides an advisory service in plant protection and animal husbandry, and a demonstration farm that is going to be developed this year, I hope will produce the beginning of a real plan for organised agricultural development. But Mr. President, we talk about being self sufficient, and we talk about this and we talk about that - when I speak sometimes I am misunderstood and I am criticised, but when you look at the crops that we produce in Cayman, I would say that they are second to to none, but when you look at the prices, I'd say that they were above all. I was listening to the radio - I do that nearly every weekend - listen to the cost of bananas in Jamaica to the farmers - six cents per pound - when you think of yams growing in East End or North Side for sixty cents per pound - when you think that you bring in irish potatoes here from Maine through twelve three importers - handling charges - freight - duty, and you can get two pounds of irish potatoes for one pound of yam - it makes one

HON. W. W. CONOLLY [Contn.]: wonder.

I believe we can be self sufficient. I think so, but let me say this, that being self sufficient today has to have something else along with it - I don't think today that we should expose the public to a position where he is forced to buy yams at fifty cents per pound, when he didn't have the choice of buying two pounds of potatoes, instead of one pound of yam. I believe we have to be very conscientious about this, I think we have to give a person the option - and coming back on this point - criticism has been made that Government does not support Agriculture enough. I pose this question to several people, and I haven't gotten an answer yet, what Government could do. Surely in most places where the Government aids agriculture, it is in the form of land. Countries - like Jamaica where the people don't have lands of their own, the Government provides them with land to work. Well this is half of the job done, this is good. In Cayman we don't have that, the people have the land, Government has no land.

The Government allows duty free importation of fertilizers, manures, pesticides, and what not - certain small agricultural equipment. The Government provides advisory services - sprays, and what not. Importation of animals free, importation of poultry live, free, so what else can they do; surely if there is a market, and I believe there is a market for Cayman grown food stuff - if people grow this there can't be any economical setback, not getting fifty to sixty cents a pound for yam - if they grow it, I feel today that that's a good price, and if they can sell at that, which they can sell it - I don't feel that they need any assistance, as far as that particular item is concerned.

Mr. President and Members, I believe where we are going with hydroponics is the answer to some of our problems with certain vegetables, and as you know the hydroponics are now in the market place. We have milk - it was unfortunate that the production of fresh milk, and there were all types of rumours why the milk farm shut down - it was because the Government wouldn't make them make ice cream, or wouldn't make them make punch or something, but Mr. President and Members, I don't think that that is the real reason why the milk shut down. I believe the real reason why that milk farm shut down was because it wasn't producing ..... Mr. President and Members, I was on the point of Agriculture, and I think I was speaking about the milk producing farm, what I was saying in this that I believe that the problem that we experience with the production of milk was the fact that the quality of milk was not up to a desired standard, and as a result of this, it lost its image on the market, and quite demanded. Now I have seen, Mr. President and Members, that this particular farm is under new management, it is starting afresh, I would hope that, if and when the production of milk begins again, that the standard of milk produced will be up to the standard that is desirable, a standard that meets the minimum standard, at least of pasteurized milk.

Mr. President and Members, much has been done on the line of getting soil analysis test which is now in its final, I would say stage, if there are areas that would like to be more minutely inspected, I am sure that the Department would be too happy on having these particular tests done. The soil test has been more or less on a general basis. From the looks of the failures, and successes of agricultural developments in Cayman, even though that agriculture in Cayman is plagued with a lot of problems, I believe one of the greatest setbacks has been in the management area, and I would encourage farmers to forget about the criticism raised by some people about experts, and you don't need experts, and you don't this and you don't do the other thing, I believe this is an area where that some people are chopping off their noses to spite their faces, because I believe this is an area today where that the agricultural community needs more expert advice in management, and marketing, rather than producing, and I would hope that those who find it encouraging to produce, would look into these different aspects of their development.

As far as the opening up of agricultural land, I do agree, Mr. President, that this would aid agriculture, I am sure it would - on the other hand we have to be very careful with type of development, or we probably find ourselves in a similar position as what we did in other

HON. W. W. CONNOLLY [CONTD.]: areas. I would feel today that it would be unfortunate if these agricultural lands were opened up before the proper zoning was achieved, because large and vast sales of land for housing development could interfere with the small amount of agricultural lands that we have in these Islands. Some of the best agricultural lands in these Islands, taking into consideration two things, we take the water lenses, and we take the soil, or in the area leading in from Bodden Town into George Town, I am sure, Mr. President and Members, there wasn't any necessity, or no inadequacy of roads, the roads are there, but the minute you put a car road, the minute a car road is there, instead of people farming out the lands, they cut them into housing lots, and sell them out, and this reminds me of words that have been spoken before in this Chamber; while we have to develop, while we have to sell certain lands, we should be very careful in the indiscriminate sale of lands, because remember land in the Cayman Islands is the birthright that we have. If the lands in these Islands go into the hands of other people, it will be other people dictating what those lands will be used for, and we will find ourselves displaced.

Surely we have land sales going on, land transactions, this will be inevitable, but I believe today that with the proper titles to lands, that these people in possession of lands should look into forms of negotiating with people, rather than out-right sale of the freehold, they should consider leasehold or some other form of equity, rather than selling it out-right. Mr. President, as I see it, this Island is small, the population is small, if the population increases, which it will do under normal conditions, that will be fine, if our population increases through an influx of people from the outside it could completely upset our whole social structure, and instead of things getting better it would get worse. It appears to me like this Island should develop normally, and as such I would ask people looking into agricultural developments to watch market very carefully, some people feel like they can produce and export, this would be very fine, however apart from bringing in the dollars it would also do a bit of advertising. Whether locally grown or produced food-stuff can be competitive with outside markets, it has to be gone into very carefully. But I assure Members, that the Government is anxious, is conscious of the situation, and is anxious to assist in any way; on the other hand Government has to watch the economic benefits, the social benefits and all other benefits in leading to some of these developments.

While today that small loans have been made to individuals, small loans are not sufficient to get any large project going, but as was stated in the Throne Speech there is/look into setting up the statutory body of an agricultural or industrial loans board, which would be an organization that would be probably equipped to go into this matter more carefully, and more thoroughly, and I would hope that people would use this. Of course, it should not be forgotten that in the past Government had assisted small farmers with loans - some are still outstanding, I don't think anyone has been prosecuted, but I know that there are outstanding loans that have been given, and what I am perturbed about is this, is the problem of the personal and individual attack when any individual is personally affected - if something suits the individual it's alright, if it doesn't suit the individual then everything goes wrong.

We are living in a small community, and surely we have difference of these opinions and what not, but I believe today that Government has to look into what is beneficial for the majority of people - forgetting about the individual. It is not saying that the individual or the minority is not looked after, I believe as a democratic territory, this/what democracy is if it is determined, or defined. Nevertheless, I believe we owe a certain responsibility to the majority of the people.

Mr. President and Members, I was a bit perturbed in listening to the questioning here on certain points, and one of the areas of controversy is this diversion at Red Bay, why I am bringing this up, Mr. President, is that if this Government had money in 1968 that would not have been a job left to have been done today. When the road programme - trunk road from Bodden Town to George Town was set out that particular area of road, that junction there, that diversion would have been

HON. W. W. CONOLLY (CONTD.): made then, but when they got to the airport there was lack of funds, and the decision to follow the existing track had to be taken. As a result we find ourselves nearly twenty years after with the same situation. I feel today, that when the Honourable Member, responsible for Communications and Works took the decision of making the diversion, I believe that his experience, I don't think today that it took any expert advice. I think if he took expert advice it was for the cost, and the way in which it should be done, but I believe the decision of doing it, he had enough experience, and he had enough knowledge to know that it needed to be done. Anyone who has travelled that road, and who has seen the results of a hurricane, would agree that the further that you can get that road away from that particular there, the better it is.

It is true, Mr. President, that this road will cost some money, I don't think you can get anything for nothing - you get very little for something now - nevertheless a lot of query was made and a lot of doubt was thrown on his answers of the costs. Now this was very simple as far as I was concerned, because I took there and very little work has been done. I didn't ask him, but looking after the situation as I saw it, and when I saw working there, I shouldn't doubt but that is all the money was paid for that out of the road vote, because of the fact that most of the people employed on that job were people who were paid under personal emolument. Bulldozer drivers and grader drivers and what not - their salaries come out of the main vote, I don't know probably the Honourable Financial Secretary will clear it up. So if you are only paying the cost of fuel of a bulldozer, surely it would be less than if you went out and hired a bulldozer for thirty or forty dollars an hour, and I believe the fill came for free, or it wasn't charged to that - so when you go into the six thousand dollars, I believe today that this great doubt that was thrown in the minds of some people, that he was not giving the truth - is a reflection on him, I believe today that the Honourable Member was answering the question, answering it effectively and truthfully - I don't see anything, if you go there the road hasn't been started yet - he has given the estimated cost of the road which is 55,000 dollars - he said that 6,000 some hundred dollars have been spent, and I don't have any reason to doubt it, and I don't believe today that he is telling any untruth, and this is something that should be properly understood.

Mr. President, may I say, Sir, that I believe that currently the territory - most people in the territory have placed more value on the human achievements, rather than on the material things of life. I believe that this is seen or shown as a result of the efforts made to improve our educational system. Because while I believe that we got along very well on common sense in past, and I think we do very well on it now, but in an age of technology we need a little more than that. I would hope that the Island will take advantage of the facilities that have been provided. It is unfortunate, and regrettable in this day and age when we find that people have to be summoned to pay for not letting their children go to school - it is regrettable, and it is unfortunate for Members of the Assembly to have to suggest, in this day and age that Truant Officers be appointed to round up children to take them back to school.

I feel today that with the present educational facilities at the disposal of the youth of these Islands, that they should take advantage of it. I feel that it is our responsibility, I feel that it is the responsibility of those people in the community, and communities to ensure that people are aware of this, and I believe that those influential people in the communities, would be doing a greater service to the future of this country if they would demonstrate to the parents, if they would go out, and rather than to perpetuate and to build up, try to build up hatred and ill will, if they would go out and try to assist and encourage parents to have their children go to school, I think they would be doing a greater service, than to be going out pounding people, demonstrating, trying to start what is commonly known in other places, the beginning of the end.

Mr. President, we have here in this Assembly, a new Member who has spoken a while ago, and Mr. Ebanks is

HON. W. W. CONOLLY [CONTD.]: Capt. Charles Kirkconnell, has just taken his seat, I am sure that everyone will agree that from his maiden speech in the House, we can be assured that he is quite an able and capable person. I would like to give the Honourable Member who sits on Executive Council, and the Member from Cayman Brac my assurance of cooperating with anything for Cayman Brac and Little Cayman, of course I am realistic, and one has to face things as of facts. I realize today that development in those Islands will have to come timely, or else will have to be heavily subsidized in order to come earlier. To operate services, small services in isolated areas, either one of two things will have to happen - it means a lot of self input or a lot of subsidy from general revenue. But I am sure today that the people of Cayman Brac have displayed, I would say, Sir, more interest, and I believe that they are the only people in this Island in recent years that have displayed any act of self help. I would like to commend them for their willingness to help themselves, and I am sure that with the able support of their two leaders, we can look for things to happen.

Mr. President, I believe that this Island has experienced a time of some recession, in other places they have experienced recession. I believe that we have a lot to be fortunate and thankful for, we are very fortunate people, and I would like to see things continue this way. It is alright to criticise, some people who criticise for the sake of criticising, and particularly in Cayman. I have had a lot of experience in this House - I have had a lot of experience in the old building under this Legislative Assembly. I have had experience under the old Assembly of Justices and Vestry. There is no doubt in my mind that politics in Cayman is shown by a person who is opposed to Government. If you're a great opponent of Government, you're a great politician, you're for the people, and this is something today that I believe that Members could assist in explaining to the people, the system how it works. I believe if people have the concept of the Constitutional development, and this is not in the last four years, this Constitutional development has been going on from 1959, I am pleased to see that we are getting some people who are interested to listen, unfortunately you don't get too many people, and we have regulations, we have order governing a system of procedure - The Constitution, The Royal Instructions, last but not least the Standing Orders of this House.

I believe in a disciplined procedure, Mr. President and Members, I would like to see the dignity of this House, I was perturbed a few days ago to hear some noises in the corridor, that was ill fitting to Caymanians concept of life, it was done in the presence of people who were then investing millions of dollars in this territory. These are the things, Mr. President, that drive away people, people who were keyed-up, were agitated, and there is no doubt in my mind that people are going around, agitating people, we can't help that, I am not blaming any particular Member of this House, but a lot stems from here - words here, words outside, but what I would like to do is this, is to emphasize the importance - we understand as Parliamentarians - this is an organization, this a body of people who are disciplined, who can stand knocks, who can stand up and debate, who can go in the coffee room and joke, but you don't get this outside, people don't understand how this goes, and I would hope that Members, because as you rightly said, Sir, that politics in any place, particularly leading up to a general election, it gets pretty warm.

I would hope that nothing ensues in the months to come, that would in anyway detract from what has been built up in this country. I believe that the reason why we are prosperous is because we were undiscovered, we grew timely, I believe that if we continue to grow timely, that we have all success ahead. There is no doubt that there are people from the outside, despite the fact that they run from a situation, which is unbearable in their own country will come to this country, and will begin to tell people how to do things, and will encourage and fan things on the outside, there is no doubt in my mind that we have situations of this happening. I would ask people to consider very carefully, and be able to discuss with people and to tell people, and to ask people why certain things are so, why they are not so.

HON. W. W. CONOLLY (CONCD.): The finances of this country, Mr. President, have been running well, I have been asked on several occasions, (and I believe this was mentioned by somebody) how is it that you people in Cayman can do as much as you do. The person was comparing us with another Colony, which was a rich Colony as far as resources were concerned, my explanation was this - I said well, for the first thing, if the Government has a dollar, it spends a dollar. In most other countries you have national debts, liabilities of effects of war and what not, and keeping up military services, which is money down the drain - everybody comes hum- and squeals - we want a police force - we want a large police force, we want this and we want that, remember that the more money, the larger the police force the more money we have to spend - it is costing us more, I agree, but in a small place like this, where in a few years ago there probably were six families, I don't see the need , why should there be a need for such expenditure as hundreds and hundreds of police, and all kind of equipment, yet we have to do it. Because as someone said there is ganja, there is dope, and prevention of crime is better than taking somebody to court, so I agree that we have to it, but it is not productive, as far as building a building, or building a road as the case may be. I would like to see that we continue to keep - that our society develops where that we can have a minimum of these overhead burdens, where we can have a minimum of prisoners to maintain, where we can have a minimum of police, where we can have a minimum if this Because these are services today that are not productive.

Mr. President, I would like to say that hotel industry in this Island is one of the largest employers of people, we have over five hundred people employed in the hotel industry directly, and over seventy-five per cent in the hotel industry are Caymanians. We have at the present time five Caymanians over-seas in hotel training schools these are apart from the educational programme, these are under different programmes - one is under a scholarship from one of the large institutions here - but there you have again, problems - we have youngsters who go away take a scholarship - never show up - come home and never go back, all this type of thing you have. I think that the hotel industry here will develop, as people get more qualified, there will be more demands for Caymanians. We have a fair service in the hotels, we have ancillary services, and I would like publicly to acknowledge the support that I receive from the Hotel Association - individually and members of that association. I would like to say that Government receives cooperation from them, and I believe that this cooperation will continue as the time goes by. It is the endeavour of Government to have a year round tourism, rather than having peak seasons - if this is achieved, this will be exactly what we set out to do - the quality of the tourist is still keeping up, and I see that, as I mentioned before, as continuing to be one of the greatest industries in the Cayman Islands.

Mr. President and Members, I have said that to say this, that it needs the support of all Caymanians, it needs the support of Members of this Assembly, it needs the support of the outside - if we are going to antagonize, if we are going to be insulting, insolent, or what may be our visitors, we can be without it pretty early.

Mr. President, the docking facilities will aid the cruise passengers somewhat - we do not expect to have the ships docking up to it, but in the concept of the dock there is provision for a better landing stage, there is also, probably some sanitary facilities that will be provided there for these visitors, this is a much needed thing in George Town, and I have been trying under adverse circumstances to find the proper arrangements to get it done.

One last thing I would like to mention is the Mariculture venture, as most Members realize Mariculture had problems, Mariculture has just been taken over by a German consortium, and I believe that it's at the stage where it is going to make a go of it. There is every indication - we had to do with this what I am afraid, with the other forms of agricultural and fishery developments here - have new management. Mariculture today is a very large employer, there are over seventy

HON. M. W. GONSALVES (CONTD.): people in West Bay employed at Mariculture, Inside the managerial staff, and I dare say that there are other ancillary staff, but there is about sixty-five to seventy people employed, and Mr. President, this is something that we have to look very carefully at, when you have one company that employs seventy people, seventy Caymanians, we have to look very, very carefully at it. Government has given it support in very way possible, it has given Cayman quite a jolt as far as advertising is concerned, because it is the only green turtle farm in the world, and packages going from here carry the label of - packaged in Grand Cayman. The amount of educational data that has come out of that farm is something today that goes on all of the statistics, it is held by the United States Government and by private organizations around the world, so all in all, even though the owners of Mariculture didn't make any money, I believe that this has done us a world of good by having this farm here.

I would hope that the farm succeeds, I would hope today that the interest that has been displayed in the past in it, would be displayed in the future, what gave me great consolation was the fact, that while people are taking monies out of other places, here we have foreign people, European people who were willing, I mean not hastily, but after investigation, who had the confidence in the Government, and the people of the Cayman Islands to make a big investment here. I think this is something that is a credit to Cayman, and Caymanians, when people had the confidence, because people are not throwing around their money ad-lib now, and when you find people who could find other places to invest, but came and looked after this thing, and after a period of time decided to invest in this venture, as I said it gives everyone a bit of consolation and pride.

Mr. President, I believe I have covered most of the areas. I should lastly thank the Members for the compliments that they paid, I haven't heard any criticism of them, most of the remarks were complimentary on subjects that I have - if there are any other derogatory, or non-congratulatory remarks coming, I would thank the Members for them, if there are constructive criticisms I will appreciate them and take note of those. I have always been broad shouldered when it comes to parliamentary dealings, and I am sure I will continue to be.

Mr. President, I would like at this time to thank all colleagues of the Executive Council who supported me in the performance of functions, and Members of the Legislative Assembly, and I would like to say also to you, Sir, that I wish for you on your holiday a very happy and restful leave, and that you should come back refreshed to take on a new tour of duty. Thank you, Mr. President.

MR. PRESIDENT: I shall suspend the Assembly until 2:30 this afternoon.

HOUSE SUSPENDED AT 1:05 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Are there any other speakers.

The question is, BE IT RESOLVED THAT THE HONOURABLE LEGISLATIVE RECORDS IT GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED AT THIS MEETING. I have no other alternative, but to put the question if some Member doesn't get up.

The mover of the motion is not here to wind up.

QUESTION PUT: AGREED

ADJOURNMENT

MOVED BY HON. D. O. MATLER

SECONDED BY HON. G. E. HADDINGTON

QUESTION PUT: AGREED

AT 2:35 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. WEDNESDAY MORNING, 17TH MARCH, 1976.

WEDNESDAY 17th March, 1976

PRESENT WERE:-

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.V.WATLER, CBE.,JP	FIRST OFFICIAL MEMBER
HON. C.E.WASHINGTON,CBE.,QC.	SECOND OFFICIAL MEMBER
HON.V.G.JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON.A.B.BUSH,J.P.	SECOND ELECTORAL DISTRICT (MEMBER FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. D. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON.W.W.CONOLLY, CBE.,JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MAMI, AGRICULTURE AND SURVEYS

ELECTED MEMBER

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT,WEST BAY
MISS ANNIE H.BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLARIDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
HON. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

MR. T. W. FARRINGTON, OBE., JP — ABSENT

* ABSENT DURING THE MORNING SITTING

ORDERS OF THE DAY

WEDNESDAY, 17TH MARCH, 1976

1. QUESTIONS:

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A.B.BUSH,J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

RE ADMINISTRATION BUILDING

(i) Can the Member state the discount given to the Cayman Islands Government on the building material and furniture?

(ii) What is the final cost of the Administration Building - construction, landscaping of grounds, furniture and fixtures?

(iii) Was the contract for the office furniture in the Administration Building performed in accordance with the time limitations and prices submitted in the bids?

2. PRIVATE MEMBER'S MOTION:-

TO BE MOVED BY MISS ANNIE HOLDAM BODDEN, CONSTITUENCY OF GEORGE TOWN
TO BE SECONDED BY MR. JOHN A. JEFFERSON, CONSTITUENCY OF WEST BAY

WHEREAS a vacancy exists in the Membership of the PUBLIC ACCOUNTS COMMITTEE (A STANDING COMMITTEE OF THE ASSEMBLY) by the death of one of its Members - Capt. A.A.Reid
BE IT RESOLVED that, in accordance with Standing Order 68 (2), the Assembly appoints - CAPT. CHARLES LEONARD KIRKCONNELL to fill the vacancy on the said Committee.

3. GOVERNMENT BUSINESS: -

BILLS: (i) The Police Force Bill (Committee thereon and Third Reading)
(ii) The Hotels Aid Bill, 1976 (Second Reading Debate)

4. GOVERNMENT MOTIONS:-

NO.1. TO BE MOVED BY V. G. JOHNSON, FINANCIAL SECRETARY
TO BE SECONDED BY

WHEREAS Mariculture Limited, a locally incorporated company engaged in the farming of green turtle as a business venture, have since a year and a half ago been experiencing financial difficulties mainly as a result of the economic recession and consequently the Company have had to reduce staff by fifty per-cent from a year ago; the Company would have since gone into liquidation and it not been for the strong emphasis put on the value of its operation to the economy, both as an industry and as an amenity to tourism;
AND WHEREAS the assets of the Company have now been sold to foreign interests who will operate the business under a new Company and who are prepared under new management and improved marketing techniques to convert the operation into a successful venture in a few years but who have also insisted that to achieve this end there are a few hurdles to clear in the field of marketing such as better identity of the promoters and acceptability by conservationists of the farmed products in certain countries where rules on endangered and threatened species exist; it is thought that Government's participation in the new Company would greatly influence the clearing of these hurdles;
AND WHEREAS before considering the proposal for Government's participation it is necessary to look at the operation in terms of its benefit to the economy and to the Cayman Islands in general;
AND WHEREAS it is respectfully submitted that these benefits are substantial especially in the area of employment offered by the Company there are also direct and indirect contributions which the industry offers in many other respects;

AND WHEREAS...../

AND WHEREAS the financial position of the business is such that the cost involving Government tax and duties on the transfer transactions of the property from Mariculture, Limited to the new Company, Cayman Turtle Farm Limited amounting to approximately $50,000 (Cayman) would impose additional strain on the financial position; this together with the mention already made of the fact that Government's participation would give greater impetus to the business, have resulted in the request for Government to acquire an equity interest in the new Company and the suggestion is to purchase 50,000 shares of CI$1 each which will be off-set by the tax and duties on the transfer transactions;
AND WHEREAS it is the desire of Government to see the turtle farm continue in operation and prosper in every respect as this would be beneficial to the progress and development of the Territory;
BE IT THEREFORE RESOLVED that this Honourable House approve the recommendation that the Government of the Cayman Islands purchase approximately 50,000 shares of CI$1 each in Cayman Turtle Farm Limited in exchange for the tax and duties which will be due on the property transfer transactions in the reorganisation of the turtle farm operation.

No.2

TO BE MOVED BY W. W. CONOLLY
TO BE SECONDED BY

WHEREAS the Liquor Licensing Law, Law 11 of 1974 provides that a Board for Grand Cayman should be appointed annually consisting of a Chairman appointed by the Governor from among the Members of the Executive Council, three Members nominated annually by the Legislative Assembly and one Member nominated annually by the Governor; the Board for Cayman Brac and Little Cayman to consist of the District Commissioner as Chairman and two Members appointed by the Legislative Assembly and one Member nominated by the Governor.

The present Members that the Legislature has nominated for Grand Cayman are ;

Miss Annie McPodden
Mr.Claude Hill
Mr.Craddock Rhonks

and in the case of Cayman Brac and Little Cayman;

Mrs. Trevor Foster and
Capt. R.A.Reid (deceased).

It is necessary for the Legislature to nominate Members to these two Boards for the year 1976

BE IT RESOLVED that the Honourable House nominates three Members to serve on the Board for Grand Cayman and two Members to serve on the Board for Cayman Brac and Little Cayman.

TABLE OF CONTENTS

QUESTIONS	1
THE POLICE FORCE LAW, COMMITTEE THEREON	2
REPORT THEREON	13
THIRD READING	14
THE WORLD AID BILL, 1976 SECOND READING	14
ADJOURNMENT	43

WEDNESDAY, 17TH MARCH, 1976

10 A.M.

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

QUESTION

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A. B. BUSH, J.P., MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

CAN THE MEMBER STATE THE DISCOUNT GIVEN TO THE CAYMAN ISLANDS GOVERNMENT ON THE BUILDING MATERIAL AND FURNITURE?

ANSWER

IT IS ASSUMED THAT THE HONOURABLE MEMBER IS REFERRING TO BUILDING MATERIAL AND FURNITURE FOR THE GOVERNMENT ADMINISTRATION BUILDING. THE ADMINISTRATION BUILDING WAS A PRICED CONTRACT AND THE QUESTION OF DISCOUNT ON MATERIAL COULD NOT HAVE ARISEN AS THE GOVERNMENT DID NOT PURCHASE ANY MATERIALS. IN RESPECT OF FURNITURE, THIS WAS PUT OUT FOR BIDS AND THE GOVERNMENT ACCEPTED A BID. THE QUESTION OF A DISCOUNT COULD THEREFORE NOT HAVE ARISEN.

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

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A. B. BUSH, J.P., MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

WHAT IS THE FINAL COST OF THE ADMINISTRATION BUILDING CONSTRUCTION, LANDSCAPING OF GROUNDS, FURNITURE AND FIXTURES?

ANSWER

THE FINAL COST OF CONSTRUCTING THE GOVERNMENT ADMINISTRATION BUILDING IS NOT KNOWN AS THIS HAS NOT AS YET BEEN ASSESSED. IT MUST BE UNDERSTOOD THAT FINAL COSTS OF SUCH A PROJECT CAN ONLY BE ARRIVED AT WHEN ALL CLAIMS AND COUNTER CLAIMS HAVE BEEN SATISFACTORILY ASSESSED AND SETTLED. THE COST FOR LANDSCAPING THE GROUNDS WAS $3,300, AND THE COST OF FURNITURE WAS $174,762:75. FIXTURES WERE A PART OF THE MAIN CONTRACT.

SUPPLEMENTARY:

MR. CRADDOCK EBANKS: Mr. President, if I may ask the Member how long it will be before the building will be turned over to Government free of these.

HON. A. B. BUSH: I couldn't really say, Mr. President, just how long this will take. It is in the process of being done at present.

MR. CRADDOCK EBANKS: Mr. President, what I really meant - was it not in the contract that the contractor would be responsible for six months, nine months, twelve months, eighteen months, or what for the building to go through all of this before it isn't turned over.

HON. A. B. BUSH: I think it is usually a year, Mr. President, that everything is guaranteed for, and any work done by the contractor

HON. A. B. BUSH (CONTD.): is guaranted for. Should anything happen within that time, I think he will remedy it.

MR. G. CRAIG DOUGLAS: Mr. President, can the Member say why the final costs are not known, when although the building has been occupied for several months, when the dredging at the dock was paid for long before it was completed.

HON. A. B. BUSH: Mr. President, these are two different jobs altogether - it is a different operation altogether that is going on with the Administration Building, and what is the Member is talking about contract for the dock.

MR. PRESIDENT: Move on to third question.

MR. G. CRAIG DOUGLAS, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE A. B. BUSH, J.P., MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND PUBLIC TRANSPORT

WAS THE CONTRACT FOR THE OFFICE FURNITURE IN THE ADMINISTRATION BUILDING PERFORMED IN ACCORDANCE WITH THE TIME LIMITATIONS AND PRICES SUBMITTED IN THE BIDS?

ANSWER

YES.

MR. PRESIDENT: Move on to Private Member's Motion.

PRIVATE MEMBER'S MOTION

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I beg to move Private Member's Motion as follows:

WHEREAS a vacancy exists in the Membership of the Public Accounts Committee (A Standing Committee of the Assembly) by the death of one of its Members - Capt. A. A. Reid

BE IT RESOLVED that, in accordance with Standing Order 68 (2), the Assembly appoints - Capt. Charles Leonard Kirkconnell to fill the vacancy on the said Committee.

I beg to move that, Sir.

MR. PRESIDENT: I notice the seconder who is down on the Order Paper is not present, but I would accept the seconding from any other Member.

SECONDED BY MR. CLAUDE M. HILL.

QUESTION PROPOSED.

MR. PRESIDENT: If there are no speakers, I shall put the question. Will those in favour please say AYE and those against NO. The AYES have it. Capt. Charles Leonard Kirkconnell is accordingly appointed as a Member of the Public Accounts Committee.

We will move on to Bills. First of all the Police Force Bill the Committee stage and Third Reading.

THE POLICE FORCE LAW - COMMITTEE THEREON

HON. W. W. WALLER: Mr. President and Honourable Members, I beg to move that this House Resolve itself into a Committee of the Whole House to study a Police Force Law, 1975, and to amend it as they see fit.

SECONDED BY HON. T. E. WORDINGTON

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee to study a Bill entitled the Police Force Law. As this is rather a long Bill, if Members have no objections, I would take five clauses at a time, this will not preclude Members from raising points on any individual clause.

THE POLICE FORCE LAW, 1975

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT
CLAUSE 2 INTERPRETATION

QUESTION PROPOSED:

HON. D. V. WATLER: In Clause 1 - This Law may be cited as the Police Force Law, and shall come into operation upon a date to be appointed - or a day to be appointed - I think it is a day to be appointed, rather than date.

HON. G. E. WADDINGTON: The word should be 'day' instead of 'date'.

MR. CHAIRMAN: If there is no objection we can make that amendment changing the word 'date' to 'day' in clause 1.

QUESTION PUT: AGREED. CLAUSES 1 AND CLAUSE 2 PASSED.

CLERK: CLAUSE 3 PREVIOUS FORCE CONTINUED.
CLAUSE 4 CONSTITUTION.
CLAUSE 5 FUNCTIONS.
CLAUSE 6 GENERAL POWERS OF COMMISSIONER.
CLAUSE 7 ADMINISTRATION.
QUESTION PUT: AGREED: CLAUSES 3 TO 7 PASSED.

CLERK: CLAUSE 8 APPOINTMENTS.
CLAUSE 9 ENLISTMENTS.
CLAUSE 10 DECLARATION ON ENLISTMENT.
CLAUSE 11 CERTIFICATE OF APPOINTMENT.
CLAUSE 12 LIABILITY TO SERVE.
QUESTION PUT: AGREED. CLAUSES 8 TO 12 PASSED.

CLERK: CLAUSE 13 OFFICERS NOT TO ENGAGE IN OTHER EMPLOYMENT OR IN POLITICAL ACTIVITIES.
CLAUSE 14 POLICE ASSOCIATION.
CLAUSE 15 RESIGNATIONS.
CLAUSE 16 DISCHARGE.
CLAUSE 17 OFFICER CEASING TO BELONG TO FORCE TO HAND OVER PUBLIC PROPERTY IN HIS CHARGE.
QUESTION PUT: AGREED. CLAUSES 14 TO 17 PASSED.

CLERK: CLAUSE 18 STATUS OF OFFICERS.
CLAUSE 19 SPECIAL CONTRACTS OF ENLISTMENT.
CLAUSE 20 RETIREMENT AND PENSIONS.
CLAUSE 21 MEDICAL PRIVILEGES.
CLAUSE 22 SPECIAL PENSIONS IN THE EVENT OF DEATH OR INCAPACITY ATTRIBUTABLE TO PERFORMANCE OF DUTY.
CLAUSE 23 OFFICERS' FUNERAL EXPENSES.

HON. G. E. WADDINGTON: Mr. Chairman, before we proceed with those clauses, there is a slight amendment which should be made to Clause 21 (2). It will be observed that Clause 21 (2) says that - "For the purpose of this section and section 22 a child of the family has the meaning ascribed to it in the Matrimonial Causes Law" - it was hoped that when this Bill was prepared that the Matrimonial Causes Law would have been enacted, but so far it has not been in enacted, and it is therefore necessary to spell out the definition in this Law, and not by reference to the Matrimonial Causes Law. I therefore suggest, Mr. Chairman, that Clause 21 (2) be reworded in the manner in which I will dictate, if it could be taken down, I am sorry that

HON. G. E. HAMMINGTON (CONTD.): I didn't have the opportunity of discussing Members - can I read this suggested amendment - would Members take it down - (2) "For the purpose of this section "child of the family" includes any child under the age of sixteen years who is the child, adopted or otherwise, of either party of a marriage, or who has been brought up in the matrimonial home of such parties as a member of their family".

MR. G. HAIG BODDEN: Mr. Chairman, before we conclude this clause, I am wondering if we could add, or we could include the child of a person who has been deemed by the court to be the putative father. You will recall, Sir, that sometime ago we passed the Affiliation Law which deals with bastard children, and in that Law a man can be deemed by the court to be the putative father of a child, and if that man is so deemed to be the putative father, he would then be forced by the court to pay some monies for the welfare of that child. Now let us take a situation where the court had made an order for the support of a child by a man, and the person against whom the order had been made died shortly afterwards, you would have a situation where the child could not receive anything at all from the father's estate, although had the father lived the child would have received until the child reach the age of sixteen or whatever age is fixed in that Law. So if we are going to protect the child while the father is alive, and would probably out of the generosity of his heart anyhow subscribe to the child's welfare, I think it is also necessary that in the event of the decease of the father, that some provision should be made by law for the welfare of that child.

HON. G. E. HAMMINGTON: I think that the definition as it is, Mr. Chairman, would cover such a child, because it says, "a child of the family" includes any child who is a child, adopted or otherwise, of either party of a marriage, or who has been brought up in the matrimonial home of such parties - so that if the father had a child, and he has been deemed by the court to be the putative father of that child, then that child would come within this definition, adopted or otherwise.

MR. G. HAIG BODDEN: Mr. Chairman, I have to disagree with that, because similar definitions are contained in other laws, and the bastard child, or the illegitimate child of a parent is excluded, and I think we should make it crystal clear so that if this thing ever comes before a court of law, the Judge would not have to be guessing as to what was meant by the section. If he is intended to be included, we should stipulate in wording, that a child of a putative father would also be included, if we don't I see that it could be interpreted in another way - one Judge might say well, I think it includes such a child, and another Judge might give a different opinion, and both would be correct, because reading that section there is nothing at all in it to indicate that an illegitimate child would be included - it is not my intention to include all illegitimate children, but just those that the court has made a ruling upon, that the father is the putative father.

You know in the matter of children, you know the mother thats a fact, the father is only an opinion, and we should put it in such a manner that there can be, not a matter of opinion here, but a matter that has been decided upon by the court, because we have a Law that gives the court the authority to name a person as the putative father, and to force the support of that child upon the putative father, and if this is done during his life time, it is sure needed after his decease.

MISS ANNIE H. BODDEN: Mr. Chairman, I have to agree somewhat with what the Member has said, because very unfortunately these children have no privileges whatsoever. I have been accused in this Assembly because I tried to get them protection many years ago and of course eleven men fought me, and I lost, and I feel that some inclusion as to what should happen to these unfortunate children should be included in this Law. Because this matter of discretion with the court is becoming something that I would say, the public is not very happy about, and I feel that we should

MISS ANNIE H. BODDEN (CONTD.): make it crystal clear what we intend to do, and I respectfully suggest that what the Member has said be taken into consideration, and something done about it.

HON. B. O. EBANKS: Mr. Chairman, before I comment on the actual amendment, I would like to know whether we are really dealing with section 22 now, or section 21, because the old sub-section (2) of 21 said, "for the purpose of this section and section 22, and I think what Members are talking about is in effect section 22, but the proposed amendment is referring only to section 21 as I understand it, unless it's corrected.

MR. CHAIRMAN: I'll ask the Attorney General to clarify this amendment.

HON. G. E. WADDINGTON: I think that the motion - the amendment ought to apply to both sections - 21 and 22, as was the original intention. I think this was an omission in only referring this to section 21 - it should be for the purposes of this section and section 22 exactly as it read before.

HON. B. O. EBANKS: Mr. Chairman, my first contribution would be that in the proposed amendment the age given differs from the age given in sub-section (1) of 21 - the proposed amendment seems to limit the age to sixteen, whereas sub-section (1) would seek to carry it on to eighteen - so I think if we can get that reconciled, may be we can deal with the other part of it.

HON. G. E. WADDINGTON: Yes, I think the two figures should be reconciled, Mr. Chairman, the definition that has been proposed as an amendment was taken from the Matrimonial Causes Act, which was an entirely different act, having no relation to the Police Force Law, and the draftsman apparently took the age from that Law, so there should a reconciliation, and I would have no objection to sixteen, in the proposed amendment being altered to eighteen.

MR. CHAIRMAN: I think we had better restate the amendment as proposed - 21 (2), and it suggested that this clause be replaced by a new clause, or sub-clause, reading - "For the purpose of this section and section 22 "child of the family" includes any child under the age of eighteen years who is the child adopted otherwise of either party of a marriage, or who has been brought up in the matrimonial home of such parties as a member of the family". So that is what we are now debating.

HON. B. O. EBANKS: Mr. Chairman, with regards to the point raised about the illegitimate child, or unnatural child as it is known in our Affiliation Law, I support the view expressed by the second Official Member, that the unnatural child would be included in this clause. Because it says either party of a marriage, (and it makes it clear that we are not only talking about the child of a marriage, its the party the parties involved in a marriage); so if the male of a marriage, or the husband of a marriage had been declared the putative father of a child, I think it would be covered. If had been a child of a marriage we would in trouble, but its the parties to the marriage, its the child of either party to a marriage, so I think .....

MR. G. HAIG BODDEN: Mr. Chairman, the Succession Law which we recently passed, specifically excludes illegitimate children, and a child of a putative father is an illegitimate child, so we would have to go probably to the Succession Law, or some other Law to determine whether the putative father was in fact a child. I don't see this section as it stands can be interpreted to include the child of a putative father, unless it is specifically stated here. We can leave the clause as it is - it would seem to me that we would automatically exclude the putative father's child.

HON. G. E. WADDINGTON: I don't think that is so, Mr. Chairman, the clause as it is here is even wider than that, because if we put in a child who has been declared to be the child of a person, that is to say the putative father, it would mean that the vast majority of children whose fathers have not been adjudged to be their fathers, would not come under this provision. But as the provision stands now, it is a child adopted or otherwise - in any other way any other child, whether declared for it to be the child of a person or not, any child who would come within this definition would be entitled to the benefits of this sub-section. It is a very wide section, its adopted, which shows that it is not the illegitimate child they are referring to, it is any child whether adopted, or otherwise - in any other way that it is a child of a person - either party to the marriage that child would benefit under this provision - it is extremely wide.

MISS ANNIE H. BODDEN: Mr. Chairman, as I see it this would include those connected with a marriage, but these unfortunate, unnatural, or whatever you feel like calling them children, they are excluded, its not many women would be prepared to take in their husbands bastard child/these, if any.

HON. G. E. WADDINGTON: But that is not the point, the point is that this section would cover such a child, because the child would be a child of the father , whether the mother wanted to accept it or not, it would be a child of the father, and therefore it would be entitled to the benefits of this provision.

MR. CRADDOCK EBANKS: Yes but, Mr. Chairman, if this child was not accepted in the home where the father, or mother - it lived outside, some relation, some friend some place, would it then automatically come under this.

HON. G. E. WADDINGTON: It would still be a child of the party to the marriage - a child of the father or the mother, as the case may be. It would come within the definition of otherwise - otherwise is a child adopted, or otherwise, of either party to the marriage. So whether the parties to the marriage have this child living in the home or not, would be quite irrelevant, it would a child of one of the parties to the marriage, and therefore it would be entitled to the benefit of this provision.

HON. M. W. CONOLLY: Mr. Chairman, I think the clause goes on further to separate the difference there, because it says, or who has been brought up in the matrimonial home, so there is a definite distinction. It envisages that there would be a child of the family who was not brought up, or might not have been brought up in the matrimonial home.

MR. CRADDOCK EBANKS: Mr. Chairman, then if this illegitimate child is on the outside - the woman decides she is going to get married, but before the matrimony takes place, or her expected fiancé said we will get married, but the child cannot come in our home - this child is not a matrimonial child - then this child is sent off some place else to live - the question is, would the child truly come under this.

HON. G. E. WADDINGTON: Would definitely come under this, because it would be a child of one of the parties to the marriage.

MR. CRADDOCK EBANKS: But it doesn't say - in that case then the child wasn't adopted - the child wasn't matrimonial.

HON. G. E. WADDINGTON: I don't know what is the meaning of the word matrimonial. By that you mean the child wasn't born in matrimony. Well it is still a child of one of the parties to the marriage, not adopted, but otherwise a child of one of the parties to the marriage.

MISS ANNIE H. BODDEN: Mr. Chairman, I don't like to be aggressive, but for the sake of this unfortunate child we better define what otherwise mean, because in the Court - now this is beside the point, up to yesterday - up to last night I was called by a very reliable, and I would say influential man, who was very dissatisfied with certain happenings in the Court, and which they feel that the discretion that the Judges have is taken to the point where some people what they want, and others do not. I feel, Sir, in our Laws now its all this controversy we should really define this.

MR. CHAIRMAN: I think I'll put the question on first of all on clause 21 (2) on the amendment to that if that is accepted, or otherwise. I will then put the question on clauses 18 to 23.

MR. G. HAIG BODDEN: Mr. Chairman, do you mean as amended by me, or amended by .....

MR. CHAIRMAN: I shall read out the amendment proposed make it quite clear - the amendment proposed is that clause 21 (2) be struck out, and new clause 21 (2) be inserted reading as follows "for the purpose of this section, and section 22 "child of the family" includes any child under the age of eighteen years, who is the child adopted, or otherwise of either party of a marriage, or who has been brought up in the matrimonial home of such parties as a member of the family". I'll put the question on that first.

QUESTION PUT: AYES AND NOES. I THINK THE AYES HAVE IT.

MR. G. HAIG BODDEN: Mr. Chairman, could we have a division on that please.

DIVISION

AYES	NOES
HON. D. V. WATLER	MISS ANNIE H. BODDEN
HON. G. E. WADDINGTON	MR. G. HAIG BODDEN
HON. V. G. JOHNSON	MR. CRAIGCOX EBANKS
HON. A. B. DUSH	
HON. TREVOR FOSTER	
HON. R. O. JONES	
HON. W. H. CONOLLY	
MR. CLAUDE HILL	
CAPT. CHARLES KIRKCONNELL	

MR. CHAIRMAN: The result of the division is - Ten nine votes - against three voices, and there are three absentees from the Chamber. I shall now put the question that clauses 18 to 23 with clause 21 (2) amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 18 TO 23 PASSED.

CLERK:
CLAUSE 24 GENERAL
CLAUSE 25 POWER TO RECORD IDENTIFICATION
CLAUSE 26 POWER OF PEACE OFFICER TO TAKE AN ENTRY COMPLAINTS ETC.
CLAUSE 27 OFFICERS NOT LIABLE FOR ACTS DONE UNDER WARRANT.
CLAUSE 28 POWER TO INSPECT LICENSES OR PERMITS.

HON. D. V. WATLER: Before you put the question, Mr. Chairman, in section 28 - next to the last line 'may lawfully be issued and may conduct prosecution'. I think it is a bit of a typographical error there, it should be 'prosecutions' instead of prosecution, 's' should be there, and then in section 27 - the last line - 'such police officer', would you need that word police again, or 'such officer', I wonder what the Second Official Member would think of that.

HON. G.E. WADDINGTON: No harm in leaving it.

HON. D.V. WACLER: No harm - OK - fair enough - sorry.

MR. CHAIRMAN: The amendment to a typographical error has been suggested in Clause 26, changing the word "prosecution" in the second last line to "Prosecutions" adding on an "s". If there is no objection we can consider these Clauses with that minor typographical amendment.

The question is that Clauses 24 to 28 do stand part of the Bill.

MISS ANNIE D. BODDEN: Mr. Chairman, I would really like an explanation on number 27 (1). Where the defence to any suit instituted against the police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a Judge or Justice of the Peace, the court shall, upon production of the warrant containing the signature of the Judge or Justice of the Peace and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such a police officer. I would like some explanation as to what that actually means, Sir.

HON. G.E. WADDINGTON: Well, the explanation Mr. Chairman, is this, that once a warrant has been issued and acted upon by a police officer, if it turns out subsequently that there was something wrong with the warrant then the police officer would have a perfectly good defence in stating that he acted in obedience to that warrant. In otherwords the police officers, once they have/purported to be a properly issued warrant and act in accordance with that warrant would obtain the protection of the section.

MISS ANNIE H. BODDEN: Well, Mr. Chairman, I would like to know then who would be responsible? Suppose a police officer came and arrested me falsely - I mean I hadn't done any crime, and I wanted to turn around and get some recompense for the - say the destruction of my character, what would happen then? Is this section to say that I could get no redress from anybody?

HON. G.E. WADDINGTON: No, by no means, whoever applied for the issue of the warrant, if they applied maliciously or without any reasonable and proper cause they'll be liable to an action for malicious prosecution, but the policeman who executed the warrant, he's acting on a document which he thinks has been issued to him and he thinks it's a proper warrant he should not be liable, and he has a perfect defence for acting on a document which is purported to be a properly issued document, but the person who applied in the first instance for the issue of the warrant, that is the person who will be liable.

And, as I say, Mr. Chairman, that is the present position in the law at the moment.

MISS ANNIE H. BODDEN: Mr. Chairman, I feel that the police personally not being liable and acting under instructions from some higher up authority, or as this says, a Judge or Justice of the Peace, I feel that this is rather broad that anybody could be arrested, and then there would be a search around to find out who issued this warrant or who gave these instructions. I feel that we should really make some stimulation here and define the thing better than it is.

MR. CHAIRMAN: If there is no further debate, I shall put the question that Clauses 24 to 28 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 24 to 28 PASSED.

CLERK: CLAUSE 29 ROAD BARRIERS
CLAUSE 30 DUTY TO KEEP ORDER IN PUBLIC PLACES
CLAUSE 31 POWER TO REQUIRE NAMES AND ADDRESSES
CLAUSE 32 POWER OF POLICE OFFICER TO ENTER AND BREAK INTO PREMISES IN CASE OF FIRE ETC.

CLAUSE 31 POWERS OF ARREST.

HON. D.V. WATLER: In those Clauses Mr. Chairman, Clause 32 the third line from the end of the Clause 32. "Extinquish fire", I think you should have "extinquish a fire". And, in Clause 33, Mr. Chairman the Extradition Act; has the Extradition Act 1870 - I have been informed it should be 1870/1932. And then .....

HON. C.E. WALDINGTON: Extradition Acts, 's' after Act - Acts 1870 /1932.

MR. CHAIRMAN: Some minor corrections have been proposed to Clauses 32 to insert the word 'a' before fire in the third last line, and secondly to amend Clause 33 (f) in the second last line by substituting the word 'Acts' in the plural for Act, and following that with the figures 1870/1932 for the figures 1870 where it appears in that line; and in case Members have not got the dished amendment, the word 'Offenders' comes in after Fugitive. So, it now reads. "The Extradition Acts, 1870 to 1932. The Fugitive Offenders Act 1967." If there's no objection we'll take those clauses with these minor typographical amendments.

The question is that Clauses 29 to 33 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 29 to 33 PASSED.

CLERK: CLAUSE 34 DETENTION OF PERSONS ARRESTED WITHOUT WARRANT.

MR. CHAIRMAN: We'll take this clause by itself to conclude Part 4. The question is that clause 34 do stand part of the Bill.

MR. D.V. WATLER: Subsection 6 there - little two, they've got the 'section' there in a capital "S", I think it should be a common "s" as I'm informed.

MR. CHAIRMAN: A typographical amendment proposed to clause 34(6) small Roman two, inserting a small "s" for the capital "S" in the word "SECTION".

I put the question with that amendment, that clause 34 do stand part of the Bill.

QUESTION PUT: AGREED.

CLERK: CLAUSE 35 DEFINITION OF POLICE PROPERTY.
CLAUSE 36 PERISHABLE PROPERTY.
CLAUSE 37 COURT EXHIBITS.
CLAUSE 38 LOST PROPERTY TO BE SURRENDERED TO THE POLICE.
CLAUSE 39 LOST PROPERTY TO BE RESTORED.
CLAUSE 40 LOST PROPERTY REMAINING UNCLAIMED.

MR. CHAIRMAN: The question is that clauses 35 to 40 do stand part of the Bill.

MISS ANNIE H. BODDEN: Mr. Chairman, this Law .....(Mike not on) (INAUDIBLE)

HON. G. E. WADDINGTON: Well, I think the Law goes on lower down to state what is to happen to the property. It is called police property, but it has to be dealt with in accordance with the subsequent provisions appearing in 40 and 41. And, section 35 defines what police property is; "All property coming into the hands of an officer in his capacity as such with respect to which the owner has not been ascertained shall be known as police property", and then the subsequent sections 40 and 41 and 42 sets out how it should be dealt with.

MISS ANNIE H. HODDEN: I do not understand clearly Sir, but I do not quite understand if the police shall retain that as his police property or does it go back to the crown? That's what I don't quite understand.

HON. G.E. WADDINGTON: Well, perhaps when we read 40 or 41 - section 40 says that, "Where after the lapse of six months from the time of its being held by the police the owner of the police property remains untraced, such property shall, if brought to the police by a member of the public, be handed over to such member of the public and if brought in by an officer shall, if it takes a form other than money currently in circulation, be sold by auction as hereinafter provided". In otherwords, if it is unclaimed, if it was brought in by an individual it must be handed back to the individual, because the Law is that finders are keepers, but in absence of the owner claiming the property it belongs to the finder; otherwise it's dealt with by public auction under 41.

HON. D.V. WATLER: And the proceeds under 43 going to the welfare fund.

HON. G.E. WADDINGTON: That's right. Under 41 the proceeds of the sale will go into the police welfare fund.

MR. CHAIRMAN: I shall put the question. The question is that clauses 35 to 40 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 35 TO 40 PASSED.

CLERK: CLAUSE 41 SALE BY AUCTION OF POLICE PROPERTY.
CLAUSE 42 SALE OF POLICE PROPERTY BARS FURTHER CLAIMS.
CLAUSE 43 WELFARE FUND.
CLAUSE 44 CUSTODY AND APPLICATION OF WELFARE FUND.
CLAUSE 45 WELFARE FUND MAY ACCEPT VOLUNTARY CONTRIBUTIONS.

MR. CHAIRMAN: The question is that 41 to 45 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 41 TO 45 PASSED.

CLERK: CLAUSE 46 SUSPENSION OR INTERDICTION OF OFFICERS.
CLAUSE 47 INTERDICTION OF INSPECTORS AND JUNIOR OFFICERS.
CLAUSE 48 SERIOUS OFFENCES BY OFFICERS.
CLAUSE 49 OFFENCES AGAINST DISCIPLINE.
CLAUSE 50 POWER TO ARREST OFFICERS.

MR. CHAIRMAN: The question is that clauses 46 to 50 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 46 to 50 PASSED.

CLERK: CLAUSE 51 TRIAL AND PUNISHMENT OF OFFENCES AGAINST DISCIPLINE.
CLAUSE 52 REVIEW BY COMMISSIONER.
CLAUSE 53 APPEALS.

CLAUSE 54 POWER TO SUMMON WITNESSES.
CLAUSE 55 PROCEEDING IN CASES OF GRAVE OR REPEATED OFFENCES.

MR. CHAIRMAN: The question is that clauses 51 to 55 do stand part of the Bill.

HON. D.V. WATLEY: In section 51 (2), again you have the capital 'S' for 'SECTION' in the first line, it should be a small 's' there, Sir.

MR. JOHN D. JEFFERSON: I'm sorry, I didn't understand the First Member.

MR. CHAIRMAN: It's a typographical error in the first line of clause 51 (2) the word "SECTION" has a capital 'S' and it should have a small 's'.

If we can accept that small amendment, I shall put the question that clauses 51 to 55 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 51 TO 55 PASSED.

CLERK: CLAUSE 56 DISMISSAL OR REDUCTION IN RANK OF OFFICERS CONVICTED BY A COURT.
CLAUSE 57 ADMONISHMENT AND REPRIMAND.
CLAUSE 58 FINES RECOVERABLE BY STOPPAGE OF PAY.
CLAUSE 59 LOSS OR DAMAGE TO ARMS OR EQUIPMENT TO BE MADE GOOD BY STOPPAGE OF PAY.
CLAUSE 60 PAY NOT TO ACCRUE DURING ABSENCE WITHOUT LEAVE OR IMPRISONMENT.
CLAUSE 61 CONFINEMENT OF OFFENDERS.

MR. CHAIRMAN: The question is that clauses 56 to 61 do stand part of the Bill.

HON. D.V. WATLEY: There are two small typographical errors again, Mr. Chairman, in section 59 sub-section (2). In the second line of that, "authorised by the Law" should be "by this Law"; and the third line was imposed or the cause" "cause" should be "case" dealt with.

MR. CHAIRMAN: If there is no objection, we can consider these clauses with these minor typographical errors corrected in clause 58 (2) substituting the word 'this' for the word "the" before the word "Law" in the second line, and substitution the word "case" for the word "cause" in the third line of that sub-section.

QUESTION PUT: AGREED. CLAUSES 56 TO 61 PASSED.

CLERK: CLAUSE 62 UNLAWFUL POSSESSION OF ARTICLES SUPPLIED TO POLICE OFFICERS.
CLAUSE 63 PENALTY FOR ASSAULTING, OBSTRUCTING OR MISLEADING AN OFFICER.
CLAUSE 64 PENALTY FOR MAKING FALSE REPORT OF COMMISSION OF OFFENCE, ETC.
CLAUSE 65 PENALTY FOR CAUSING DISAFFECTION, ETC.
CLAUSE 66 PENALTY FOR DISORDERLY CONDUCT IN POLICE STATION ETC.
CLAUSE 67 POWER TO PROSECUTE UNDER OTHER LAWS UNAFFECTED.

QUESTION PUT: AGREED. CLAUSES 62 TO 67 PASSED.

CLERK: CLAUSE 68 PREVIOUS FORCE TO CONTINUE.
CLAUSE 69 COMPOSITION.
CLAUSE 70 COMMISSIONER TO COMMAND.
CLAUSE 71 DECLARATION ON APPOINTMENT.

CLAUSE 72 CERTIFICATE OF IDENTITY.

QUESTION PUT: AGREED. CLAUSES 69 TO 72 PASSED.

CLERK: CLAUSE 73 TRAINING AND DUTIES.
CLAUSE 74 CALLING OUT FOR SERVICE.
CLAUSE 75 POWERS, PRIVILEGES AND PROTECTION OF SPECIAL CONSTABLES.
CLAUSE 76 PAY AND ALLOWANCES ETC.
CLAUSE 77 CLOTHING AND EQUIPMENT.

QUESTION PUT: AGREED. CLAUSES 73 TO 77 PASSED.

CLERK: CLAUSE 78 OFFENCES AGAINST DISCIPLINE.
CLAUSE 79 TRIAL OF OFFENCES AGAINST DISCIPLINE.
CLAUSE 80 ILLNESS, INJURY, OR DEATH.
CLAUSE 81 TERMINATION OF APPOINTMENT.

MR. CHAIRMAN: The question is that clauses 78 to 81 do stand part of the bill.

HON. D.V. WATLER: In section 78 the proviso licence (a) and after the semi colon after the words, "process of Law" it should be an "and" added there; and then it should be "no special constable shall be punished twice for the same offence".

MR. CHAIRMAN: If there is no objection, we'll consider these clauses with the addition of the word "and" after the word Law" in clause 78 (a).

QUESTION PUT: AGREED. CLAUSES 78 TO 81 PASSED.

CLERK: CLAUSE 82 SPECIAL DUTY AND FEES CHARGEABLE.
CLAUSE 83 COMPENSATION FOR DAMAGE.
CLAUSE 84 REGULATIONS.
CLAUSE 85 REPEAL OF CAP. 126 WITH SAVINGS.

QUESTION PUT:

HON. D.V. WATLER: In section 84, the Regulation section, section (j) in the last line, "drug detection and special duty branches" instead it should be "special branch duties".

MR. JOHN D. JEFFERSON: Would you repeat that again, Mr. Chairman.

HON. D.V. WATLER: In sub-section (j) of section 84, the last three words, "special duty branches" it should read "special branch duties".

MR. JOHN D. JEFFERSON: "Duty" "Duties"?

HON. D.V. WATLER: "Duties".

HON. W.W. CONNELLY: Mr. Chairman, what has he suggested?

HON. D.V. WATLER: The section (j) to read, "the establishment and management of criminal investigation, traffic, drug detection and special branch duties".

HON. W.W. CONNELLY: The way I read it it is correct. "The establishment and management of criminal investigation - that's one branch, the traffic branch, the drug detection and the special duty branch, and all of those are different branches.

HON. D.V. WATLER: It could be, but this is what was suggested by the Legal Draftsman.

HON. W.W. CONOLLY: This is how I read it. I read it that it is correct there. Isn't special duty considered a branch of the Police System? I don't know, but I thought so, that you have constables who are on special duty: you have constables on traffic; constables on the criminal investigation, constables on drug detection; and each of these is considered a special branch or a branch of the department.

HON. G.E. WADDINGTON: I think there is a special branch of the department which is referred to as the special branch, and they took the special branch duties - this is what we were instructed by the Police.

HON. W.W. CONOLLY: Special Branch duties?

HON. G.E. WADDINGTON: Yes, special branch duties.

MR. G. HAIG BODDEN: Yes, Mr. Chairman, the special branch is the one that tapes political meetings. (MEMBERS LAUGHTER)

MR. JOHN D. JEFFERSON: Well, thank God for the special branch then.

MR. CHAIRMAN: The amendment suggested is, to clause 84 (j) in the last three words substituting "special branch duties" for the word "special duty branches". If there is no objection to that, I'll put the question that with that amendment clauses 82 to 85 do stand part of the bill.

QUESTION PUT: AGREED. CLAUSES 82 to 85 PASSED

CLERK: THE SCHEDULE.

QUESTION PUT: AGREED. SCHEDULE PASSED.

CLERK: A LAW TO REPEAL AND REPLACE THE POLICE FORCE LAW, CAP. 126.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a bill entitled, 'The Police Force Law'.

The house will now resume.

REPORT THEREON

HON. D.V. WATLER: Mr. President, and Honourable Members, I have to report that a bill entitled "The Police Force Law" was studied in a committee of the whole house and passed with the following amendments:- Section 1 clause 1 the second line, the word "day" substituted for the word "date". In section 21 sub-section (2), that was deleted and the following substituted:- Sub-section 2 to read, "For the purpose of this section and section 22 a 'child of the family' includes any child under the age of 18 years who is a child adopted or otherwise of either party of the marriage or who has been brought up in the matrimonial home of such parties as a member of their family. Then in section 32, the third line from the end of that section between the words 'extinguish/fire' an "a" is inserted that it will read, "extinguishing a fire". Then in section 33 sub-section (f) the next to the last line to that sub-section "is under the Extradition "Acts" instead of "Act" - and 1870 a big stroke 1932 - The word "Offenders" there, it would be and after that, "the Fugitive Offenders Act"; and that will also amend the Marginal notes also - should be amended accordingly because you have the Extradition Act there too, so we would have to put in "Extradition Acts, 1870 a big stroke 1932. And in section 34 sub-section 6 and little two in the last line there, "provisions of Section 33" reads, the capital "S" is taken out and a small "s" is included, to substitute for it; and then in Section 51 sub-section (2) again a small "s" is substituted in the word 'Section' for the capital one. Then in section 58

HON. D.V. WATLER: (CONT'D): sub-section (2), the second line of that sub-section "authorised by the Law" this is substituted for "the law" and it would now read "authorised by this Law". And, then in the third line of the same sub-section "was imposed or the cause dealt with" the "u" in the "cause" is struck out, and instead it now becomes "or the case dealt with". And, finally in section 84 sub-section (j) the last three words in that sub-section "special duty branches" has been amended to read "special branch duties".

HON. G.C. WADDINGTON: Section 70.

HON. D.V. WATLER: (CONT'D): and, in section 70 - (I apologise for omitting this) In section 70 in the proviso section of it, there are two provisos there (a) and (b) and at the end of the proviso (a) after the word "LAW" a semi-colon is placed there, it should be 'and' included before the semi-colon. Those are all of the amendments, Mr. President.

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

THE POLICE FORCE BILL

THIRD READING

CLERK THE POLICE LAW, THIRD READING.

MOVED BY HON. D.V. WATLER

SECONDED BY HON. G.C. WADDINGTON

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

THE HOTELS AID BILL, 1976.

SECOND READING

CLERK: THE HOTELS AID BILL, 1976, SECOND READING.

HON. W.W. CONOLLY: Mr. President, I beg to move the second reading of a bill entitled "The Hotels Aid Law, 1976"

This bill, Mr. President and Members is a new Law. The Hotels Aid Law is nothing new to these Islands. We have been having an incentive law, which is a Cap. 66, our old ordinances; that particular law had been amended several times, and it was a law that expired at the end of every years it became cumbersome to have to renew it at the end of each year, and it was considered that we should have a Law put on the statute books that would be a continuing Law - at the same time we considered it expedient to put all of the amendments that have been made to this Law over these years into one document.

Now, in presenting this bill - the reason for this primarily is to give incentive to the erection of hotels in the Cayman Islands; and I believe Mr. President, and Members that this is a Law that will be accepted - that will be endorsed by all Members, because if we take the Hotel industry as a whole, it is one of the largest single industries in the Island. At the end of 1975 there were in the vicinity of five hundred persons employed in this industry; and when we have a single industry here employing over five hundred people, out of a labourforce of approximately three thousand, I believe that we can agree that we should watch the development of this industry very carefully. Now, this is just a part of the tourism industry, but it is, Mr. President, a vital part of the overall infrastructure, because without the proper accommodation for our visitors we would not be in position to compete with other resort areas.

HON. W.W. CONOLLY: (CONT'D): It is true that our incentives here in Cayman or in the Cayman Islands take the form of a waiver of Customs duty; this could be somewhat unique to us, but in every area where there is the development of the tourism industry and the erection of hotels, there is some form of incentive offered by the respective Governments. In most places we have Government contributing land, in some areas we find the Government erecting the hotels, like in Jamaica or the Bahamas or Barbados - like big skyline Hotels, like the Halcyon and Sheraton, we find that the Governments build the Hotels and farm them out to these Hotel operators in big chains to operate. Well, here in Cayman the Government has not been fit, infact there has not been the decision to invest in the Hotel industry; and I feel like Government is wise to give incentives to attract buildings of hotels. And, the long term benefits accuring from such incentives, far out-weigh what benefits that the original proprietor might have got from Government.

We have here Sir, very few changes from the original Hotels Aid Law - I may say that one of the major changes happens to be in the second schedule, and this is in the percentage of duty that is charged on the importation of goods for the construction and equipping of a Hotel. Now, we find in most countries that the problem of urbanization crops up, and here in Grand Cayman particularly, this is evident. We find today that we have an airport close to George Town, we find we have our good beaches on the West Bay beach, we find we have the dock in the George Town area; and naturally it would be convenient in every respect from the cost, communication, and everything else for people to invest in this area. This brings the problem, because once all the investment is stuffed in a particular area it draws all the labour force to that area, and what we find in certain countries has happened - we see the gradual dying of areas that could be and should have been developed. Now, this law tends to adopt the measure which it is hoped would alleviate that by increasing the import duty on the now developed area of West Bay beach and putting a very nominal sum on other areas outside that, including the two other Islands, Little Cayman and Cayman Brac.

Mr. President, and Members, I would like to have in a position today to recommend greater incentives than this, because I believe if the eastern part of Grand Cayman and the Islands of Little Cayman and Cayman Brac are going to develop there has / be an injection of some form of incentive to do it; and I believe that the incentive will have to be one which will attract the investor, I don't think it will be just something that he can say, "well, it's just a couple of dollars", I believe that it has to be a substantial incentive. But, Mr. President, and Members, at the present time these figures are put in here, and as we go into the committee stage on this Bill, if Members feel otherwise, and if their recommendations are subjected and approved, naturally the bill will be amended accordingly. At the present time or at the end of 1975 when the old Law went into abeyance the schedule of this waive of duties then was a seven and a half percent of Customs duty on the West Bay Peninsula - stated here somewhere between the George Town cemetery and the West Bay cemetery, and other parts of the Islands, two and a half percent. There was this differential of a five percent Customs duty, but when one thinks that the transportation cost of moving materials, say, into the eastern and northern ends of this Island or even across to Cayman Brac and Little Cayman five percent doesn't mean very much, and as such, we have found that the whole emphasis has still been centered in this particular area.

It is true, Mr. President, that regardless of what incentive that we may offer, the seven mile beach is still the gold coast - it is still the correct and people will still want to build there, despite the other incentive in other areas; well, if they do want to, we don't want to hinder them. But, what this Bill is suggesting is that they should pay a ten percent, up to a hundred and fifty rooms Hotel, and if by chance there is an application for a larger Hotel, anything upwards of a hundred and fifty rooms, that there should be five percent. This, Mr. President and Members, I think we are coming to the stage of development where we

HON. W.W. CONOLLY: (CONT'D): need to have at least one larger Hotel. The facilities that a large flat can offer cannot be maintained in a small hotel, so my opinion is, that it is time that we give some incentive and look forward to the attraction of a larger plan. The interpretation of the word "Hotel" is exactly what it was in the old Law, it has still been kept to the ten bed rooms; this has been kept to ten bed rooms to encourage the local development. The Law is so worded that once the whole concept or the project is for ten rooms up - even though that they are not all built at the same time, benefits from this can be forthcoming.

I may say, that even though we had a Hotels Aid Law, and even though we have had these incentives of waiver of Customs duties there has been very little loss of duty in this respect, there have been very few applications for the last year, because obviously there has been no building going on. But, I believe that the incentives offered here are well repaid by the continuing employment that is directly a result of having these Hotels. Mr. President, and Members, I'm sure that I will have great support on this, and if there is any criticisms or queries in the winding up I will do my best to answer. So, I recommend the bill.

SECONDED BY HON. D.V. WATTERS

QUESTION PROPOSED: DEBATE ENSUED.

MR. G. HAIG BODDEN: Mr. President and Honourable Members, George Elliot once said, "that animals, especially the cat make real good friends because they do not ask questions, and they do not pass criticisms"; today, I won't qualify as a good animal. Ever since I've been a Member of this House the Hotels Aid Law has come up for an amendment, and I understand that in nearly every year since it has been on the books it has been amended on the anniversary of the law and on many occasions in between. This Law has a long history, the original law came into effect more than twenty years ago - 1954; at that time we needed the Hotels Aid Law, we needed at that time to give an incentive to developers to build Hotels. Twenty-two years ago we needed that in this Island, and the Legislature at that time did the right thing in providing such a Law, but those good Legislators did not intend that this Law should be a continuing thing; infact the original Law was to run for ten years, and the duty free concessions should have died in October, 1964. However, we were not too well established in the tourist industry at that time, and the Legislators saw fit to renew the Law for two years more, this would take it up to 1966 or 1967; since that time it has been renewed every year and the concessions have continued.

Ever since I have been a Member, I have fought these duty free concessions for the Hotels, because I feel, all we are doing now is just doing the hoss a favour. It is no longer necessary to offer incentives, tourism is well established here, and investors will build as long as they can make money. Yesterday, the Member who is today piloting this bill argued strongly against this bill, because he produced figures that showed that we are well established in the tourist business and its concommitant hotel business. He told us that in 1975 we had had an increase of eighteen percent, nearly one fifth in tourists arrivals by air, and he also gave us another figure which staggered the imagination that arrivals by cruise ships had skyrocketed to where we had an increase of over three thousand percent; I know that cruise ships passengers do not sleep in the Hotels here, but they use the facilities. The Member went out yesterday to prove that we did not need this bill, I expected this morning he would have withdrawn it after he had argued against it for about an hour yesterday evening. The Member did give us some very astonishing figures, but the half has not yet been told about the growth in tourism in this Island, and I would like to give you a few figures which I am quoting from a Government report on tourism. In 1964 we had four thousand eight hundred and thirty-four tourists arriving, two years later that had

MR. G. HEIG BODDEN: (CONT'D): doubled to eight thousand, and in another three years that eight thousand had been increased to nineteen thousand, and in another five years that had gone to forty-five thousand; and in 1974 we had fifty-three thousand people arriving - tourists arriving by air, and I think he told us that in 1975 it was something in the vicinity of fifty-four thousand one hundred and forty-five visitors. So, the increase by air has been something like one thousand four hundred percent, and that added to his three thousand six hundred percent - it's an increase of five thousand percent.

On the Hotel side, the building has been just as dramatic, while in 1971 we had seven hundred and fifty beds for hotel accommodation, in 1974 we had a thousand and twenty-two beds or twenty-two beds more than in the preceding year 1973. And, in addition to the Hotel accommodation cottages and apartment supplied 1971 thirteen hundred and ninety-six beds, and by 1974 that had increased to sixteen hundred and eighty-one beds. The point I've been making is, there has been an upward swing in tourists arriving and in accommodation for tourists. My argument will be today exactly as it was in 1975 and 1974 and 1973 against this bill; I say, we should collect the full ad valorem duty on building materials and other materials for Hotels, with the possible exception of Hotels in Bodden Town, East End, North Side and Cayman Brac, and Little Cayman. I will agree to leave that as set out in the schedule at two and a half percent, but it is time that we stop giving away gifts which we cannot afford to people who can well afford not to have them, and taxing people who cannot afford to pay for the gifts which we give away. If the Hotel Law which were on our books was bad, this one is even worse, because where the old Law was a yearly renewable law and subject to scrutiny by the Assembly on the anniversary of the Law, this one is a law for all times. When we pass this today, that will be it, we will never see it again unless there is perhaps some typographical error that has to be corrected; and this Law and its presentation is deceitful in ever respect. The Memorandum to this law should have pointed out that this would be a law for all times and not a yearly renewable law as it has been.

In another way in which this Law has departed from the former Law is to create a new category of Hotels. If this bill is passed as presented, and there is no doubt in my mind that it will pass, we will have Hotels with less than one hundred and fifty rooms paying a ten percent ad valorem duty, Hotels exceeding a hundred and fifty rooms paying five percent. I feel that this distinction is wrong for two reasons; one is, that the chain or the company that can afford to build a hotel with more than one hundred and fifty rooms should need less concession than the smaller Hotel, also, if any Hotel is built by a local person or by a local company; that hotel would fall amongst the small ones and the small builder which would be perhaps a local Caymanian, would have to pay ten percent while the Hilton's or the Sheraton's or the Hyatt would pay only half as much. There we are, protecting the rich at the expense of the poor; it's wrong, this Law also diametrically departs from the old Law. Under the old Law, if a building was used for any other purpose but a Hotel the owner would have to pay the full duties; even that has been taken out of the Law, because this Law - (you don't need to look it up) this Law says, that if it is used after ten years for any other purpose they won't have to pay the duty, so you can put up a building, use it for a Hotel for ten years and then convert it into something else without paying any duties; that is put into this Law. Why is that time limit of ten years put in? Is somebody planning that far ahead, and somebody has indicated some special interest - has indicated that this might happen? This is a wicked Law, as wicked as it is stupid.

Mr. President, I'm being a little rough in my debate; I'm trying to make up for yesterday when my voice would not allow me to speak - (MEMBERS LAUGHTER) and when certain Exco. Members found it difficult to get to their feet. I can assure you, Sir, that all your problems will be over today, because they will be scrambling for

MR. G. CRAIG SOUDER:(CONT'D): the microphones by the time I get through. Section 13 of this Law says, the Governor may by order vary the schedules to this Law; wrong - we should not pass a Law and then give the Governor with Executive Council the power to vary the schedules of this Law, because tomorrow this duty which is ten percent could be one percent! I know we have Laws like this; we have the Liquor Law where the board can issue a license and the Chairman can vary provisions of permits under that Law, but it is not right. I am also against Section 12 which gives the power for the Governor to make Regulations, but can't you see what is determined by this; not only do we have a section which gives the Governor - (and I know that means Executive Council)- this gives the Governor the power to make the Regulations; and then another section had to be put in to say that he could even vary the Schedules to the Law. In the Section 11, in the first Schedule I see that Billiard and pool tables and connected equipment will be duty free; I think this item was also included in the old Law, this should be stricken from this Schedule, or the words "Billiard and pool tables" should be qualified to not include coin operated pool tables and Billiard tables. I know you can buy Billiard tables and you can buy pool tables that will work without the twenty-five cents, but most of the pool tables are coin operated, so I don't see why we should allow Hotels to bring in a coin operated, a money making machine, a gambling oriented device free of duty. I know we'll be told you'll get the money back, because somebody will spend it after they take it out - you'll get the money back eventually. I know you'll hear that we have five hundred people employed in the tourist trade, and that they will be paid from this pool table, but I don't think it is right for us to put this here where a Hotelier could bring in a money-making machine free of duty. If the House feels that we must leave this item in the schedule, it must be qualified saying that the only ones they can bring in are ones that are not coin operated.

Provision is made in the Law, that if certain items are sold after they have been brought in that the Collector of Customs can collect charges. If we pass this Law, I can see the need for that, for example, there might be ten bags of cement left over and they could be sold, but look at the provisions we give them. Our Customs Law mostly says, you must pay the duty, this is, you must pay or give security to the satisfaction of the Collector of Customs that he will so pay. After having brought in the stuff, after having enjoyed it for a certain time he comes to Government and says, "I have now decided to sell this article, and we say to him, 'go and sell it, pay us when you can". We shouldn't have this in it, we should strike that clause out; it should read, "That the man must pay to the Collector of Customs" not give security, because security only means that he will sign a bond to say that he'll pay it sometimes and two weeks after that he'll be gone and it'll be like the dredging equipment; probably it wasn't even his in the beginning. Perhaps for a Law that came upon our statute book twenty-two years ago, it is time to look at it - the Hotels Aid Law has lived its time, it has provided the incentive for which it was implemented twenty-two years ago; those good honest Legislators who drew up that Law never intended that it should be on our statue books, today, it was the intention of the House, and it was so written in the Law that that old Law shall expire on the 31st of December, 1961. But, subsequent Legislatures either through the generosity of their hearts or through their respect for the Member for Tourism have year by year renewed this Law until its life has been more than doubled; instead of ten years as was the original intention, we have extended the life of this Law to twenty-two years, more than doubled; nobody gets that kind of grace, God in his wisdom doesn't give it to man. He said, your days shall be seventy years, and may be you'll get a few extra, but you're not going to get any hundred and forty-two years. And, we as Legislators must put an end to this because the Law has served its usefulness.

Let me tell you, that anyone who is putting up a Hotel on the West Bay Beach is talking about millions of dollars, and the ten percent duty which they would save on the building material would not amount to much; it would be a most insignificant part of the cost. I can assure you it would be less than one cent of the cost. And, if they can find the ninety-nine and a half percent to buy the land and to put up

MR. C. CRAIG SOLOMON: (CONT'D): the Hotel. they don't need this concession, but we need it, our revenue needs it. We have turned over every stone to find if there was any taxes that we could extract from underneath it to balance our Budget and we have come up with a deficit; so this Government needs the revenue, and it needs it today. This duty concession is no longer an incentive, it is neither a deterrent to anyone who would build - other / costs may enter into the building, such as the cost of the land or the heavy tax on the land; the cost of labour - but the paltry sum that would be paid to Government under this Law would not amount to anything in considering the cost; here we are giving the gift that we're no longer asked to give. If I can take you back in history a little, you will know that the first Hotel on this Island - the first real Hotel was the Galleon Beach Hotel which was built in 1947, thirty years ago, long before the existence of this Law: there was only one Hotel, the Bay View which was in existence I believe from the 1920's, but the first Galleon Beach was built because an investor believed he could fill it with people, and he believed that he could make money here, and his belief has been well founded.

If we had a business that was failing, if we had a business like agriculture that has not moved for years according to these Government statistics, then the Member should be looking means and ways to increase the business. But, here we have a business that has enjoyed over the last twelve years nothing but continued upward growth; we have a business that has gone from strength to strength, we have a business that is paying well, and so the investor will build not because we give him ten percent off the duty but because he knows it is good business to build a Hotel where we have a dynamic Member for Tourism that can keep it filled; he will build because it is good economics, it is good business sense to build; he doesn't need a little muffin cake to entice him to build. He doesn't need a little pie crust like this ten percent, but we need it, we need every dollar. This Law has done what it set out to do in the beginning and that was, to give encouragement to get this business off the ground; but in the words of the Member and in your throne speech too, Mr. President, you remarked that there is no other country in the world that had the many tourists in proportion to the population that we enjoyed last year. So, two things stand out clearly, even the blind could see them. The Hoteliers no longer need to be asked to build, and secondly our Government needs every penny it can get.

Now, I am cognizant of the fact that the tourist business gives employment to certain people; And that by this employment and by the money which the tourists spend we will get back from each hotel far more more than we give them in duty. I know that. But, if you follow that argument too far you would come up with all sorts of ridiculous ideas, because it could well be argued that a man doesn't need to pay duties on his taxis or his motor cars because he'll buy gasoline and you'll get duty out of that; it's the same stupid argument to say that the Hotel and the tourists will spend more than you give them in duty, it's nonsense. You could say, that I will not charge a man a business licence because he will employ somebody to work for him and that person will spend money in the shops and the shop keepers will pay duty and it will all end up one day in the Government still; so, I've never heard of those stupid arguments for giving away Government's money.

Mr. President, I enjoyed the privilege of speaking first, and I only jumped to my feet to make things run smoothly from now on, and I trust that those who suffered from arthritis in the joints during the Throne Speech will now have been sufficiently oiled so that they can get into motion smoothly.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise also to oppose this bill. I think this bill has served its usefulness, I think it has been abused and I think/that now come that we give no further consideration to this bill. If I was to look at it from a selfish and self-centred way I would say, yes, let's pass it - I have ownership in the Coral Caymanian which is now expected to expand, I would directly benefit from it. But, this is not the point Sir, the people and the country must come first; now

CAPT. CHARLES L. KIRKCONNELL: (CONT'D): can we justify giving free taxes, free duties to Hoteliers coming in here to build Hotels - in one session and then at a previous session pass taxation on our people: I cannot see how Government can justify this, this is not competent. I am agreeable to making some concessions, but certainly Sir, not as I see it in this bill. We have had experiences of having unscrupulous people, unscrupulous people who have taken advantage of this bill, who have imported furniture - beds, and all the other equipments purported to go into the new construction; this has gone into their homes, and their old furniture and their old what not has gone into the new construction..

I know, Sir, that there are a lot of arguments on the other side to give people incentive to come in here; but I say Sir, that this small amount of duty is not going to be a deterrent to a real investor nor to a person who is a serious investor. We have far more than a few hundred dollars to offer these tourists, we have a friendly people, hospitable and helpful in ever respect: but I say, Sir, with all due respect this must be changed - attitudes can be changed. If we on the one hand are taxing these people of our Islands and allowing foreigners to come in here to build and invest without taxation, this Sir, leads to strife and turmoil in the future. What I am here saying, Sir, let us not create but let us nip this in the bud now; I say, we should scrap this bill.

I thank you, Sir.

MR. CLAUDE M. HILL: Mr. President, and Honourable Members, I rise against this bill and I voice the sentiments of the previous speaker with his remarks, because he has taken the wind out of my sails - some of what I had to say actually, he remarked it in his speech. The bill before us seeks to re-enact the Hotels Aid Law. This Law has been extended for a number of years, as we are aware of the fact that we were encouraging the Hotels Industry into the Islands, and with that we did that as an incentive at the time that Licences were extended to these Hoteliers.

The Memorandum of Objects and Reasons it is stated that small modifications including some changes in the preferential rate of Customs Duty would be allowed. Mr. President, I suggest if this bill is passed in its entirety I cannot but see the public having a strong opposition against us being in this Chamber, when we are placed here to protect them and do our utmost best for them, which we promised them on the platform at election time. Now, We are placed here, and this is where we must take our stand to represent them - for an individual to all are a common bed to put the sick mother or sick father on he has to pay a duty on that. I am not saying that the Hoteliers must not be allowed some incentives, they have been getting it and will continue to get an incentive, but when the public in general or the general public has to pay a duty on an item which we are allowing the Hoteliers to come in with, and they are taking and abusing this - it's being abused, because as the Honourable Member from the Third Electoral District said, "they take the old furniture and put in, and the new ones they use in their own homes". I quite agree that in the law you have here - under this Law, you have on the schedule arrangement of sections where articles of hotel equipment will be marked, that /quite understood; and you have powers of revoking the licences; all that we are aware of. But, Mr. President, I say this, that in with your administration, your guidance, but the day will come if this Law is passed there will be another man perhaps sitting in your seat who will leave it alone and let it be abused. With the greatest of respect to you, Sir, I feel that what lies within your power you will exalt and execute it - but it can be abused when left in the hands of people who are not interested in the people.

The percentage basis as I see set out here in the second schedule - it is something, as the second Member from Sodden Town stated, that they are giving an incentive to people in higher brackets; the person who has a small hotel is not taken care of. This Law, Mr. President, was needed at the beginning or the birth of the inception

MR. CLAUDE M. MYLES (CONT'D): of hotels into the Islands, but now we have established something, and now we are making a Law to govern something that was established; it is needed to be continued in its present form. I remember Jamaica with the bauxite. And now they are trying to get back some money for the people who owned land, who sold bauxite or give it away I should say, they are trying to get money today. And, let us here do the same thing with the Hotel, which it is considered that Hotels and Tourism is one of our major resources; and the only how we can get about it is now. When we are making a Law allowing them to order goods - quite a long list I noticed; and the abusing of the items coming in, that's one thing for sure in taking place - and can't make it be misunderstood, this will continue to be taken advantage of as long as this Law is made as it is.

I thank you, Mr. President.

HON. BENSON O. EBANKS: Mr. President, if I had known that some people were as pent up to speak yesterday as they appear to or admit they were I certainly would've given them an opportunity to speak. But, to this Law, to me the question to be answered is, is it to be or not to be? That is, are we to have a Hotel or we not to have a Hotel? If someone could convince me or had been able to convince me in the course of debate that we could attract Hotels to this Island without any incentive, I would agree that we could do without this Law. But, there is every indication that the operation of a Hotel in the Cayman Islands is probably among the least profitable businesses in the Cayman Islands, and we have been lucky to have had persons to come in and build these Hotels and operate them. I think what we have to look at is, the spin-offs and ancillary benefits that accrue to Government, and the public as a result of a hotel being constructed in the Island.

First of all, we must realise - we talked about our standard of living, which we have in the Cayman Islands, we must realize that this is permitted to a great extent by the earnings which we make from the invisible exports called "Tourism." If we did not receive into our pool of dollars, the dollars earned from Tourism, we would not have dollars to buy the goods which people see and are able to purchase on the supermarkets shelves or other stores in the Island; we must remember now that we have our own currency and balance of payment is an important element in our consideration today, and tourism is an invisible export. It enables us, as I've said, to earn foreign exchange even in countries with natural resources that they are able to export. Mention was made of the bauxite in Jamaica, as valuable a commodity as bauxite is, Tourism in Jamaica is considered the second largest earner of foreign exchange for that country, and I'm not make no bones about it, it is our largest one and infact it could be said our only one almost, that is permanent foreigner or foreign exchange, no that is number one. The largest hotel in Cayman today, Mr. President - and this is as far as I know public information, certainly I got it not from a privileged position - has had permission to put an added sixty-five or seventy-five rooms to its facility for upwards of two years, and the owners have not done so because of high interest rates. It is also reported that that Hotel has lost money in its operations, and the advice to the owners is that in order for it to make money these additional rooms are essential. Now, if they are reneging because of high interest rates the question of duty must be also a factor for them to consider.

One Member who spoke mentioned about the increase in the number of rooms; this possibly true, but I will say this, that unless this Island gets within the near future additional rooms, well equipped rooms tourism with all the efforts that are being made locally otherwise is going to take a downward trend, because some of our accommodation is bordering on the line of unacceptability, and unless those rooms are replaced whether by new hotels altogether or drastic refurbishing no one is going to continue to come here and pay the prices that they are paying to stay in the rooms in the condition that some of them are reaching. So, lets not kid ourselves that we have arrived so far as tourism is concerned in Cayman. We are in a very competitive market for the tourists, we talk about a couple of rooms like they were a million rooms. Within the last

HON. BENSON O. MEANEY: (CONT'D): year or so a completely new complex for tourism has been established by the Mexican Government and the Yucatan peninsula less than one hour's flight from here. First class facilities. Now, I am satisfied that there is a need for additional rooms in the Cayman Islands; and as I have said, no one has been able to convince me by argument or by figures that we would get those rooms unless we gave some incentive.

One speaker mentioned that the first Hotel built in this Island was built without the incentive of the Hotels Aid Law, that might be true, but the owner of that Hotel also leased not only the land that that Hotel was put on but hundreds of additional acres and hundreds of additional feet of prime beach land from Government for one hundred pounds per annum; so he got his land free plus land on which he sold the lease hold rights to, and has made a fortune from it. It didn't take any Philadelphia Lawyer or bright scholar to figure out that that was a good deal. But, when prospective investors today talk with people who operate Hotels at the moment and are told we're not making money, we are barely breaking even, we are losing money, there's not much incentive for people to come in; and therefore in my opinion Government has to give incentives for these rooms to be built. Now, if Government was making a gift by this incentive as has been suggested I would have second thoughts, but by encouraging people to build Hotels - lets look at what the country and the Government derives. First of all we would've assumed that the proprietor of the Hotel would buy land, on that land he would pay seven and a half percent of its value as stamp duty; that seven and a half percent on that land goes into Government coffers.

Now, as the material begins to come into the Island the crew on the ships - they wages are somewhat paid by the freight that's paid on the material that comes in to build the Hotels. It provides labour for dock workers and stevedores to unload the materials, and it provides business for the people - for the truck operators to take the building material to the building site; and there are persons who produce building material locally who benefit from the building of the Hotel. Now, we have got the material on the site, and we have already seen where there is labour input; apart from that the concession that is sought is really not as great as it first seem, because under the Customs Law where import duty is reduced, warehouse fees are doubled; and in the case of certain items - I know for a fact that the difference in cost to a hotel enjoying seven and a half percent duty rates were very little indeed and we are now proposing ten percent so that this would even narrow the gap more. Work is provided for the labour force. Mr. President, if ever we needed construction work in the Cayman Islands it's now; there are people who have been out of work for many months. Government again collects five percent accommodation tax from every tourist accommodation bill; if a tourist spends one hundred dollars for accommodation in a hotel room, Government gets five dollars, and that's for the life of the Hotel. I don't know what the idea of some Members would be about that rate, may be they would suggest that even that should go up. So Government would stand to gain more if that were to happen or less, because they might run the tourists away.

In addition we get three dollars per head or two eighty whatever it is for the departing tourists; three American dollars a head for every departing visitor, and certainly one needs hotel rooms for those persons to be in in order for them to come here that we can collect the three dollars. We must look also at the direct labour once the hotel is completed that is employed in the hotels, we must look at the work that is provided for the operators of taxis, the business that it provides for the rent-a-car firms, the labour and investment opportunities that are provided for charter boat operators. And, I could go on, Mr. President, but each of these generates revenue within the community and within the economy that Government benefits from.

Some Member mentioned about selling bauxite well, one of the advantages of tourism is that it does not use any natural resources. Once a ship load of bauxite has been exported, that bauxite is gone, but we are selling to the tourists today the same natural resource

HON. BENSON O. EBANKS: (CONT'D): that we sold to the tourists in the 1950's, it is inexhaustible, and it is not consumable; that is, sand, sun and sea. Spear fishing", (Mr. President, my friends have asked me to comment on spear fishing) the tourist is not the enemy with the spear gun, it's the local person; tourists don't go out with spear guns, if they do they are very limited in number, tourists go out with cameras to take pictures of underwater beauty, and infact it's an offence to take more than three fish with a spear gun under our laws. But, I repeat, the amenities that are used in Tourism, that is, the natural resources are non-consumable: the only thing that might'nt come back quickly is the sand that they are taking from certain parts of the Island to put into the building, but even that in the case of a hotel they don't have to rob Peter to pay Paul because when they dig for the mintern and the foundation they create the sand to put into concrete.

Now, Mr. President, one Member mentioned that section 7 - I'm sure the Member piloting this bill will probably reply to this, but if the enthusiasm of other Members is as great as some that have gone in opposing this, I would take the opportunity to make this point before the Member reaches it. One Member pointed out that section 7(2) of this proposed Law, that is section 7 sub-section 2, which says, that after ten years a person would be relieved of liability for duty if the purpose of the building changed, and that this was not in the old Law: I agree it was not in the old Law, the old Law had five years. Section 6 sub-section(2)of the old Law is identical in substance to this sub-section other than where it had five years in the old Law, the proposed Law has ten; the time limit has been doubled, so that this Law is not more generous in that respect than was the old Law. But, Mr. President, what baffles me is to hear Members say that the savings in duty on a Hotel under this Law would be insignificant, and yet argued that one is giving away so much. Now, if for an insignificant gesture we can attract an investor to build a hotel or build hotels as the case may be, I think it is a worthwhile exercise.

It was also said, that this Law proposed to give greater incentive to the larger investor as opposed to the small investor; this is true. Mr. President, it takes a lot of foresight, imagination, faith, whatever you want to call it for even a small investor to put up a hotel in Cayman; (that is up to a hundred and fifty rooms) When you go over a hundred and fifty rooms we are talking a lot of money, and that person in my opinion needs a lot of incentive if we are going to attract that person or a group of people to these islands to put down such a facility. And, as the Member said, he is of the opinion that the time has arrivedwhen we need a larger hotel in order to accommodate certain aspects of tourism that we cannot do today. As I've said, Mr. President, to me the question to be answered is it to be or not to be? If I was satisfied that we could have the Hotel and have the duty, there would be no doubt in my mind that we should have the duty; But I am saying that if it requires the incentive proposed by this Law to have the hotel, well, then we need to offer the incentive: because I think that I have demonstrated, and I am sure it is clear to most if not all that the country is better off with a hotel than it is without it. There is no doubt in my mind that that is so.

It surprises me, Mr. President, moving around just how many people have established themselves in tourist oriented businesses. We've got four or five factories today using simple raw materials; a conch shell that used to be thrown away is now being turned into beautiful jewellery and sold to visitors. The old whelk shell, cliff rocks, and you name it - and this is providing a livelihood for many Caymanians; so there is no doubt in my mind that we must be better off if we get the tourists. (Nobody not hungry yet?) unless, Mr. President, you care that I yield now Sir.

MR. PRESIDENT: You can complete your speech.

HON. BENSON O. EBANKS: (CONT'D): I don't have too much more to say now, Mr. President; infact I intended to say this, (I wanted to get this in, and probably this is a good time to bring it in.) I understood that there is even complaint about the few words that I said, I said three thousand words

HON. BENSON O. FRANKS: (CONT'D): I believe when some other Members said thirty thousand words, and I get equal coverage in the press. Now, ...

MR. G. HAIG BODDEN: On a point of order, Mr. President, the Member is straying from the subject.

MR. PRESIDENT: I think this is correct.

HON. BENSON FRANKS: (CONT'D): This is true, Mr. President, but it is a fact.

MR. PRESIDENT: But, the fact must be attached to the motion that we're discussing.

HON. BENSON O. FRANKS: (CONT'D): Well, we were talking about the employment Sir, and it must reflect on the employment. Anyway, I accept your ruling. Yes, I was saying, Mr. President, that there is no doubt that it is beneficial to the territory to have the hotel. The other thing that seems to worry Members was that the law - I think some Members said, had been abused or would be abused - If it is considered that the law does not now have sufficient provision to prevent abuse we can put that in, that is a simple matter; what we are discussing at this point is the merit and de-merits of incentive to hotel building as opposed to the merits or demerits of hotel building. I know for a fact that in other tourist oriented areas the Government is often in possession of lands that they can make available at reasonable or sometimes peppercorn rentals to investors to put up hotels; they give in countries that have income tax, they give taxed holidays for up to ten or fifteen years just to get the hotels in there, we are not alone in this. And, if the cost of building a hotel in Cayman becomes that much greater; because it is already expensive to build here even without the duty, because of wages paid to labourers and so on. If it becomes that much more expensive to build a hotel in Cayman certainly the investor will go where he can build a hotel more cheaply and get a better return on his money; because, lets face it, no investor is coming here to invest for our health, he is coming to invest because he believes he will make a turn on his money.

And, Mr. President, I believe that some Members are opposing this bill. (And, I hope I'm not out of order on this one Sir, but to hear themselves talk) because, we hear repeatedly in this Chamber where Government ought to give incentives to small industries; Government ought to give encouragement to other industries to diversify the economy. Well, that is a possibility; if Government were to give incentives there are possibly some light industries that we could attract, but up to now there are none that I know that have not come in because Government would not offer them incentives. We have the beginnings of a tourist industry, we have this, this is the point in hand, so lets mature that; we've heard that in the House very often, and Members who have spoken against this bill have supported it/election platforms in 1972, which among other things said that assistance should be given in setting up tamarins, shoe factories, soap factories and the rest of it; so, assistance is assistance. I realize Mr. President, and I've searched my soul many, many hours many years ago about the question of giving this incentive to hotels; I know that the question arises that when a local person goes to build a home or anyone goes to build a home that that should be made clear, they have to pay the full duty. But, the thing that convinced me was, that if it wasn't for the tourist industry many Caymanians would not have that home, even though they are paying duty on it.

There are in my district today, Mr. President, homes that have been built from the earnings of females working in Hotels that would surprise people; there are beautiful, comfortable homes, those women could not have made that money working as a shop assistant or as a maid in somebody's home, there is no way they could have done this. We've got women today driving taxis - I'm forgetting about the men, because they could have probably gone to sea. But, I'm talking about those persons

HON. BENSON O.EBANKS: (CONT'D): who otherwise would not have had anything, we've got ladies today, banks who have been able to build homes because of the tourist industry, true, they pay the duty and it's the duty that they've paid on the boom that is coming in to build the roads on which they drive their tourists, that's what attracting the tourists, is the development which Government is doing. Mr. President, I haven't touch on the import duty that Government derive from the consumable items that the tourists consume, food they eat, the alcohol they drink, all of this is dutiable and provides employment right down that spectrum that I talked about, from the ship to the stevedore, to the labourer on the dock, to the trucker, right down the road, so when the Member said that five hundred people were employed in the tourist industry, I am sure that he was talking about direct employment. If we considered the indirect employment, like persons that are employed in the construction trade, persons that are employed on the dock, the trucking industry, the charter boat operators, the gas station operators, and on down the line, you would find that between forty and fifty percent of the labour force in the Island is involved in tourism in one form or another. And, I believe we would also find if we had the statistics capable to analyse that this provides much of the income to Government, one needs only look at 1975 when tourism in the Winter, which is the real boom season for tourism was down, and look at how badly Government's revenue lie. It is true we made up in numbers during the Summer, but it is the Winter tourists, mind I'm not saying I'm not grateful for the Summer tourists, we are grateful, and may they come in numbers. But, it's the Winter Tourists that really spend the money, and it has been reflected in Government's revenue.

The last point I want to make, Mr. President, is that this bill does not apply to apartments or condominiums or the Strata Title development as we now call it under the new law; that is where persons can buy apartments to live in or to allow their friends to live in or what have you. This Law relates only to Hotels which provide accommodation for tourists as defined in the Law. I have no hesitation, Mr. President, in supporting this Law; I am not saying that as we go through it in committee if there is some tightening up to be done to prevent abuse, that it should not be done. I'm not saying that the Law is perfect in every respect, but I don't believe we're going to find too much to have to amend, even at that. I support the Law, and I hope that Members will reflect on this Law what I have said, and I'm sure what other Members will say, and there is no doubt in my mind then that they will come up with the conclusion that this incentive to Hotel building should continue for sometime to come. It is true that this Law does not have an annual expiry date on it, but then Members should realise - and it has been publicly stated that Government does not support uncontrolled or indiscriminate building of Hotels, so that Government will be able to control and monitor the number of Hotels to be built; we have even set a ratio of tourists to local people that is compatible and I am sure that when that goal has been reached Government would then lift this incentive and infact it would be necessary to create this incentive.

And, in this regard, Mr. President, I would hope that this is not considered irrelevant, because Government comes in so often for hammering about its policies. It is heartening that just this morning on the radio I heard of another tourist destination who from next year will be adopting a policy of curtailing the number of tourists that will visit their shores, because they realize that it has social implications; then we have examples of course of destinations who have done it before; we have good examples of countries that have succeeded because they have done this, and I feel that we have done a good job in the development of tourism up to now. But, I don't know that we have had any rush of investors looking to build Hotels, I believe it has taken a lot of persuasion on the part of many people to get those that have built to build, and I believe that we should continue the incentive.

I thank you, Mr. President.

MR. PRESIDENT: I think I'll blow the half time whistle at this stage. I will suspend for lunch until two thirty this afternoon.

HOUSE SUSPENDED AT 1:25 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. CRADDOCK EVANS: Mr. President and Honourable Members, I think it's really getting time for me to get on my feet for a little bit. I don't intend to bore and get the House all tired at this stage - someone said to me a while ago on the outside, "did you understand that the Governor wouldn't let you speak yesterday", I said, "no, he is a gentlemen, he gives every Member their fair chance". So, it's not that I'm afraid of losing the opportunity of speaking on this why I'm now attempting to say something; it's simply because I don't intend for this to be too lengthy, because what I've left off in this will be embodied some place between tomorrow and next week.

Mr. President, I can only truthfully say that over a period of years the Members of this House have made every effort to do most of everything that could be done to entice and attract investors to the Island to invest. And, I feel somewhat sure, Mr. President that it's not too many ends of the earth or the world today that don't know Cayman is a second to no tax haven; if it had not been so Sir, we wouldn't have in our Island today businesses from all over the world. While we made it our duty, as I've said in the beginning to do everything we could to attract capital into the country for development; but we did that so that we could build up business in every angle that Government - the people would benefit from it. We talked many a times that we would like to see our seamen come back home and have jobs in their Island where they could live with their families; some of this we have reached. But, Whatever type of business, Mr. President, whether it is big or small it does have its flow of revenue whether it be direct or indirect to all the various different sectors of business of working people. Much of this has been pointed out, and if you waive them practically what would apply to one would apply to the other only in a different sort of a manner or in a smaller way.

Over the last few years we have talked about this Hotels Aid Law that it was getting time to do something about it; so Government felt at this time rather than asking for another annual extension they would make it forever and a day. Mr. President, with the boom of development all of the investors that come in here if we were to line them up and ask them about their business, they would say they are losing money, everyone of them, but not the one that have closed down their business and gone back home, any business that is a losing business cannot forever operate unless somebody is pouring it in from the back door. This is not the first time that investors expected Government to bear the burden.

Mention was made that we don't have one top Hotel in our country; the best we've got is the Holiday Inn, and that's not in the top bracket - let it be that, but, Mr. President, I well remember that on the advice of the economist and our Government when I and the first elected Member to the Executive Council put up the battle for Holiday Inn; I'm not saying that the few stones that he threw that that was what done it, but if it had been left to other Members of Government to point out as the economist, then we wouldn't have had the Holiday Inn today nor a room for a further expansion of sixty-five, seventy rooms that is needed. What seems to be the calamity of a few businessmen in this Island and foreign investment is bad management, they expect the public to pay for their businesses for money to flow back in their kitties before they get it off the ground - the public they feel should bear these burdens. And, I am saying, Mr. President, I think I'm speaking for the majority of the people in this Island - that they are aware that they have borne the burden just about long enough.

Mr. President, I'm just looking here to make a reference to - I agree a hundred percent wholeheartedly but we cannot as a Government run a country for the betterment of the country and its

MR. CRADDOCK BRANKO: (CONT'D): people without taxes - without revenue, we must find means and ways for it. But, I'm sure today that most of the population of this Island is not aware of the fact that under the Customs Law of 1971 that there are sixty-seven duty free items imported into this country against fifty-five dutiable ones. I am wondering how much benefit does the public get from these sixty-seven duty free commodities that are imported in here? I wonder if the Customs Department - the Treasury Department ever at any time made some preliminary check in these free port shops as to what their percentage of selling what's supposed to be duty free; I know we started that up to encourage the tourists again - people to get things so that they could attract - they get it cheaper here than they get it anywhere else. I know what you would say: well, we got to trust these people, we've got to trust somebody, I agree; but you know Government won't trust a lot of Caymanians - if you want to take your car off of the road for three months, the only how you can make them believe that is to take the licence plates off and carry it to them; other than that they will make you pay for the three months that you had it locked up in your garage because they don't believe that it was off of the road.

Mr. President, before this present sitting comes to close, I am going to make every endeavour to try to ensure that your time for going on vacation won't be hampered. This is the first sitting for this session, the one in which we have the Throne speech; I didn't get to reply to that as I would like to, but I didn't go home disappointed, I slept very good last night. But, if I had been in the place of the Executive Member that was planning to reply to what I had said, I wouldn't have come back this morning, because the gallery was up there waiting for a reply as to the criticisms that he is responsible for in the public.

Mr. President, as I've said, I support - we got to have measures of taxation, whatever means or whatever source that we've got to bring it through, whatever we've got to tax - but, it's enough in the Hotel business, it's enough that has been invested in hotel building; in the condominium apartments and what not, and it's enough people coming to this country to advertising it; and it's getting time that we reduce some of this. The last speaker before we adjourned at lunch time - it's nearly the only resource or income that we've got; then Mr. President, if that be true we should make every effort to get something out of it, because if it fall apart tomorrow we will be left with an empty sack and the bottom out of it. The growth of the tourists seems to be going up and - then that will prove to the hotel certain - but, if you not all of the people going down to the Cayman Islands, then we must can invest and get a return; but they don't want to spend the money to build a hotel; they want a return in the first twelve months and expect Government to bear the brunt.

They have proposed in the bill two and a half percent of the eastern districts - Mr. President, I don't know how many Members of Government realize that it will cost the people in the eastern districts - the cost of living is more than what it is in George Town or West Bay. When the trucker takes his truck load of groceries to My-Rite - all that is added on the shelves or any other Supermarkets, or any other importers - but when the merchant from North Side comes in and buys half of a truck load of groceries, he then pays another trucking from George Town to North Side, that merchant has to add that on the cost, so what is fifty cents George Town is seventy-five cents in North Side. I am not blaming Government for that, I'm only pointing out a few of these things. It's the same with gasoline, we don't get it any cheaper than anybody else; but people that are working into town, they have to come into Town to their duties - or whether they have to make a trip into Town once a week, it'll cost a lot more to come in Town than somebody in Town or somebody in West Bay. We've not at anytime asked or suggested that our tax should be reduced; no, we must bear the burden same as any other tax payer, I agree. I am not trying to stand here and plead for that, I'm not, but I am going to suggest an amendment to this that where you've got the two and a half percent - if

MR. CRADDOCK EBANKS: (CONT'D): I'm going to agree to anything in this it's going to be an increase on the ten and an exemption or nothing for the eastern districts, Cayman Brac and Little Cayman and what not: that is the only agreement that I'm going to try to adjust myself to into this.

If the Hotel under the ten percent - lets go down long the bay - yes, I know its been pointed out because the truckers have to haul cement, they have to haul the steel, they have to haul the lumber; probably the trucking could be five thousand dollars - that same amount of trucking to East End or North Side could be thirty thousand dollars. If you're going to try to help the eastern districts now, let's help them - make this a complete exemption, no duties on any material for the eastern districts, Little Cayman and Cayman Brac.

Mr. President, you brought a motion to the House which I'm not going to go into at this time, for the grievances of the people. Whether they are justified or whether it's not justifiable for them to do as they have done or act as they have acted, or complain about what they are complaining - nevertheless, they have brought it, and Mr. President, I emphasize this; they are only proving to you and to all such as the Government that they never as it were murmured - we still hold and stand for peace, order, discipline and a good Government. But, Mr. President, three months ago this House imposed taxation on the people; yet you got investors that feel like spending a million dollars to build a hotel, and if they don't get the material duty free; if they don't get their bank loan for less than three percent or - I say we're not going to go there and rest - Mr. President, since we got along without such an investor as that - if I want to borrow five or six hundred dollars, they would tell me twelve or fifteen percent; yet the fellow that has a million and wants to borrow a half a million, he's not able to pay three percent over a long term and mine could only be for twelve months. Mr. President, what I'm trying to say that it is time for us to realize that if Government is exporting our people to get the benefits and enjoy the privileges, what an investor is going to bring into this country, then we should make our people happy first.

As I mentioned a while ago, it has been so strongly emphasized the way that the business from the Hotel will flow out; the revenue will turn over and go in all directions, one everybody will benefit, the same applies as I've said to all other businesses. One Member mentioned that the five percent that you are getting from the hotels on the board and lodge and what not; if we had talked about increasing that they would say we want to drive the tourists away. Yet, when you are about to travel the departure tax - when we argue and try to point out this adding to these, they say it is too small you can't see it, they won't even notice it; well, then why bother about some of these other little things too. I don't see why this country shouldn't have a lot of artists - good painters, because we've got a lot of people who can draw some beautiful pictures to try to blind the poor people on the out side.

Mention was made about the first hotel that was built here; it wasn't built on incentives, they didn't have no interest shown to them by Government or Government was prepared to say, well, we're going to give the duty free concession; but it was pointed out where they made their big gain by leasing a whole lot of good land for nothing and re-leasing per thousand. That wasn't the Legislators wisdom, that wasn't the Legislators doing, it was the people who had brains; the Legislators don't have any brain so it wasn't really them. Mr. President, that is exactly what I want to go on today; they are asking for the same thing to give them concession to make them do as they like - invest and reinvest and the local get on little as they can. As I have mentioned, and I re-say this, that if our people are not giving a better consideration into these fields these things are not going to forever run smooth. We've got our young people working into offices, working for Government, working in the banks and working in what not; they go up to Miami on a week end, because they can take fifty dollars US. and buy clothes What they can't buy here for

MR. CRADDOCK FRANKS: (CONT'D): a hundred and fifty CI$, and as soon as they hit the Airport they slap duties on them for those few dollars. How vicious could Government be with our people? It's a shame, it ought not to come out, but it's the truth. When our local people say that they don't want to work for Government, they wonder why? Unfair treatment along many lines, and so many times with regards by our own people who have a little bit of authority over them.

All of these duty free items that are requested here in the first schedule, as my colleague pointed out - why have billiards and pool tables and what not that are built for the collection of a fee - if you want to play it you must put in your twenty-five cents or your fifty cents, and they get it in duty free. I wonder how much Legislators that have ever been around to any of these hotels, and they say, "you fellows are doing a good job towards the hotel, come here and have dinner with me, come on and have a drink on the house." I wonder how many got that reception? I haven't. If I want to a hotel and ordered a meal I have to pay for it: that should go forever dish out charity to people that got money, people that are already rich and want to be richer and make the poor poorer. One Member in this House stressed this point more than one time, but I'm going to deal with it in another few days, not today. Caymanians have never been better off in their life than they are today. I say, yes, and I say, no. When I deal with it in a few days time I'll like for the Member/awake, sure we have a few dollars, we all got a better home to live in. I have never read any place where poverty was a disgrace, it's only a life of hardship; and I think Mr. President, I have had my portion of that in my days, and that's why I'm prepared to honour them in this House as far as my common sense and understanding and ability will allow me, that my people be better provided for.

I know when I was going to school I run home and slip off my little white suit - it used to be made from a flour sack with gold metal wrote across the bottom of it, flour across the front of it or something another - go down the beach, fish, come back home nine o'clock in the night and my dear mother cook a meal out of it and you'll call it dinner or supper - eat that before I could go to bed. I won't want to see our people go back into those days, no: but if we got to continue featuring the bed of the man who is a millionaire - because he has it in his mind to become a billionaire and let our people suffer, I'm not going to be in that at all.

Some Members may be worried about the Election, I ain't; because if my people in North Side don't want me I can get a seat in Breakers - they won't mind that, so I'm not demoted. I do know this - I haven't heard by rumour or by gossip nor neither direct that the majority of the Island on the whole clubbing against me, and that's why I feel that my work has not been in vain. I am not anti-Government. It was stated here yesterday evening how Members can be so strong when they are against Government? I am a part of the Government, I am not anti-Government; I only support what I feel in the dictate of my mind is best for the people; the people is what makes the country, and as long as I am in here - well, the end of this term, it wouldn't bother me, I wouldn't have no hard feelings against my people, if they want to clean out the house that's their privilege: they put us all in here why should I beat up myself and to hear hump hoop hoop hoop, look what they've done last year before me - no, no, it's not necessary; let them be the judge: Mr. President, I could ask this as a straight question, how many of us expect to be in here twenty-five years from now? Do we expect to live forever? The same people we've criticized on the out-side - you bunch of irresponsible - were the same fellows that we coaxed and begged to give me a vote; and when election time comes up you'll expect the same one to give you a vote again; and then you said, you're going to load them with taxation again for the benefit of encouraging investment to come into the country to build another hotel.

There are a few things, Mr. President, that are doing our country more harm than good that have always the few years been stressed to the straightening point without these - no tourists. I'll deal with

MR. CRADDOCK EBANKS: (CONT'D) them later. I still got time, Mr. President, I'll be till five o'clock, ... Mr. President, then if I am to give any thought or any consideration to this, I will still have to be further amendments; but even if there are other amendments accepted when it goes to the Committee of the Whole House they will have to be/as far as I'm concerned/the ten percent too. Any honest hotel circle ranged out that are interested in building a hotel in this Island - I wouldn't say, Mr. President that he wouldn't ask Sir, "would you give me any consideration", I wouldn't say that he wouldn't; but if he is a down out interested to invest his money for returns, he will build his hotel - no question about that.

I was reading in the Compass or the Northwester or something another a few days ago, about a new tourist ship coming out from Europe to come into these waters to join our sister ship. Do they wait to find out and get the booking of a half of a million passengers before they decide that they're going to build their ship; no, they build the ship and put into operation, because they are out for doing business. But, anybody that fools around and fingers around and wants everything for nothing or little or nothing, they are not in for business, they are out for getting as much as they can for nothing, and a lot of them have found out before now - lets give these Caymanians a ride; but they are waking, you could ride them one time back back but pretty soon you're not going to ride them with what seems to be the only thing in the world today - 'Nylon' you're not even going to be able to ride him with that.

Mr. President, if I'm here when we are debating this in the committee stage, I will raise some other points - some objections, but I hope Members will realise that our people need every consideration. And, I'll repeat again, I'm not asking that our people be exempted from taxes but we must be taxed in the right measure and in the right manner and in the right way; because we have many things to take care of to run the country. I can't go about now after we have brought in the hen to start laying the golden egg that we should further bring in another hen; lets make the one that we've brought in start laying the golden egg, make them take care of themselves from there on. It appears to me that when development slowed down Government was seemingly taking the view that it would breeze off like it did, they thought it would continue for a much longer time. The Member piloting this bill said yesterday in his debate - well, the jobs are not as plentiful as they used to be; there're a lot of seamen back home now, there're not as many overseas now as used to be - that was what we catered for, for them to come back home; yet before he had finished he said that we had no unemployment , yet you have people scrambling around looking for jobs and asking for jobs, and trying to get jobs, which this Government is going to have to go into very careful. I know the male side of it at least went overseas to look jobs to better their livelihood and take care of their families; and I would expect that we will have some percentage of countriates regardless of where they're from or what field they're in in this Island in some employment for some years to come.

In fact as years come and go - but it's getting time Mr. President that it be weeded out and not twenty-five percent or forty percent of the employment in the hands of expatriates. I don't mean officers, I mean in every group. When you have Caymanians that can fill most or at least all of these jobs which are being taken care of and occupied by some foreigner; I am saying this with respect to any foreigner that has got a job in the country; I'm not trying to say that he or she shouldn't have a job here, but it has to weeded out - and see then as fast as it can be eased out or find some other jobs or find some other way out - let a Caymanian be - why should we accept that most of these remain with jobs and our people go back to sea? That doesn't look like we're trying to help our people all the way; sure it was pointed out, you got five hundred or six hundred may be - people working into hotels which have been employed - every other field is the same way, they have their percentage. Whether it / twenty-five working, whether it / ten working.

MR. CHADDOCK EBANKS: (CONT'D): employments. still being found for those that want to work and can fill the job and take care of it.

So, Mr. President, with those few remarks I will close my debate on this particular subject; but I can assure you Sir, that with every due respect to you and the House, I am not finished with all that's going to come before this House. And, from tomorrow on as far as I'm concerned, you could stay here until midnight. So, as the Hotels Aid Law is proposed I am not prepared to support it as it is. If the ten percent is doubled up and the Law and a half completely exempted with other amendments, I can give consideration of going along with it; because we don't get no exception, we don't get no relief, we don't get no duties, So, if this don't encourage the investors in they'll have to find another source then to invest their money.

I thank you, Mr. President.

MR. JOHN D. JEFFERSON: Mr. President and Members, I rise to speak on the Hotels Aid Law, 1976. The Hotels Aid Law has always been a law close to my own heart for one sentimental reason; it was the first time in the history of the Cayman Islands that I was able to come back home and find employment. I came back to one of the largest hotel at that time in these Islands, I worked for about six years as an executive chef, made many friends, contributed quite a bit to the tourist industry I believe, and as far as I'm concerned I am a Member that has always supported tourism; because up until now there is no problem to convince any man in this country, that nothing that has ever came to this country has paid the dividend that tourism has paid to the people of the Cayman Islands. Second, because I realize that this is one of the most competitive fields no doubt in the world in which we live today.

The Hotels Aid Law has come before this Legislature - every year at the end of the year that's for the last several years. Today, we find a Law before us - that except with section 13 in the Law; it says, that the Governor may vary the schedules to this Law and I project from time to time. A lot has been said in relation to the Hotels Aid Law; there hasn't been as much no doubt debate on the merits and demerits of the law as much as in various fields of the sector in which this affects. First, we realize as the Member piloting the Bill first said that Hotel is the largest occupier of persons in these Islands; the figure of about five hundred people; I'm sure it's not an exaggerated figure; and then as one Member rightly said, nobody can refute that and when we get down to the fact the other people that are affected by the fact that the occupancy in the hotels is up too numerous really to mention. Because, there is no section or no sector of these Islands that is not affected directly from the occupancy in our hotels.

So I stand here dealing with the Hotels Aid Law, I sort of find myself in the middle of the field; because, while I realize that as far as we're concerned tourism is our only industry - the largest, and so far, thank God we have been very successful in that field. And, then on the other hand we also deal with reality that there no doubt must come a time for us to go up. I think the most important thought that I want to inject today is that in dealing with the Hotels Aid Law we have to be very, very careful that we are not misinterpreting it, as far as the foreign investor is concerned. It is no news to any of us that up until now no hotel in this has ever made money; we find that the hotels are filled from May to the mid of December until the end of April, and then from the end of April until the middle of December there has been in the past the considerable drop; they drop so drastic, so large that hotels today that occupy - that employ as many as seventy-five people in the middle of the Summer, if you found six people working at that same hotel it would no doubt be the maximum of employment provided in that particular time. It hasn't been a long time since hotels were opened all through the Summer, because the rest of the year the hotels closed at the end of the Tourist Season. Now, thank God we have been seeing an increase, not only in tourists arriving

MR. JOHN D. JEFFERSON: (CONT'D): in the Winter months but also tourists arriving in the Summer.

What I want to say - and I want to say it very carefully, that I'm not to the left or to the right in any way on this side or on the other side in this argument as far as I'm concerned. Because, as far as I'm concerned I'm dealing with something that is very precious, something that has dealt a tremendous amount of attributes to the country to which I belong. While in every other country or I'll say in many other countries throughout the Caribbean and else-where tourism this year has been on a decline; in the Cayman Islands tourism is up and an all time high. It goes without saying that anything we get it's going to cost us, and as far as I'm concerned - let me tell you this, that I believe that any private investor that comes to this country one must be willing to abide by the laws and rules in this country, because when you go to foreign countries you have to do the same; but by the other same token we have to be aware of the fact that dealing with this particular commodity there are so many people that would be willing to take any concession to attract this type of investor and be able to bring more people to its shores. It is true to say, that no doubt in the Caribbean that we have the highest cost room rates almost any place in the world, there's no question about that and that is why we have to be very very careful what we do about this particular Law.

As I see the Law there is nothing wrong with it; I believe that when we get down to committee stage that I personally have some deletions and amendments to be asked to make to the schedule and may be one or two other places. But, this law is a workable Law, there's no question in my mind about that. I believe that if we sit down - and we're going to sit down, everyone of us, we are grown ups; I believe we're thinking about the country as a whole, we realize that if we lose this community we'll be ten times worse than we were thirty years ago - and we're not going to be faced with it, let me tell you that. Then we find on the other side where you have to realize that the cost in every sector of Government, every where you look there has been an increase in cost, but yet I don't believe that anybody can really strictly say that the cost has gone up out of proportion, I don't think anybody can really say that. I don't believe that anybody can actually say that the people of this Chamber have been crushing the small man on the street; I don't believe in any place that the small man on the street gets more consideration than he gets in this Chamber; I don't believe I need anybody to lecture to me that the small man in the street did more to get me than anybody else. And, I don't believe anybody in this Chamber - and I challenge any man in this Chamber to have done more constructively, who honestly has tried harder to represent that man on the street; I challenge any Member in this House - I don't believe that there is one honestly that has tried and is still trying today, and is determined that he shall every moment of the time in this Chamber to represent every sector of this our community.

But, Mr. President, we have not only to listen, our job is to lead; our job is not to incite our people; our job is not to make them think that everybody is taking advantage of them, and everybody is here to take everything from them as they possibly can, because that's not true. Sometimes I sit in this Chamber and I wonder if I'm living in the same country what I hear saying in this Chamber; but while I would disagree, and I have disagreed, and I will continue to disagree on various issues with Members, I would give my life to defend their rights to say what they feel is right. The Member piloting this Bill said, that in other countries that lands have been given as concessions to encourage people to come in, there's no question about that, and we all know that that's true; We don't need somebody here to tell us, we read, we travel - I think these are some of the things that the U.P.A. helps to make such a great contribution to the Commonwealth; it is because there are times when we got to get together and share one Another's natural problems, and we can

MR. JOHN D. JUSTESEN: (CONT'D) benefit by other people's mistakes or the contributions other countries have made; it's a shame.

Mr. President, if I sincerely thought today that to increase the rates on the hotels or to completely do away with these incentives altogether, I would be the first Member in this Chamber to support that motion. And, I can tell you this, that as far as I am concerned anytime I can get revenue from areas which do not directly cause increases of taxation on our own people, I am willing to look in that area first, but I too don't expect other people to do what I'm not willing to do myself. I think it is high time, even though I see an increase, it is high time to expect of these developers, it is time that we tell them that we are expecting them to provide a little bit more of the amenities of the sports; we're asking them to provide a little bit more for the people that come to this territory and live in these hotels. I think it's time that we ask these people to think in that area of providing more things; I see tennis courts today that I've never seen before, but that's only the beginning I hope and I feel that we have every right to expect with the concession that we have given to the hotels to encourage them to come in: we have every right to expect that they will provide more things that the tourist can do when he gets here. But, on the other hand, since the fact that tourists coming into this island are so important - I have to make sure that regardless of what other people do or do not do, that they doesn't get the wrong impression, and that impression is that we want them to come to these shores and that they are welcome to these shores, and that we are going to see that with all the help that we have that they enjoys themselves while they are here in this country.

So, what I am saying, Mr. President, what I'm afraid of - and this is where I'm in an area of uncertainty right here - is that if anything we do here that in the amelioration of rates or duties, that we don't accelerate the room rate which I believe right now is at a peak. In fact I would be very much alarmed if I had the assurance or I felt that an increase in the room rates was something that would be done very shortly; because make no mistake about it, one, we haven't arrived and, two - we can wake up any day of the week and find out that tourism has left our shores. The only reason why they come here is because they find warmth, hospitality, there is no crime as much like in other countries, they are not harassed, our people are still warm and friendly and sincere; and if we Legislators don't take a bigger hand in helping our people to realize that there're few people in this country that are trying to upset the apple cart: if we don't realize that and do something about it, I tell you as far as I'm concerned things will be in jeopardy. Because, make no mistake about it, the reason why some people into this country today are upset is because of the attitudes, it's because of some of the things that irresponsible people have done to make the small man in the street feel that he's being taken advantage of.

I'm going to be proposing changes in the schedule Mr. President. The law as far as I'm concerned, I don't believe that there is anything radically wrong with it; no doubt there will be amendments here and there, but basically as far as I'm concerned, the law is a good law. I started to speak before anybody, and I wish I could've gotten my way then - I'm sure that as is in this House so many times feelings of people are misunderstood, but my thoughts - my notes here bore out and will bear out the facts: and I touched on it a few days ago: I believe that the outer districts the two and a half percent should be taken away altogether. I didn't touch on the outer districts, I'm touching on the sister Islands; I would like to see Government - and I not only would like to see when it comes to the schedule, I am going to be proposing that this be added to this bill; that in the sister Islands that Government give a period of five years for any hotelier or any investor that would come in and build a hotel that he could be guaranteed by this country for five years and pay no duty at all; that is how concerned I am about the sister Islands. When I realize that in these past years when we've had more than our share they've had to leave their dwellings to come here to pay rent to seek employment. I want to see more jobs -

MR. JOHN D. JEFFERSON: (CONT'D): I want to see something substantial in the sister Islands, that they won't feel left out, that they won't feel jealous that we're getting something that they're not getting. And, I want to see the two and a half percent in the out districts completely taken away altogether.

Now, in saying that we have increased the rates on our own people, and we can't add rates on our own people and give somebody else a clean slate. Well, that wouldn't actually be true in this bill: it's gone up to ten percent, but I still think that actually ten percent, there could actually be no doubt a little increase in the rates. Mr. President, the thing that gives me a great deal of joy, and the thing that makes me feel confidence in that, a few weeks ago people were getting up and holding meetings throughout these districts and saying, they have increased the rates on the tourists and they are not going to come back; and today I bet if the figures are released probably a thousand or more tourists will walk through the streets or drive through the streets of George Town. And, the thing that gives me a greater deal of joy is - up until now they have gone to no country in the world where they felt more at home and enjoy the hospitality and wealth of the people that they have in these Islands. Then as we think of the rates, the increase from seven and a half to ten percent; if we actually look at it realistically as we have to. When we look at it it's not as bad as it seems or as the picture shown. Because, as we start off we would say, when a hotel buys a piece to build a hotel seven and a half percent stamp duty is automatically taken off, that goes back to the Government revenue. Seven and a half percent then is charged on materials to build that hotel, then after they build that hotel and tourists start coming to this country we add five percent tax on every room; that again is money that the hotels - or is actually be levied against the hotels; of course the tourists are doing or the hotelier are doing just like we're doing in our supermarkets or our hardwear stores or any other stores, we're passing that on to the customer; there's no question about that - in our restaurants or anywhere else it's being passed down the line. And, that's all I'm saying; this is what I'm concerned about more than anything else; is that we don't pass too much down the line that would slow down or deter or discourage or cause our room rates to go up which I believe would put us out of business altogether.

To say that the Cayman Islands is a well established tourist resort, I think we would be fooling ourselves. I wouldn't say it is well-established - they are coming here, thank God; and every year, just about we show an increase of tourists to our shores, but go back in your mind and I'm going to ask you to tell me here - go back in your mind and think of another country that the rate of tourism was up and up and up and up; and today the conditions are not as well - are not as healthy as many would like; that's what we have to be careful with. We have to be careful that we don't kill the goose that laid the golden egg. The other day when his excellency the Governor came to our district, as in every time we try to think of something new or some different part or different sector of the community that we want him to visit. Here in two places were people in a business that had just started all not over three months or four months ago, they all said they were doing well: why? because the tourist ships were loaded with tourists; Cayman Airways and Southern were coming in with proper loads - that means that the fishermen are making money, the chartered boats are occupied, the hotels are filled with staff . My colleague mentioned this morning the number of homes that were being built in my district - I'm not talking about anywhere else - in my district by girls that had been working in the hotels; and let me say this, with the greatest of respect, and it's not humility at all for me to say it, some of them have built better homes than I'm living in today, and I'm glad, I'm proud; otherwise they'd never could've lived in such elaborate quarters as they do today.

But, Mr. President, I believe what most Members in this House have been trying to say is that we have been hoping and we want to think that there must be a cut off date when these hotels could be on their own; that's what I think we're trying to say. And, I am one of those Members, I am one of those Members that hope that we would not

MR. JOHN D. JEREMIAH: (CONT'D) only see the tourists here from the middle of December until the end of April, but we'll see the tourists here from January through December; then we can come back and slash or take away these incentives and say we don't think they're entitled to anything at all: they are paying concessions and they can pay their share. That's the only reason why I haven't actually advocated doing away with the concessions; it's because I don't believe they will be able to stand on their feet, that's the only problem that I have right now. And, that's the only reason why I wouldn't want right now to give an out-right commitment that I'm going to go along with taking away this concession from them increasing the rates like everybody else: when I say everybody, it's like everybody else pays. But, what we have to realize is that now, it is the largest employer of jobs in this country that we have; two, not only does it employ five hundred people that work within the walls of these hotels, but it employs hundreds and thousand of other people throughout this country of ours. It creates construction work. It creates other things; it puts me in a position to be able to go to a bank and say that I need money, because I want to open up a restaurant, because I want to cater it to the tourists; it gives me a living; and so does every other citizen in this country, I believe can rightly say.

I am saying, Mr. President, we can't deny the fact that up until now it is not a money maker. It is a money maker in the Winter; sure, nobody disputes that, but through the long Summer months my experiences myself on the inside give me a very clear picture of what happens in some of the large hotels in these Islands.

Section 9 (1) Every article of hotel equipment imported under a licence shall be marked with such mark and in such manner as may be prescribed. Now, Mr. President, this wouldn't only be true with the hotels but this is true of some of the big firms in this country that are getting in things duty free; there are things that are brought into this country that are not actually for them but it's for other people, and they are being able to evade taxes and this is not right. I know of a firm here in George Town a few years ago, that a hotel brought in goods and among that the things that were brought in at that hotel, there was a good amount of that that was taken to the stores and sold, they evaded the twenty percent duty, that's a fact. And, there are other organizations here in Town that get concessions; and they are making things - people are taking advantage of that and sending things to somebody else under that guise. Now, that's not new to anybody in this House, I don't believe, and you don't dare question the fact because it's fact. I am saying, that in these instances more vigilance must be given.

I share the thoughts of other Members, if the Hotels Aid Law was coming to us or that amendment every year like it has, then it wouldn't create as great a thought as the thoughts that we are here reading into Law or enacting a Law that many say, like the Medes and Persians, it's all written up. Now, under section 13, I agree; the Governor may vary the Schedules to this Law, and I hope he does. Well, I saying this, that in the schedules I believe it's where we can do our work. I think in the first and second schedules there will be deletions or amendments or what have you; and as far as I'm concerned that would take care of all of the argument that I believe that we actually have.

Mr. President, let me reiterate; I strongly support tourism, there is no question about that at all. And, as far as I'm concerned I want to tread very carefully when I deal with the Hotels Aid Law to make sure that I've not misinterpreted / people don't misconstrue what I'm saying, for truly as I've said before, it is the most precious commodity that I believe we have in this country outside of God and the Church. I feel it in high time; and I'm going to be saying that, that in the outer districts and in the Sister Islands that a flat no interest rate at all or duty imposed on any hotelier for a period of five years. When we think, as like I've said before on the five percent room tax, the seven and a half percent duty on imported goods, and the seven and a half percent stamp duty, and then the departure tax; we're getting well paid,

MR. JOHN D. JEFFERSON: (CONT'D): There's no question about that, there is nothing that we invest our money in that puts back in the Government's coffers what an investment in tourism puts back in this country. You can use statistics to project or present various arguments in this field; I too agree that as far as the five percent and ten percent - as far as the rooms are concerned the minimum of one hundred and fifty, and from there on up; I think that they could both take at least the ten percent.

Mr. President, the previous speaker spoke of unemployment, and this is the easiest way and the biggest way as far as I'm concerned to create more mass of unemployment in this country; is to do anything that would be misinterpreted or that would increase the room rates that would not make us competitive at all. That very stroke of the pen would create more unemployment in this country than we have ever dreamed about. Mr. President, as I've said, I commend the Law, but I feel that there must be some amendments, some deletions, and the schedule I believe can take care of what needs to be done.

Thank you very much, Mr. President.

MR. JAMES M. BODDEN: Mr. President, and fellow Members, the Bible warns us about Prophets in foreign tongues, and I think we've listened to such a speech this evening so mine is going to be a little bit blunt. The law that we are dealing with came into existence in 1954; the Law was supposed to run for ten years. In 1954 the first amendment took place which brought it up to 1966, since that time we have been dealing with this Law yearly and keeping it on the status books, thus keeping it alive. It is true that most things have to be changed after twenty-two years, and this is no exception to the rule; it is time that we make changes. What I'm going to say I would not want it to be interpreted as being against tourism because that is not my true feeling; but this Law probably was very beneficial in 1954. Because if we take the Tourist statistics for 1954 we would probably find that we didn't have more than may be twelve to fifteen hundred tourists in that year, so we had to find some way to promote tourism and I believe that what has happened is that the fact that we do give this release from duty has become an obsession in the minds of some people to where they have made themselves believe that that is the only way tourism will survive is, if we take the import duty off. I cannot concur with that thinking, I support tourism and I believe it plays a very important part in our economy and it is something we should try to baby along; we should try to give it a shot of adrenalin every once in a while. I go along with most things that would help tourism, but basing my argument on plain figures I cannot support the ideal that this is beneficial to the tourist business and beneficial to the Government as a whole.

No doubt, Mr. President, we all know that the Government is just like a business, it needs income; it's like the song that's on the radio today about the preacher, and he says, "To keep this thing running it needs money", and further on he says, "Well, let it crawl." So, we cannot crawl, the Government needs money, we have to explore more and more ways of Government getting money. My argument against this is, I am of the opinion having dealt with a lot of investors in the past and hopefully to deal with some in the future, is that when an investor comes to the Cayman Islands to invest in a hotel he is not that much interested in the little bit of money he's going to save on the import duty; you will only find probably one investor out of every one thousand that comes here that is interested in going into the hotel trade, and he's probably done a lot of research on the Cayman Islands and on the West Indies as a whole before he ever came here, so the little incentive that we're going to offer him is not the thing that's going to make him come to the Cayman Islands; this is only a drop in the bucket for him. We grant such concessions as this to my knowledge to/other business that is in existence in the Island today other than the hotels. I know that years ago we had a Pioneer Industries Law, but I don't think there is any business in the Island today

MR. JAMES M. BODDEN: (CONT'D): operating under that; so, if other people in other businesses can find the necessary money to support those businesses I think it is incumbent then on whoever goes into the hotel business to also find the money to pay the import duty.

I would propose, Mr. President, that to ease the birth pangs in association with the coming into being of a hotel that we could help along a little bit, and my modification would be along the lines of something like this: twenty percent import duty - a man is bringing in material that'll cost five hundred thousand dollars, which would mean that Government from that should normally get a hundred thousand dollars in direct revenue, and I would propose that that company whichever company is to issue a debenture to this Government interest bearing of probably eight or ten percent over a period of may be ten years and pay that to Government; that would mean a continuing income to Government and it would ease the expenditure at the beginning. At the end of ten years our Government would then have coming to it in the case of this hotel a hundred thousand dollars, and in ten years time we might find that that could help this Government to keep the wheels in motion. It would mean that the investor for that hotel would only have an out right expenditure that year, and for ten years of eight to ten thousand dollars a year which I'm sure that most people would admit he would have probably no difficulty in finding. We cannot give away everything, we've got to keep something for posterity; that would be one of the answers in my mind that could be put to this problem.

Another contention I have against this Law, Mr. President, is that in my opinion this Law has been tremendously abused in the past. I will not try to cite any particular case, but in and over-all I feel that it has been abused. Another point I would like to make, Mr. President, is that in this law to me the way I interpret it condominium would not be exempt; that is in my opinion if we interpret this Law the way it is written coming under so many rooms and for the most facilities and so forth, the condominium owners or builders could get exemption from duty; and I, Mr. President, have stood against that in the past and I don't think I lost many friends by taking that stand, and I continue to do so because I think it is wrong. Recently a condominium project received this duty exemption; this particular project, Mr. President, was sold out completely to investors before the project was ever started, and the man who conceived the ideal and who put the plan together and who superintended the building made a very large profit; the man happened to be a very good friend of mine, but still I speak against it as I have spoken in the past that this should not have been allowed. If we don't plug the gaps now, we're going to have too many gaps in the future; the time to plug some of these is right now. When we pass this Law there must be something in this Law that says, that condominiums or buildings that come under the Strata Registration Law will be completely exempt.

I am referring to section 4 sub-section (2). Another section of the Law - but, before I get into that, Mr. President, there is no place I think in the world today that the hotels enjoy as high a room rate as they do in Grand Cayman; if it is, I'm not aware of it. A hotel room that will cost you sixty dollars in Grand Cayman I'm sure could be gotten of comparable style in Miami Beach for at least half of that much. In those countries they have to pay very high labour rates, they have to pay very high taxes, and if the hotels in those countries can operate at a half of the income per day of the hotels in the Cayman Islands, why is it that the hotels here are not considered to be making money? I cannot quite understand that one. Another point, Mr. President, is that we must remember that we're talking about a small amount of money when we're talking about the import duty in comparison to the amount of interest that an investor has to pay on the money he borrows to build the hotel. There is a certain hotel in this country when it started out was paying around sixteen percent interest for the money that they borrowed to build that hotel with; that did not deter them, it was no way they could bargain

MR. JAMES M. BODDEN: (CONT'D): with the bank to get that decreased, and I'm saying that if sixteen percent interest repayment did not deter the investor then twenty percent import duty would certainly not deter him.

Hotel rooms, Mr. President, are figured at costing roughly twenty thousand dollars OS a room; this does not mean that the actual room is costing that much to build but we have to take into consideration all the ancillary parts of the hotel. And that is what makes up the figure of roughly twenty thousand dollars. A hundred room hotel, Mr. President, on these figures would cost the investor about two million dollars; out of that two million dollars, Mr. President, the building materials, the furniture and fixtures that he would bring in to erect that hotel should certainly not amount to more than six hundred thousand dollars of the cost, and if we figure twenty percent import duty on six hundred thousand dollars we're going to arrive at a figure of a hundred and twenty thousand dollars. And, Mr. President, I cannot believe that a man who is going to invest two million dollars that one hundred and twenty thousand dollars is going to run him away from this Island. I am going to give a further break down of that figure, Mr. President. A hundred and twenty thousand dollars for a hundred room hotel amortized out over a period of ten years means that the cost per day for that hotel room is only an extra thirty-three and a third cents; that is over a period of ten years. So, the argument that's been put forward here a-while ago that the room rates would have to be increased so much if we do not give this duty exemption is wrong, because the actual cost per day is only going to be about thirty-three and a third cents, and I cannot understand why we would have to increase the room rent? may be more than fifty cent a day even to cover this. So, Mr. President, that argument does not hold water.

Another point, Mr. President, is that in most places of this Island we do not have a pipe water system as you find in other countries. In figuring the construction of a hotel the developer has to figure under our present system approximately one thousand dollars per room cost in regards to supplying cistern and water pumps. Again, that is a detraction from this country, and if that does not scare the investor away then how do you think that we're going to scare him when the material for that room is probably not amounting to more than seven thousand dollars; and the import duty on that material would only run about fourteen hundred. If he is not scared away by the other two points that I have mentioned, Mr. President, he's not going to be scared away on the import duty.

And, Mr. President, pertaining to the law I could not agree again with the Regulations; we would be enacting another type of Law that has skeleton legislation, and I would not be true to my conscience if I agreed that that should be handled in the manner it is set down into this Bill. Mr. President, I could vote for this bill in favour of it if I could see a system adopted similar to what I mentioned a while ago; that instead of the hotel owner paying the import duty at the beginning that he issue a debenture to this Government interest bearing and he pay the interest on it over a period of ten years with the principle being due at the end of ten years; this would ease the labour pains tremendously, and it would help this Government to keep itself in motion. Otherwise than that, Mr. President, if we keep on granting concessions, we're only going to be realising the little bit of fringe benefits that are going to come in from an investment of this nature. We cannot keep the machinery of Government running on just fringe benefits, we must have something stronger than that. So I'm asking Mr. President, that when this comes down to the Committee stage, that we consider protecting the Government a little better, putting a little more teeth into this, and giving the Government a chance to get some money in the future as well as now. Thank you very much.

MISS ANNIE H. BODDEN: Mr. President and Members of this House. I agree that tourism is a great boom to the Cayman Islands, but on the other hand we cannot sacrifice everything just for the sake of tourism or anything else. I agree that tourism has helped to put this island on its feet, to the place where now practically everybody seems to be independent, but we must look out and see that we do not give every concession that everybody wants.

MISS ANNIE H. DOLDEN (CONT'D): Now only the Session before this we were told, and to which I agree, that the Government needs money extra because of a deficit in the Budget. Now we have agreed to tax our own people, which I say it is required, we need money to run the Government successfully, everybody seems to be clamouring for things they want, they wanted schools, hospital, dock facility, roads and everything imaginable, and it takes money to provide all this stuff. I am going to agree Sir, that this Bill be considered, but that the Schedule must be increased to the point where we get at-least 15% of import duty on the articles that are imported.

Now Mr. President, 15% cannot scare off investors if they are genuine. We have doubled our taxes on motor cars, I agree that forty eight dollars a year is not exorbitant, when we consider the roads that we have to drive on now, but we have doubled what the ordinary person had to pay, and motor cars in these days seems to be a necessity, and we did not consider that these poor people had to find that extra money, we said Government needed it, and it had to be found. And we also have increased other means to get money, and I am saying that we as sensible legislators, unless we want an upheaval in this country cannot agree to let I would say, the rich people have all the concessions.

Now I personally have agreed that the hotel industry plus tourism, they have been a great benefit to the island. I know the time when we were practically starving to death, and it was not tourism I would say that built up this country to where it is along, the exportation of our seamen, that was what brought up this island to where it is. As I said in a previous speech, the man responsible for that he didn't get much credit, all you could hear, he had sold Caymanians five dollars a piece, that was the credit he got. But nevertheless if they were even sold for five dollars, they sent back to this island thousands of dollars that started the economy on the upward trend. I will agree to certain parts of this Law but I'm totally against section 13. "The Governor may by order vary the schedules to this Law". Now, Mr. President, I respect you as the President but unfortunately you will not always be in this Chamber as our President, or the Governor of the Cayman Islands, and this as I understand it gives the authority by order to vary the schedules. Now, some people interpret it varying it here, I understand this to mean varying the schedules after it becomes Law, and that I'm totally against. Because, an investor could make an application to you Sir, as Governor in Executive Council; we can't pay this ten, fifteen, twenty-five percent or be it what it may, we are asking you to vary that schedule that it may be say, five percent, two percent, one percent, and you have every authority under this Law to change it, you haven't got to come back to this Assembly. And, when I say you Sir, I'm referring to you as Governor in Executive Council.

We haven't got to give anymore ok to varying the schedule as I understand this; and I'm saying that in the face of such stipulation in the Law we should discard this schedule to the Law, and the Governor may by order vary the schedules. I don't think that can work, because a hard luck story could be put up and it could be decided by the Executive Council that what these people want is justifying, we have to follow; the Legislators won't be ignorant of it, and then on the street you'll hear these ignorant Legislators that we have put in have passed a law, but there was a loop hole in that Law which gave the Executive Council Members the authority to reduce these rates'. Mr. President, I feel that we as Legislators should do everything in our power to see that this Island progresses, and we need money to go onward, we cannot stay at the place where we are today, it is one or two things forward or backward, and we do not want to do anything to make our Islands sink in the swamps of retrogression, we need to be alert so that we can go from strength to strength.

Now, I personally have agreed with this Motels Aid Law year in and year out; it got to the place where we realized we should put some import duty on, and which we did. Now, it has come to the place where I feel that seven and a half percent should be doubled at least. I will agree that the Lesser Islands and the Eastern Districts should have

MISS ANNIE H. BODDEN: (CONT'D): some concessions; and I would respectfully say Sir, that give them a leeway of five years without any import duty collected, and we will see what happens at the end of those five years if we are alive. I don't suppose that we'll be here as Legislators, but in any case somebody will have to be on the job, and I feel that is a reasonable concession and that this fifteen percent should come into effect. I would not agree that we should discard the Law altogether but I feel we should do everything possible to promote tourism, the Hotel Industry and all that goes with it.

Now, Mr. President, I heard a statement here today that I cannot swallow, and that was a hotel waitress working ordinarily as a waitress could build a home. Now, that is impossible unless they dispose of drugs, sold their bodies or did something illegal, they could not build a home out of being a waitress in a hotel. I work like a slave, I work everyday of my life and I make a fair amount of money, but be you sure I couldn't build a sixty thousand dollar house and furnish it unless I sold some of my land or drew my little saving in the bank; but you tell me, I start out today, a twenty-five year old woman or thirty or whatever it may be going working in any hotel and after a year or so I could build a house? Impossible, it can't be unless the bank generously gave me money on the hope that I would repay it. A hotel business and tourism, they have both done a lot of good in the Cayman Islands, but let us not go into imaginary things, not fairy tales; you can't build a house by wishing you could build it. I wish that was so, I would have a Galleon Beach myself. I am saying, Mr. President, that where we have fallen down is this, that we have let tourism, hotels and other things that go with it take the place of morals, and that's not good enough.

Now, Mr. President, I endorse we need a Hotel Law, and I am as a Member going to agree when it comes to the committee stage that we increase this ad valorem duty fifteen percent, that is, if it was seven on a half put it up a hundred percent. I don't know too much about percentage myself, but I am beginning to learn since I've been in this Assembly. Another thing I disagree with Sir, is this, that the hotels with one hundred and fifty rooms they are the ones that will be the sufferers, the poorer people will be the sufferers; I should say, it should be the reverse - no one else that can build beyond the hundred and fifty rooms, they should get the ten percent, and the smaller ones the five, but this seems to be reversed, and I cannot agree with that.

Now, we cannot go on giving gifts, the Bible tells us it's more blessed to give than to receive, but I think it's time that we get on the receiving end. Taxes must be raised, expenses to our ordinary people - the poorer class, because the Bible tells us that the poor you will have with you always; and I'm very sure that applies to us. And, I feel that when it comes on giving concessions that we should study the poor people if there are any poor or what I call poor. Mr. President, if you had been here thirty or forty years ago you would have seen poverty in its highest or lowest, I don't know which, but the extremity of poverty existed. Now, we have gotten above that, but if we are foolish enough to give everybody everything they want it might come to the place where we'll go back to where we were, and I don't want that to happen.

Now, I'll repeat, I am not against the tourist industry, the hotel industry, and most of all I am not against the tourist board or any member thereon or therein. What I am against is this, giving concessions where we cannot afford; and I would say, Sir, that any investor coming here they would not quibble at having to pay our Government some money. They are getting facilities, they are not coming here because they love Caymanians, they are hunting a job, they are coming here for what Caymanians went abroad for, looking to improve their conditions. And, when Caymanians went abroad they had to take what they got, and I feel that while we appreciate investors we should do every-thing possible to assist them, we should not do so to the detriment of our own people.

Now, as I've said, Mr. President, I'm going to support this bill that we get fifteen percent ad valorem duty on all

MISS ANNIE H. SODDEN: (CONT'D): building of hotels. Another thing is this, Mr. President, I am made to understand that these condominiums are not included; but what would hinder if I wanted to build a ten room hotel to set it out as a condominium. Is there anything in this Law to prevent me from so doing? I haven't seen it. I mean I'm not so - my smattering mind as I have been told is not so qualified may be as some of these people here, but I haven't seen it in the Law. And, I feel, Mr. President, that my understanding is as good as any, and I try to read what I see, not what I want to see but what I see before me. You know some people, Mr. President, they want to believe certain things and they can imagine those things and it's just as good to them as if it was true, but with merely to face realities. And, I'll repeat Sir, that while we are out to invite investors to come here - we are happy that they come; in fact investors have put us on our feet.

The first hotel that was built here we as a Government - when I say, 'we' I don't include myself I mean the people through their representatives gave concessions, and the man got Government land for one hundred pounds per year for ninety-nine years. And, I'll repeat, Mr. President, that that contract, lease or whatever it was had loop holes in it it was lopsided, because there should have been a concession giver that anytime that land was sublet or sublinased Government should get a good amount of royalty back. But, we were so poor then so grateful for assistance: that I'm sure the Legislators never thought of such a thing, but we are a bit worried, Sir. And, I'm saying now, Mr. President, let us get what we can get out of it but not to the detriment of the investors, but for the benefit of our people. Thank you, Sir.

HON. TREVOR FOSTER: Mr. President and Honourable Members, I'm going to be very brief on this because as in many bills and in many cases in this House the Brac representatives have got to play it very cool unless they may get drop off with a deep end without benefit whatsoever. I have been listening to the various debates here today and the words of the Lady Member is just the position we have been trying to get on for a long time, and that is the receiving end thus far we have not got on the receiving end. I can understand some of the positions in Grand Cayman: there are a few hotels on the beach, and according to a Member it seems as if there's ample tourist accommodation here. From my own knowledge I don't think this is correct. I think more accommodation is needed. In our own particular case we have never directly benefitted from it; we have one small hotel with the initiative of our own people; that has been in trouble, and that brings me to a point that I don't think it's quite fair to say that the hotel business has been that lucrative over the years.

If people will just recall the hotels are constantly changing hands, and we were no better in the Brac. I think that we do need some type of incentive. One Member stated that this has been in being from 1954 and with offering investors a deduction of seventeen and a half percent, in other words they only had to pay two and a half and the regular rate of out would've been twenty, so it is a seventeen and a half percent deduction in the outer districts and the outer Islands; and we were not able to attract an investor there yet. I can understand the fact as made by some Members that the Law in some cases has been abused; well, if this is the case teeth must be put in the Law and the Law in force han to stop it from being abused. As far as the Lesser Islands are concerned I feel as some Members have said, if it's anything more incentives should be offered so that we might be able to attract some investor there to build a hotel if we are to ever benefit properly from the tourist industry.

Mr. President, Honourable Members, I am not saying that the bill is faultless, correct, it might be many more ways of offering the investor incentives; I can agree with this. However, the bill it's not really that much difference than it was last year, the only difference was that it used to expire at the end of the year; there's not much difference in the wording of the bill particularly, at least the ingredients of the bill

HON. TREVOR FOSTER:(CONT'D):mean the same, and personally I would be defeating my own cause which is, Cayman Brac and Little Cayman if I went against not reducing duty as an incentive for developers. Of course when it goes to committee stage amendments no doubt can be made, be that as it may we should see how it works, but I want to make it clear that I have no other alternative but to support this bill. On the schedule which affects Cayman Brac and Little Cayman, if there is anytime that we need to offer an incentive I think it is now. We hope that an development goes on and as we get our communications up to date may be we will be able to entertain somebody in this field.

Mr. President, everyone has elaborated on it, I am not about to do that at this hour in the afternoon, but I'll like to make it clear for the benefit of my constituency: I would not like to see the duty increased and therefore I support it.

HON. A.B. ROSS: Mr. President, Honourable Members, I know it is coming near the adjournment time but I would like Sir if I could say a few words on this bill, because I may not be here in the first part of the morning to do so and I would really like to do so. I will try my best to be as brief as possible so as not to let the time run too far on for adjournment.

I never thought Mr. President, that this bill which we have had with us for twenty-two years as has been said, and had been extended from year to year. I never thought that it would have caused so much controversy here today; in fact I never expected that it would've reached the proportion to which I would had to try to defend it. I thought it was clearly before the Members as something which had gone on from year to year, and it was even better this year because it showed an increase of two and a half percent; that is in the West Bay area where the hotel sites are. Now, some Member have said that it has served the purpose for which it was intended and it now should be abolished. If I thought that the bill had served the purpose for which it was intended twenty-two years ago I would be one of the first to say, let us do away with it now.

Mention has been made of the increase in tourism and the expected increase in the future, and to my mind this clearly shows the need for such a law because in the years since it has been introduced it has not really accomplished what we hoped that it would've accomplished in that number of years. How many hotels have we got in our Islands? I wonder if Members have asked themselves this question; most of what I see does not to me fit into the category of hotels. I claim that we have one hotel in our Island, and that is where a hundred and seventy-five bed rooms - Holiday Inn; I claim the rest of the buildings which we have to accommodate tourists are more or less motels or guest houses. This bill, by offering a greater incentive, is trying to promote the hotel that is really a hotel, not a motel or a guest house; and this is the purpose of it. We claim that by yielding ten percent Government will be losing such a great amount of money, on the otherhand we hear that the amount of money which is going to be gained by the investor in the building of a hotel really doesn't matter to them; but I want to say that I believe I have never met anyone who has money who's really free with it. Because, in my experience I have found that that's how the man has made money by being careful with it, and he is looking for incentives such as we are offering here today. Now, let us see by yielding ten percent for the big hotel and fifteen for the bigger ones, just what we may expect to gain from that.

I know the Member from Executive Council this morning - he went on with the advantages from hotels being built. I want to go just a little bit beyond what he has said and add something to it. We yield ten percent, what do we receive from it? We receive twenty percent on the food that every guest eats; we receive five percent accommodation tax; we receive from the investor seven and a half percent in stamp duty, and it brings it all up to forty-two and a half percent. You know, Mr. President, I glad somehow or the other that I can also throw in my little bit of percentages here this evening. So, we deduct the ten percent which

HON. A.P. DUSE: (CONT'D): Government has yielded and you are still thirty-two and a half percent above and beyond what you would've had; so isn't it really still an advantage to Government? I said, that with the ever increasing flow of tourists that this Law is much more needed now, because we haven't been able to attract the hotels that we had expected... And, what are we going to do after we have advertised extensively for tourists, and the tourists come in ever increasing numbers and we don't have any accommodation for them? I know this has already happened; I was told that people have come here, could not find accommodation and had to return on the afternoon plane; coming here in the morning having to leave in the evening because there wasn't any place for them to sleep. Now, surely this shows again the need for more hotels, and we haven't been able to attract them, so we are endeavouring to do so. Again

I believe Members of this House will remember at one time I was against expensive advertising of this Island, for the reason that we did not have what I considered was the proper accommodation for them; and until we could have the accommodation I thought it was not right for us to advertise the Island expensively. We have done this now, and we must make sure that we are prepared to accommodate what this expensive advertising is going to bring; and this is the reason why I see a greater need for this Law now than ever before.

Mr. President and Honourable Members, ten percent may not mean a lot to us here, but I do say, to the investor who's coming to spend millions of dollars it means a lot. And, I would hope that Members would reconsider some of the arguments they have put up here today and agree that this bill is very much needed for us to attract people into our Island to build this type of accommodation for our visitors, because without it we are going to find that all the money that we have spent in advertising our Island for tourists, if there is no accommodation for the tourists when they come we are going to be very much embarrassed. And, the tourists are coming, there is no doubt about that, and we have to make ready for them. I just want to let out a little inside information which I have for Members here. This Summer season I believe promises to be one of the best that the island will experience. I know there are applications for seventy-nine chartered flights from the United States and from Canada from the month of April until October; this is going to bring you more than eight thousand tourists; thirteen flights a month; two a day. Now, if there isn't a need for accommodation then tell me. What would you do with these people if you don't have any place to put them? You'll simply have to cancel their flights - let me say, this is in addition to the regular scheduled flights of the two airlines; so you see, even in the Summer season there is a greater need for more accommodation. So, the tourists are coming to you, it is up to us to make sure that the proper accommodation is provided for them so that they will be satisfied when they come here.

I don't think we have anything at all to lose in granting this concession, I think we have everything to gain, because without it we may get nothing at all with it and surely there is an opportunity for someone to pick it up and to come and put his money in such a facility in our island. I know there are little countries in the eastern caribbean that would give the world to be in the position of the Cayman Islands. I know in particular one little island I have visited some years ago was doing everything possible to entice tourists into the island; I know the British Government even extended their runway to take the jets; extended this runway to ten thousand feet. I understand today the runway is going to be used by very small planes, the jets won't go in because there is nothing to go for; the Government even built a hotel - a Holiday Inn, and I can tell you that I went there on a conference and the delegates of the Conference were the only occupants of that hotel, there were no tourists. And, they have been trying their best to get tourists in and they won't go in. So, we have the potentials, and this is what I made known we had the potentials in the Cayman Islands but yet the British Government didn't see fit to assist us in extending our runway to eight thousand feet; this is something we've got to do ourselves.

HON. A.B. BUSH: (CONT'D): And, so Mr. President, I do hope as I've said that Members will reconsider and when this bill goes to the committee stage if it needs minor Amendments within reason I suppose you can make them. But, as a whole the bill is needed. There is need for incentives for people to come here, because the Caymanians hasn't got that money to build the hotels, we've got to rely on someone from the out-side to do this type of thing for us. We know a few Caymanians had interest in hotels but it all didn't last very long, they found out they were not hotel people really, and a hotel I suppose as you all know calls for great expertise to run it to make it worthwhile. And, so I wholeheartedly support the bill; I support it with the incentive as it is of ten percent, it is small enough, in fact it has been increased two and a half percent over what it was; and I think we'll have more to gain in this new law that is before us than we had in the one in the past. And, it is strange to hear that we lose so much money on one end and yet we are prepared to lose more on the other by permitting it to be free in some areas, this is strange to me, I think it's not consistent at all, they don't work together. If we are concerned about the money we are losing, then we should be concerned all the way; we should not think about total exemption, we should think about corresponding exemption one to the other.

Thank you very much, Mr. President.

ADJOURNMENT

HON. D.V. MATLER: Mr. President and Honourable Members, I doubt that we will get through with this motion this afternoon; we'll take the adjournment at this time until tomorrow morning.

SPOKEN BY HON. G.S. WATTINGTON

MR. PRESIDENT: It's been moved that this House be now adjourn. If there are no speakers I shall put the question:-

QUESTION PUT: AGREED.

MR. PRESIDENT: We'll resume with this debate first thing tomorrow morning, and I think we'll take the remaining matters on today's order paper first in the Order of Business tomorrow morning.

The Assembly will stand adjourned until 10:00 A.M. tomorrow.

HOUSE ADJOURNED AT 5:15 P.M.

THURSDAY, 18th MARCH, 1976

PRESENT WERE: -

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

GOVERNMENT MEMBERS

HON.D.V.WATLER, QBE.,JP	FIRST OFFICIAL MEMBER
HON. G.E.WADDINGTON,CBE.,QC.	SECOND OFFICIAL MEMBER
HON. V.G.JOHNSON,OBE.	THIRD OFFICIAL MEMBER.
HON. A.R.BUSH,J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. BENSON O'BRIANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR SOCIAL SERVICES, EDUCATION, HEALTH)
HON. W.W.CONOLLY, OBE.,JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES,ETC.)

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE S.BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
* MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. MCDONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. CRAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CHARLOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

* ABSENT DURING THE P.M. SITTING

MR. T W.FARRINGTON,CBE.,JP ABSENT

ORDERS OF THE DAY

THURSDAY, 18th MARCH, 1976.

1. CONTINUATION OF THE SECOND READING DEBATE ON THE HOTELS AID BILL, 1976

2. GOVERNMENT MOTION NO.1 - MARICULTURE
(AS CIRCULATED TO MEMBERS ON THE 8TH MARCH, 1976 and AS SET OUT IN THE ORDERS OF THE DAY FOR WEDNESDAY THE 17TH OF MARCH, 1976)

TO BE MOVED BY HON. V. G. JOHNSON, FINANCIAL SECRETARY

3. GOVERNMENT MOTION NO.2 - MEMBERSHIP OF THE LIQUOR LICENSING BOARDS (AS CIRCULATED TO MEMBERS ON THE 8TH MARCH, 1976 and AS SET OUT IN THE ORDERS OF THE DAY FOR WEDNESDAY THE 17TH OF MARCH, 1976).

to be moved by HON. W. W. CONOLLY.

4. CONSIDERATION OF GOVERNOR'S MESSAGE RE PETITIONS CIRCULATED TO MEMBERS ON FRIDAY THE 12TH OF MARCH, 1976

TABLE OF CONTENTS

1.	CONTINUATION OF THE SECOND READING DEBATE ON THE HOTELS AID BILL, 1976	1
2.	GOVERNMENT MOTION NO.I. CAYMAN TURTLE FARM	8
3.	ADJOURNMENT	37

THURSDAY, 18th MARCH, 1976

10 a.m.

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

CONTINUATION OF THE SECOND READING DEBATE ON THE HOTELS AID BILL, 1976

HON.V.G.JOHNSON: Mr.President, Honourable Members, it was suggested during the debate on the Hotels Aid Law that the only reason why I would support the bill is because I have to go along with other Members of Executive Council. As the Member responsible for Finance, I thought that I should clarify my position, as far as the Hotels Aid Bill is concerned.

Mr.President, I support the bill, I support it on its merits and those merits I would dare to say are the merits which the incentive offered by the law to hoteliers would offer to the Cayman Islands.

The concession is something which developers look forward to over the years - one can very well say that it is no longer necessary to offer the incentive and one can perhaps say that the hotel is strongly established. There are, perhaps, the views of a few. The question, Mr.President, is if this concession is withdrawn will there be sufficient incentive otherwise for hotel developers to invest in the Cayman Islands. This is something which I do not believe we have researched thoroughly. This is something which Government has examined very closely and because of the calculated risks involved, Government has decided to play a safe game. Playing a safe game, Mr. President, is saying that the tourist industry offers a very big contribution to the local economy and therefore we must endeavour to protect the industry as much as possible.

I have had the experience with would-be investor coming to the territory to investigate the possibility of doing business here, business of all sorts and Mr.President, 99 out of every 100 times the question was "What are the incentives which the Government is prepared to offer?".

The concession under the Hotels Aid Law therefore is not merely a matter of looking at the revenue which is being waived, and the concession, it is a matter of enticing someone to do business to invest in the Cayman Islands and this, again, depends on the importance which we put on the tourist industry.

Mr.President, tourism is a labour intensive industry. It employs 40% of the total employment in this country. Its contribution to the economy might not be that big but we look on tourism as the most importance activity in the Islands, so far.

Mr.President, the population of these Islands is growing year by year - we can see it by the output of the school system - we can see at the end of each school year the number of people who are seeking employment today. Mr.President, there are those who are lucky enough to achieve academic feats in school, those are people who can, perhaps, go abroad to look for jobs, if there are none to be found locally. Those without academic achievements must depend on finding jobs locally and I dare say, Mr.President, that this is going to become fast one of the problems of this country, if we are not able to find jobs for these young people.

It therefore goes without saying that from the very outset and at this stage, every facet of the economy must be examined and opportunities must be made available. What is it to lose a few thousand pounds in import duty against losing a part of the industry and when we lose a part of the industry, don't make ghost fool you, the rest of it is going. People are not coming to this country to invest their money without the Government can offer some form of economy. This I can guarantee you is the position.

HON.V.G.JOHNSON (CONTINUING) Mr.President, I didn't realise that a Bill such as this would have taken the length of time to discuss. Of course, I hold the view that each Member must be persuaded by his own mind - he must deal with the matter as he sees fit and as he thinks, to the best interest of his constituents. But, at the same time we must always look at what is best for the country.

I remember many years ago across in the Town Hall meetings were organised, panels of speakers were chosen to speak on various subjects and I remember that in those early years one of the subjects debated was the advantages and disadvantages in the tourist industry. There was no difficulty at all with the panel who discussed the advantages of tourism. That was always the winning side. We have heard in this Legislative Assembly panel to discuss the advantages and disadvantages of concession under the Hotels Aid Law- the outcome is yet to be seen, but, Mr.President, it is clear in my mind that like the debate on tourism the winning side should be the one supporting concessions under the Hotels Aid Law, because there is every indication that this offers very much to the economy of these Islands.

In the debate that took place we have heard those arguing against the concessions because of the loss of a bit of import duty. I haven't heard any other grounds which would indicate that the granting of the concession would be unlikely to the disadvantage of the country. I am not one who is readily in agreement to releasing Government's revenue, if there is any suggestion at any time for the waiver of the granting of duty concession I, first of all,want to know what the benefits are to either the Government or the country as the case may be. To just throw away revenue is not really the policy.

A suggestion was made by a Member that if we allow concessions to foreigners and on the other hand tax local people the friendly attitude which is now experienced in these Islands could be affected. But, Mr.President,we are dealing with two different things there, concession under the Hotels Aid Law is entirely a different thing from imposing taxation on the local people. Each has its own reason to be considered and each has its own part to play in the life of the community and therefore it is not very wise for us to make that comparison.

I would think, Mr.President, that the concession which we offer has a great return to the country - taxation which we impose on the local people has its great contribution to the cause of Government. Each plays a very important part as far as the country is concerned.

The tourist industry is not a very viable proposition, in spite of all that was said about it. If it was, I am sure that there are many local people who would be involved in the trade. In the early stages Caymanians attempted to take part in the hotel industry, shortly afterwards they were glad to pass it on to others. Today there are very few Caymanians who are involved and there is no guessing as to why. It is not a very profitable business. Those who are in the industry, I imagine , are there because they like it. They struggle to make both ends meet - struggle to keep the business alive. This is borne out by the occupancy rate of the hotel which is reported on year by year, which averages between 40 and 50%. We are told that for a hotel to operate successfully, it must have an occupancy rate of at least 65%.

Mr.President, investors in hotel business have a big over-head to meet from time to time. The capital outlay must be repaid, perhaps within a period of ten years; if the hotel is not successful in business it places extra strain on the management. As small as this concession may be under the Hotels Aid Law, if it is not forthcoming two things can happen - the developer may decide not to proceed with the investment, or secondly, if he does, it means that he is going to introduce higher rates than he normally operates. The business in the Cayman Islands is on a small scale, this is why rates

HON.V.G.JOHNSON (CONTINUING) are perhaps higher than they are found in other countries.

There are a lot of disadvantages, Mr.President, in operating the hotel industry and I would think that the small concession which Government offers helps in some tangible way. I don't think we have come to the stage yet where it should be cut off. Someone even drew an analogy that the life of the concession ended ten years ago and that the law has been living beyond the time allotted and the analogy was against the statement that is made in the Book of Psalms that the life-span of an individual should be threescore years and ten, but, Mr.President, in a recent issue of the Northwester there was the picture of a lady there who had lived to one hundred years and the article said nothing about her being sick, so apparently she will live on and there are earlier accounts in the Bible of people living for hundreds of years. So there's no reason why the Hotels Aid Law cannot still live on. It has its usefulness and it should remain on the statute books.

I would like to mention, Mr.President, the statement that was made by a Member - people who travel abroad return home and the customs Department is so hard on them in charging import duty on the small amount of things they bring back with them. This has always been complaints by the Customs Department for many many years, complaints of people who do week-end shopping abroad. Even people who operate businesses leave here with empty suit-cases return with them filled as personal effects. Mr.President, this is no different from one who places an order with Sears and Roebuck or Montgomery Ward or some other company abroad and when the goods are received the duty is paid on it. If one travels abroad on special business and he has occasion to replace a wore shirt or pants, or socks or a necktie, something of the sort, I don't think the Customs will deal or will be difficult in these cases - they can be included as personal effects. But when a person leaves here specifically to do week-end shopping, a day or two shopping abroad, all the goods that come back with that person should be subject to import duty. And the Customs Department has been issued instructions that these cases must be looked at very carefully.

Mr.President, I support this Bill. I support it because I think it offers a fair contribution to the economy. I weigh this against the duty which is waived and the returns far out-weigh that duty. I think it is a law that should continue to operate. I think the time will come when each one of us will decide when it should be withdrawn but at the present time, it is calculated risk to do so and rather than take that risk to damage the leading economy of this country, I think it is wise for us to continue to offer it. I support it, Mr.President.

MR.PRESIDENT: If there are no other speakers, I shall ask the Honourable Mover to reply.

HON. W.W.CONOLLY: Mr.President, in closing the debate on this bill, the Hotels Aid Law, 1976, first of all I would like to thank all those Members who contributed to the debate on this bill. There are some who support it and some who oppose. I think this is the normal procedure when a bill comes to any Legislature.

There is one thing, Mr.President, that came out in the debate and it was most important in this particular debate and that is that there has been no opposition to the fact as to the importance of tourism to the Cayman Islands, and the fact that the hotel industry is one of the corner stones of the industry.

If, Mr.President, we have our facts straight on these points, two very important points, then I shall try to reply to remarks made by Members.

I would like to crave the indulgence of this House, if I might be a little lengthy. I had no idea of the length

HON.W.W.CONOLLY: [CONTINUING] of the debate that would have ensued from this bill. Nevertheless, I believe that it has covered a wide range of subjects which were instances not really relevant to the particular bill before us. I shall try to answer these points as briefly as I can and I would hope that when I am through that I will have succeeded.

First of all, there seems to be a little bit of misunderstanding as to what is before us. The bill that is before us is not a bill to control hotels. The bill before us is a bill to offer some form of incentive to hotel industry.

The second point - some Members argued about duty-free - there is no suggestion in this bill, there is no suggestion in the bill and in fact there have been several years now that the duty-free concession to hoteliers has been cancelled. When the Hotels Aid Law came into effect back in 1954, surely the incentive in this particular ordinance was duty-free. There was no duty on hotel equipment, but as time progressed the Honourable Legislative Assembly saw fit to amend the said schedules to this law and to bring in an element of customs duty which gave an incentive, but nevertheless, it produced a certain amount of revenue. And what this particular bill before us today is seeking is seeking the same thing and, Mr.President and Members, the main reason why this bill has come before the Legislative Assembly, I may say is to put into one document all of these pieces of amendments. There are over a dozen of those, over the years, that have come to this. This is the main reason, but practically word for word what is contained in these thirteen or fourteen pieces of document is found in this one piece of document.

Mr.President, there was another point that came out and I believe there were one or two Members who mentioned this it is a very important point. Unfortunately, it appeared to me that those Members through somehow or the other, overlooked this point that is enshrined in this particular document and I am speaking particularly to the point raised on condominiums and strata lots. If I could draw the attention of Members to the second section of this, in the interpretation of it, the word "hotel" as used in this Law , means: any building or group of buildings within the same precinct containing or intended to contain when complete an aggregate number of not less than ten bedrooms and facilities for meals for the accommodation of transient guests including guests for reward, together with the precincts thereof and all other buildings and structures within such precinct, not being a strata lot or an apartment house. Mr.President and Members, in our Strata Titles Law it is enshrined in that particular document there where any complex that comes under the Strata Titles Law and this is a a condominium, what is commonly known as a condominium law, any complex coming under the ambit of this Strata Titles Law, does not get the benefit of the Hotels Aid Law, but it was thought necessary, so that there could be no mistake about it, that it should be enshrined in this document, and when I heard Members say that it was not here I said may be I was reading the wrong document. I am sorry, Mr.President, and I will have to apologise to Members, if those Members who referred to this point, do not have the same document that I am reading from.

Mr.President and Members, one point I would like to emphasise and that is this what is suggested in this bill is not a suggestion that Government should give away money, there is no suggestion of that point and regardless of how anyone turns it or twists it or what that is not the case. What is said in this and what it is intended to be is that when a developer comes in here to build a hotel he gets a waiver of duty, what has been suggested here as a ten per cent, normally he would pay 20 per cent, but if he is a hotelier who is building rooms for rent, to transient guests, he would get it at a 10 %.

I wonder if I could use some figures on this. And I would not like the Members, Mr.President, to hold me down to the dollars and cents. I am going to use approximate figures however

HON.W.W.CONOLLY (CONTINUING) these accounts have not been audited, when the accounts have been audited they themselves would have been in the same possession of the documents that I will be in possession of. But in the year 1975 this Government waived the duty to the hoteliers in a sum of approximately $25,000 and for that same period in 1975 this Government collected on those same rooms, indirect tax $180,000. Mr.President and Members, we have some good businessmen here - we have some very capable people and if a Government today can invest or anybody in fact, $25,000 and in twelve months can have a return of $180,000 I think its good business.

If you look into your Estimates of Revenue for the Islands in 1975 those are the figures that you will find. Now the point has been made that the hoteliers are getting away, the rich man is getting away and the poor man is being taxed: Let us take one item; I want to take one item of a bed and I am not good at figures so I want to use a figure of $200 as a cost. If an individual here brings in a bed for $200 he pays a 20% duty - $40. If it comes in for a hotel, under this suggestion, he would pay $20 - half - 10% which would be $20. When an individual brings in a bed and pays the Customs duty that's a once and for all payment - there is no more payment on that, but with a hotel it is a different thing, because for every dollar that that bed earns, or that room earns, the Government collects back 5¢, so instead of collecting back the $40 depending on the length and number of persons using that room, you may collect back $400. These are figures some people have said that a room in Cayman Hotel is the dearest in the world - I disagree with that - I am going to disagree with that because, Mr.President, there is no doubt in my mind that room-rates in the Cayman Islands are high - I think that room-rates in the whole Caribbean area are high, but just comparing us with another small Island in the Caribbean - I know of an Island in the Caribbean that is about our size that has hotel rooms running at $175 a day. I know of one that ran at $145 a day and kept filled. Let me say this that you can find cheap hotels and you can find hotels in other areas, in large developed countries, half the price or quarter of the price, but one of the things we must all appreciate here, and I believe we must right - of this, that imbedded in the cost of a room on that West Bay beach is a lot more than just a mattress, a lot more than just the roof over your head - you are paying for that accommodation, plus that golden sand, that water, that peacefulness, everything - its a resort hotel in other places where you can go and countries where you can get a hotel for half the price, or quarter of the price, you can't step out on the side-walk, so all those things go with it. So that as it may, I would like to say this that the money that the Government waives on the importation of materials to build a hotel is only money that has not been collected at the present time, but will be collected two-fold.

Mr.President, I am not a fisherman but I know today even our Coat of Arms dictates that we know a lot about fishing in Cayman and all we are doing in this Bill, Mr.President, is what I have seen so many fishermen do - tying on a small grouper to catch a bigger grouper.

Mr.President, I would like to say this and I want to emphasise this, because I believe this is something that is currently knocked around the street that it is only foreigners. I don't share that view - I share the view that Caymanians today will participate in hotel development on this Island - in fact we have Caymanians now who own hotels. We have had Caymanians - Caymanians were some of the first people who built hotels on this Island and this, I don't know the reason, but it would suggest to me that the reason why Caymanians got out of the hotel business was because it was not such a profitable business. I believe there was more lucrative business than the hotel why Caymanians left and my reason for saying that is this, that with the exception of two hotels in this Island, every other hotel in this Island has changed hands two, three and four times and I feel sure

HON.W.N.CONOLLY (CONTINUING) it it was such a profitable business. hotels would not be changing hands the way they have been.

This, to me, Mr.President is very little when we offer them this concession; even with this, this has been the concession offered to them and we still cannot attract. I am doubtful that we will have applications, very few applications, even with this form of concession and Mr.President and Members, I would have liked to have been in a position to suggest or recommend more concessions, because we are not, as someone said yesterday,we have not arrived. Mr.President and Members, we have just scratched the development of tourism in this Island - the development has just begun. There is a lot more to be done and I would hope that the atmosphere in these Islands would continue to be such that it would develop at the rate that I see it coming.

One Member spoke yesterday and said that the Government does not support any other industry - I don't think that was a correct statement to make, because it happens that I will name one other industry that Government supports - may be people don't look at figures, but I happen to have some of these figures because its a portfolio over which I have some responsibility, and that's agriculture, and its surprising but to one individual last year in 1979 this Government waived duty of upwards of $10,000 - one agriculturalist in this Island who is a Caymanian, brought in goods and when I say goods, goods which includes animals, that if the duty had been paid on them; this Government would have collected upwards of $10,000. Then you hear on the street the Government don't do anything - they are only crushing the poor man and my figures are here and I would like people to check the Customs and see but we had - I read it in the paper, I see it in the Northwester - 65 head of cattle come in at $10, 835, 840 thousand dollars - not a penny duty. Tons and tons of feed, not a penny duty - tons and tons of fertilizer not a penny duty - thousands of chickens, not a penny duty. I don't regret it - and I am glad to see it, but what I am saying is this, the public is not told this and Mr.President and Members, I take this opportunity and I would normally have not done it, but since it was raised, and this is not the only importer of these - when you check today the amount of feed that comes through port, comes off those ships, the amount of life-stocks turkeys, goats, cattle and all this type of thing that comes in duty free and if the Government had collected duty on that - this is a different instance here, Mr. President and Members, we are not saying coming in duty free - we are saying come in, pay us half the duty now, get on with your work, and earn some money - pay us as the rooms are rented, plus you are going to employ Caymanians and this has been, I think, a concensus of opinion of the number of people employed directly in the hotel industry.

I would like to stress this point because it is misunderstood. When people say here these items come in duty free and you go in the shops and you don't get any benefit - do the public get the benefit from locally-produced stuff, that this farm fertilizer has produced? Does the public get the benefit of the cost of meats from free importation? I think they do - I think they do but don't be one-sided. Government controls no industry here - it doesn't control prices but we must look into these things.

Mr.President, another thing I want to bring to Members' attention is this that this waiver of duty is a once and for all infection - after the hotel is built and occupied all materials coming in, all foods, all drinks, all replacements, dutiable. Mr President, what I am saying after the hotel is built all things coming in are dutiable. People are paying duty on all materials, all the foodstuffs,all the drinks and this is a great amount, so we are not giving away anything. What has been conveyed to the public is that you are giving away something - there is no truth in this at all. We are investing money and we are investing, as I said, I believe, very good money, and I

HON.W.W.CONNOLLY (CONTINUING) can assure you, Mr.President and Members that if the Honourable Financial Secretary, who is a keen financier, if he, in his wisdom of finances, had not been convinced that it was a profit-making development, he would not have agreed to it.

We had, Mr.President, quite a number of speakers who referred to section in this law, I think it was section 13 of the law where the Governor by order may vary the schedules and apparently Members took great exception to this - this is not new - I think this is the situation existing in another ordinance that has been passed by this House, and if I am correct in saying the Customs Law gives that same provision; I think it is section 10 of the Customs Law, so that's nothing new, and I think more-or-less what happened is the fact that this schedule refers to areas of Grand Cayman that developed areas and less developed areas of Grand Cayman, and we have Cayman Brac and Little Cayman. Mr.President, I share the view of Members here the Honourable Member here from Cayman Brac, who felt that (and I believe he knows) this incentive, even though it is small, has aided hotels in Cayman Brac to develop. I believe that just recently the plant in Cayman Brac has been expanded and I would think myself that if we are going to develop those Islands Government is going to have to make a lot more concessions than what we have made in this particular bill. I don't know what the concessions are going to be or will have to be , but I feel this way that if we ever are going to develop Little Cayman and Cayman Brac it is going to need an injection of an incentive that will draw people from the outside in, whether it is a subsidy of Government or what-not, I don't know but I feel sure that this will be the answer to the development there.

Mr.President, the main point is that we are here trying to put into one document what has been contained in several other documents. There are, when we come to the Committee stage, I will be making some amendments, there are a few typographical errors in the bill and I shall crave the indulgence then of the Committee to make those amendments - they are only typographical and I believe today that most Members feel - I am sure they are convinced that Government is not giving up anything. It is a matter of an investment but I know it is pretty difficult, Mr.President, a person who is convinced against his will is of the same opinion still. I am not here trying to change that- what I am here doing is putting forward a bill which I hope will become a law, which in turn, I hope will go somewhere in encouraging investors to come to Cayman or if they are here already, to go into the hotel business, so that we can be assured that when tourists come to the Islands that they will have the proper and efficient accommodation.

I may mention, at this point, Mr.President, that by legislating this law does not and will not have the effect of any abuse in respect of numbers, because, as has been stated, hotels and hotel accommodation will come on the market as they are needed. There is nothing more I would say distasteful than to have hotels built, companies going into liquidation, windows and doors barred up. Rooms and accommodation will come as they are needed and it is true, even with the booming business that we have in tourism now, one has to go into the whole picture and see exactly the net result, because it is a seasonal business - this is true - in the winter times we have hotels that could double their occupancy but in the summer they are closed. We have had already, notification of one of our main hotels on the West Bay Beach being closed for the summer and there are probably others, because of the lack of business. They are not going to operate at a loss if they make a profit in the winter and they lose that profit in the summer they end up at the end of the year without any money, so this, again, we have to be very careful with. We have insufficient rooms at certain peak times, like

HON.W.W.CONOLLY (CONTINUING): holiday week-ends and winter and we have abundance of rooms in the summer, so we have to find a happy medium. This is not, Mr.President and Members, if we legislate this law, going to bring an influx of business where the Government would lose thousand and hundreds of thousands of dollars - no such a thing - probably in 1970 the Government may waive duty on ten or fifteen thousand dollars worth of material. In that same period, I am looking forward this year that we will jump the two hundred thousand dollar mark in direct taxation from the rooms that we have now.

I take it, quite a lot of debate has been carried on it: this particular bill - I realise why, Mr.President, I realise that it might have taken a long time but I am very pleased to say that finally people are realising the importance of this valuable industry to the economy of these islands.

One final word and this is generally in the Caribbean area, of the cost to the investor of the building of hotels. A survey was made and it was found that even though the Caribbean area charges the highest rates of hotels in the world, that the profits they receive back, are some of the lowest in the world. You have a lot of things to take into consideration - you have high cost of money - you have rapid depreciation of your machinery and this type of climate and high cost of operations, high cost of transportation, high cost of communication, all these things add up and I feel like we here in Cayman, if we can offer those people who are willing to come to the islands here, cast their lot with us, we can assist them, we can give them concessions to attract them. Someone said that there is not enough to attract people I don't know whether it is or not, but I am sure that within the last six or eight years I have never had any person who has ever come these Cayman Islands, or a lot of people who have not come to these Islands who have written in to find out what incentives are there- what are the terms and conditions - so if this was so insignificant, Mr.President and Members, I am sure that people would not have asked the question, and they wouldn't have been coming from such individual prospective developers in other forms of business naturally that some Members are familiar with, it is probably the case, I think some Members said that there is one out of one thousand investors who really even enquire about going into the hotel business - this is true - this shows us right now when it is one out of a thousand who may be interested - it looks to me like it is not a very lucrative business - it looks to me like it is something that if we want it, which I believe we do, that we should do all that we can to encourage, and I feel like the proposals put down here are proposals that will go some measure in giving or holding up a carrot to some prospective developer.

Mr.President, much has been said on this bill - it has generated a lot of steam. Again, may I thank the Members for their valuable contribution and I am sure that when we go into Committee that Members will see fit to support it. Thank you, Mr.President.

QUESTION PUT: MEMBERS: AYES AND NOES.

MR.PRESIDENT: The ayes, I think, have it.

THE BILL WAS GIVEN A SECOND READING

GOVERNMENT MOTION NO.I CAYMAN TURTLE FARM.

HON.V.G.JOHNSON: Mr.President, I formally move Government Motion No.I which reads -

"WHEREAS Mariculture, Ltd. a locally incorporated company engaged in the farming of green turtles as a business venture have since a year and a half ago been experiencing financial difficulties mainly as a result of the economic recession and consequently the company have had to reduce staff by fifty per cent from a year ago the company would have since gone into liquidation had it not been for the strong

HON.V.G.JOHNSON (CONTINUING) emphasis put on the value of its operation to the economy both as an industry and as an amenity to tourism

AND WHEREAS the assets of the company have now been sold to foreign interest who will operate the business under a new company and who are prepared under new management and improved marketing techniques to convert the operation into a successful venture in a few years but who have also insisted that to achieve this end there are a few hurdles to clear in the field of marketing such as better quantity of the products and acceptability by conservationists of the farmed product in certain countries where rules and endangered and Threatened species exist it is thought that Government's participation in the new company would greatly influence the clearing of these hurdles

AND WHEREAS before considering the proposal for Government's participation it is necessary to look at the operation in terms of its benefit to the economy and to the Cayman Islands in general

AND WHEREAS it is respectfully submitted that. Direct benefits are substantial especially in the area of employment offered by the company there are also direct and indirect contributions which the industry offers in many other respects

AND WHEREAS the financial position of the business is such that the cost involving Government tax and duties on the transfer transaction of the property from Mariculture, Ltd. to the new company Cayman Turtle Farm Ltd. amounting to approximately $50,000 (Cayman) would impose additional strain on the financial position this, together with the mention already made of the fact that Government's participation would give greater impetus to the business have resulted in the request for Government to acquire an equity interest in the new company and the suggestion is to purchase 50,000 shares of $1 (Cayman)dollar each which will be offset by the tax and duties on the transfer transaction

AND WHEREAS it is the desire of Government to see the turtle farm continue in operation and prosper in every respect as this would be beneficial to the progress and development of the territory

BE IT THEREFORE RESOLVED that this Honourable House approve the recommendation that the Government of the Cayman Islands purchase approximately 50,000 shares on one Cayman dollar each in Cayman Turtle Farm, Limited in exchange for the tax and duties which will be due on the property transfer transaction in the reorganization of the turtle farm operation. "

HON.D.V.WATLER: Second.

HON.V.G.JOHNSON: Mr.President, Honourable Members, first of all I think we need to look at the policy of Government in private enterprise and to decide whether this is one venture in which Government should participate. I would say that government's participation in private enterprises should be considered only when the participation is considered of paramount importance to the social welfare and to the economic growth and development of the country. Government has participated already in private ventures. Members will recall the participation in Cayman Airways, Limited. That was considered then something of paramount importance to the life-line of this country. Air transportation was at the time in jeopardy - there was the proposal to establish a local company which would undertake the service but it was necessary in order to make it a successful venture for the Government of the Cayman Islands to participate. It is an old story and Members are quite aware of the circumstances.

The next Government participation was in the Caribbean Development Bank which is a regional Development bank and although the Members of that Bank are more-or-less Governments of the region nevertheless it was considered a private institution and one in

HON.V.G.JOHNSON (CONTINUING) which the Government could have elected to or not to become a Member. Again, the Government saw that there were benefits to be derived from such participation and with the consent of this Legislative Assembly it became a contributing Government. One of the benefits which we all are enjoying at the present time is the loan made available for the construction of the port.

One would say that this facility could be available from other financial institutions but when we look at the terms and the conditions of the loan to this Government one will see the great benefits which we will derive from such participation.

We come now to a third company, Mariculture, formerly, it is now Cayman Turtle Farm, Limited and we must examine this on the basis of its importance to the country and to the economy, the social welfare with its economic growth and development and ask the same question as we did in those other two earlier ventures whether we should participate or not.

Mr.President, Honourable Members, we have just ended a long debate on a Law which offers concessions to investors and we heard a lot of views expressed on the advantages and we heard some advantages being stated as well, but I think one of the points which was made in that debate was the value of tourism to the economy. One of the advantages was the employment facilities which it offered something which we must dearly guard in this country today, because of the growing population, the need to create jobs and to provide incentives for people who will seek from years to year new jobs.

Mr.President, this Turtle Farm employed at one time up to 90 people - they were mostly from one district and when the sad decision had to be made for the reduction of staff by about 50%, I can tell you that it was quite alarming because many people were put out of jobs.

The farm has always been considered as the only industry of its kind anywhere in the world and I think as such we are proud of it. Beside of the employment opportunity which it offers it is one of the amenities which supports tourism. When visitors come to the Island they naturally come here to look at scenery, look at something which is of interest. In days gone by we could tell them about the two wrecks at East End - take them around and show them wrecks on the bottom of the ocean, but beside that, Mr.President, there was nothing else to show them until these buildings were erected. Someone came into my office about two weeks ago and asked me why should Government pay $1,400 a month to maintain electricity in this building. Mr.President, every visitor that comes to this Island visits this building because it is an attractive little building and again it offers an amenity to visitors.

But going back to the Turtle farm, I daresay that it is number one on the list of amenities, something that people can see visiting the Island and something which they enjoy looking at.

Besides the labour employment, providing a sight for visiting people, because of the operation of the turtle farm the Island receives a lot of publicity abroad. Of course, now-a-days publicity is boterous, you find publicity in nearly any part of the world you go - the Cayman Islands, but the turtle farm also offered a good bit of advertisement for the Islands.

Mr.President, this is not a case where investors were not prepared to come to the Island and inject millions of dollars into this industry unless they were given some assurance that the Government would be requested to offer some form of incentive. Nobody will come to this Island to partake in any investment unless there is some form of incentive. The incentive which they requested is set out in the motion that Government participate in the equity of the company. They were not asking Government to inject funds into the Company - they knew that they would have to find money to pay the stamp duty and the transfer of the property from the old company to the new company - they would have to find money to pay stamp duty on the mortgages involved, they knew that it would perhaps involve a sum of

HON.V.G.JOHNSON (CONTINUED) around fifty thousand dollars - they thought that the country could have offered some small contribution to the continued operation of the industry and so they made the proposal that Government take this participation in exchange for the stamp duty to be paid on the transfer.

Mr.President, they even went so far as to ask Government to do a revaluation of the property in order to produce the sum of money because the original valuation could not do so. The company wanted Government's name involved in order to project the identity of the company abroad. When they go into big markets in Germany, the United States, Britain and elsewhere and they talk about the Cayman Turtle Farm that's really not sufficient - they talk about people involved but in many countries the people involved are not too well known around the world, but the minute the Government of the country is mentioned or connected with the operation and people know the Government, this is an easy identity and this is what the company wants if it is to make a success of its venture.

There are other hurdles to be cleared - conservationists - they are difficult people but it is believed that with Government's participation a lot of difficult paths can be cleared, Mr.President, for the value of that industry to this country I do not personally believe the company is requesting too much. Again, its a matter of deciding what we are prepared to , not give away, because its a matter of investing, whether we receive any direct benefit from the investment or not, there is one thing that is sure, Mr.President, that as long as the turtle farm operates and it operates successfully, that the Islands will receive a lot of benefits, the people will receive much benefit from it.

Government's participation in these private enterprises is not altogether a business venture to make money, it is a venture to cushion and support the economy of the country, I have no doubt at all, Mr.President, that the proposal is a good one. I know, as in the case of the debate on the Hotels Aid Law there will be people who will find grounds to oppose. I think we must be realistic in our views. We must not look at these matters with a closed mind - we must look at what benefits it offers to the country, and I am sure, Mr.President, that if this aspect of the proposal is examined in this light that there will be no doubt in any Member's mind as to the benefits which this can offer to the country.

I would request Members to look at the motion, to examine it carefully and to give it due consideration - give it their support. The promoters of this company, the new shareholders are people who have a great amount of interest in the Island. This is evident by the amount of money they were prepared to invest here - by the risks which they were prepared to take and now that they have requested this small favour of Government in order to ensure that the operation may be successful, I think we should look at this and support it as far as is possible. I ask Members to give the motion every consideration

MR.PRESIDENT: The motion is carried in full in yesterday's order paper but the Resolution part reads as follows -

"THAT this Honourable House approve the recommendation that the Government of the Cayman Islands purchase approximately 50,000 shares of $1 each in Cayman Turtle Farm Limited in exchange for the tax and duties which would be due on the property transfer transactions in the reorganisation of the turtle farm operations".

The motion is now open for debate and I think this might be a suitable time to suspend for fifteen minutes.

HOUSE SUSPENDED FOR 15 MINUTES

HOUSE RESUMED

MR.PRESIDENT: Proceedings are resumed.

MR.CLAUDE HILL: Mr.President and Honourable Members, I rise to support this motion and the Member in introducing the motion has explained so clearly that the company has been experiencing financial difficulties as a result of the recession and also the percentage of staff that it employs at all times when in operation.

It is for one and all of us to realise that we are here representing the people and we must represent them to the best of our ability at all times, and I feel that this amount of money when transferring from one company to the other on the stamps that are used in the transfer that's all they are asking for us to do, on the transactions.

We must bear in mind the economy of the Island and what the Island in general derives from this if it keeps in operation. We also must look at the tourist industry and the attraction that it makes to that industry to these Islands.

We know that the assets are being sold to foreign investors and listening to your Throne Speech, Sir, with foreign industries. We crave to encourage foreign industries into the Islands.

We learn much about the new marketing techniques which will be improved. We must also bear in mind that the turtle farm is the one and only in the world. This is a very important factor when looking at it in the light of our economy alone. It gives us the hope to carry on.

Government has participated in many ventures and has lost, I am sure many will say, but let us hope that this venture can prove a success.

The asking of Government to buy 50,000 shares at $1 per share into this company may, I am sure, be done without hurting anyone or hurting the Government at any time. With that, Mr.President, my few words that I will contribute to the debate on this, as there are other members who are desirous of debating this much more than me, I shall and I do hope that they will see eye to eye with the Third Official Member in his introduction of this motion. Its not the matter where he is trying on his personal interest, its a matter of the Island in general. Its not that he is personally asking for this to be done, its the matter of the general public benefitting from this and with that, Mr.President, I will close my short debate and hoping that everyone in this Chamber will see eye to eye with it, Sir. Thank you.

MISS ANNIE H.BODDEN: Mr.President and Members of this House, I rise to support this motion. I feel, Mr.President, that we would be doing an injustice to ourselves if we did not support this. Foreigners, Germans in particular, have faith in our country and we should have faith in ourselves and support this motion.

I am not supporting it because of the tourist industry alone, I am supporting it because I feel that our people will get benefits from this operation. Labourers will be employed and at this stage, for the matter of a measly $50,000 we cannot afford to let anything happen whereby people would say that we as Legislators did not consider the people's interest.

Now, I don't really relish or believe that if we did not support this the company would collapse or go into bankruptcy or any such thing would happen, I do not really believe that, because according to the papers I have read that they had seven lawyers on the job and I am very sure those seven lawyers got more than $50,000, the exhorbitant rates that some people charge. But I feel, Sir, that if this will give the labourers, the people who are actually needing work, employment, we should not hesitate to approve of such a thing.

MISS ANNIE H.BODDEN (CONTINUING). There's no money coming out of the till to buy these 50,000 shares - as I understand this resolution it is merely exchanging stamps and getting the shares in the company. Now, personally, I am not hoping for any return - it is just like the investment we had in the CAL - to my mind that was an investment whereby we would get in return the dividend of service. Other Members felt differently, but I felt that we could not allow our Island to slip back into the Cimmon days like some people said. We wanted to go forward and at that stage it was up to Government to contribute or go back to the days whereby we had to wait for weeks before we had a mail.

I like this part of the resolution " this, together with the mention already made of the fact that Government's participation will give greater impetus to the business has resulted in the request for Government to acquire an equity." That shows faith in our Government and that alone should inspire one and all of us in this Chamber not to do anything that would reflect that we do not have faith in our Government.

Mr.President, I support this and I trust that other Members will do the same. Thank you, Sir.

CAPT. CHARLES KIRKCONNELL: Mr.President, Honourable Members of this Legislative Assembly, I rise to support the motion which the Third Official Member so clearly explained to us in every detail. I feel, Mr.President, that this motion is one which is beneficial to the people of this Island and this, Mr.President, is what I am here for, not what is good for me, but what is good for my people and my country.

We have foreign investors coming in spending over two million dollars - they have not requested us to participate in this investment - they have made us an offer and the offer is one that we do not have to take money from our pockets, the offer is one which I think is very generous. If foreign companies have faith in the Cayman Islands Government, I think the least we can do in return is to have faith in our own country. The employment which this country will enjoy for such a small investment is very, very small indeed when you think of what we suffered last year. If this company is successful, Government will participate in the gains of this company. If the company is unsuccessful, we will not have lost very much. No venture - no gain.

I think that Government's participation in this small amount will strengthen and give the farm the boost which it needs for its sales in foreign countries. Other countries will take cognizance of the fact that the Cayman Islands own part of this venture and they will give it more consideration as all or most people are aware, legislation has been passed in a few countries banning the sale of turtle meat. If our Government participates in this venture, certainly they will look on it more favourably and will give us more consideration, and I think that we owe this to our people and I think, Mr.President, we should support this motion one hundred per cent. I thank you.

MR. C. RAIG BODDEN: Mr.President, Honourable Members, this is by far the worst motion to come before this House in your time. We have had many bad ones in the time of your predecessor.

You opened the throne speech by telling us that this year we should be prudent financial house-keepers, because we had entered the year with a deficit of $114,000 after having instituted new tax measures that would raise an additional one million dollars. Is this prudent house-keeping to give away $50,000? This $50,000 is money which the Financial Secretary did not anticipate having at the time in September last year when he prepared this year's budget, so we have had or would have, if we are not stupid enough to give it away, we would have a windfall of $50,000. Is this money? One only has to look at the new tax measures this year and you will see it is money. According to the Government figures the new hospital fees, the increase in the hospital fees will give us one hundred and twenty-two thousand dollars. $50,000

MR. G. HAIG BODDEN (CONTINUING) is 49.8% of that, in other words, if we collect the stamp tax on the sale of this land, we could today reduce the hospital fees by 50% and we would have sufficient money to carry on. If we compare it with other increases under tax legislation we will see that the traffic Law will give us an additional $213,000. This figure of $50,000 is 25% of that.

New tax measures under the Cayman Protection Law would give us $85,000, the $50,000 which we are prepared today to give away, is five-eighth of that amount.

New increases under the Development and Planning Law this year is $10,000 - this amount is five times that.

Additional revenue from postage stamps will be $66,000 - I must not say that $50,000 is more than half of that amount.

New tax measures under the lighthouse Law will give us Additional revenue of $2,500 - $50,000 is twenty times what will be collected under that amendment. And ever our biggest revenue earner, the Customs Law, the new tax measures will only give us three hundred thousand dollars, and $50,000 is one-sixth of that.

New revenue under the new tax measures, the Companies Law will give us $250,000 - this $50,000 which we are prepared to give away, is one-fifth of that.

New tax measures this year under the Trades and Business Licensing Law will produce $25,000 of additional revenue. We are, by this measure, giving away double that amount.

New tax measures under the Firearms Law will produce $7,500 of additional revenue - this $50,000 is six times that amount. And new tax under the amendment to the Travel Tax Law will produce only $40,000 - $50,000 is that $40,000 plus some more, plus another $10,000.

So is this the prudent financial house-keeping that we are talking about? Have we gone mad in this Chamber that we can go all out and increase every possible avenue of taxes and let go $50,000 just by the stroke of a pen?

If it were true that this $50,000 would mean anything to this company, I would say we should do it, to keep the company going, but according to the newspapers Mariculture was sold or will be sold to Cayman Turtle Farm for a sum of four million dollars. $50,000 is only one and one quarter per cent of that amount. If they can find the 99 and three-quarter per cent necessary, why can't they find the one and one quarter per cent without coming begging Government.

The stupid part of the resolution is that our participation in this company will enhance the imagine of the company - that is not so. If we accept what has been offered 50,000 one dollar shares in a multi-million dollar corporation we will become a minority share-holder and our members of Government, who are so well steeped in limited liability corporations, can tell you that a minority share-holder has no influence, absolutely no influence at all in a limited liability company, and this is more especially true if that limited liability company is a multi-million dollar corporation. So if we participate as a minority share-holder in a limited liability the image of that company could not be enhanced by our participation, but if anything happened to that limited liability company our image would be tarnished, so we are taking a great risk in trying to promote the company by being a minority share-holder where we would have no say in the running of the affairs - where we would have no voice at all in its operation.

If Government wants to enhance the image abroad of Cayman Farms, Ltd. I would suggest that we stamp on their products "approved by the Government of the Cayman Islands" - this is common procedure - every package of meat that comes from the United States has on it "approved by the Department of Agriculture" and imagine what it would do if these products went abroad stamped "Approved" either by "the Government of the Cayman Islands" or by the Department of Agriculture "the Honourable W.W.Conolly, Member Responsible", (MEMBERS - LAUGHTER) the image would be greatly enhanced, but our participation as a minority

MR.G.HAIG DODDEN:(CONTINUING) shard-holder in a limited liability company cannot enhance the image of that company or its products abroad. In fact, it will hurt it, because people would say why is it that the Cayman Islands Government is only a minority share-holder in this corporation - is there something wrong with it why the Cayman Islands Government, with all the financial expertise at its finger-tips does not more fully participate in this company? So this is only a ruse to get money from this Government - money which we cannot at this time afford to give away. Government is a business and our business is to take care of the tax-payers' money. We are the trustees and the guardians of the finances of our people and our job is to do a total-job for this country and to see that we protect the assets of this country and that we do not throw them away.

The saddest part of our Aerocratic society today is that Government, who should be the protector of the people's right, seems bent on giving those rights away.

These people are not poverty-stricken. The front page of the newspaper was filled this week with the battery of seven lawyers, brought all the way from Germany and London and Miami, together with the highest priced lawyers in our Island to do this little job of forming a new company. Something that any school-boy could do. There was no need for this expenditure which must have cost far more that $50,000 in itself. In addition to that, they had to pay the fees for a Receiver and if these receivers are receiving anything like what the liquidators have received in a recent undertaking, there must be a lot of money involved.

But one only has to look at the remark of the people directly involved in this undertaking to see that we should not put any money into it. We are told that in the transferring from one company to another certain people would lose and you know who they are? They are the un-secured creditors and share-holders. So is this good fiscal policy to embark upon a venture in a company that has been in receivership, in a company which, since 1968, as far as I know, has never paid any dividends and to say that they give you in return for your tax rebate fifty thousand one dollar shares is to say that they give you a worthless piece of paper, because if you live a thousand years you would never receive that fifty thousand dollars in dividends. And if we can take, as a true statement, the words of one of the people directly involved as reported on the front page of our newspaper this week, - there is enough cash involved to enable the new company to grow successfully. So why should we be so stupid? If the new company was in financial difficulties, I would say yes, give them the $50,000 or if Mariculture had applied for this in the days when it was suffering the pangs of financial uncertainty, I would say, go ahead with it. But here we have a company where it has been announced that not only is there enough cash involved to enable the new company to grow successfully, but also it is a new viable operating company which will be adequately capitalized and should assure the future of the Turtle Farm.

In the face of all this, how can we sit here as guardians of the people's funds and throw them away in this manner to people that apparently do not need?

Don't let anybody fool you - there is already a lot of money involved in this undertaking and they cannot afford to let it fail. If they cannot pay the stamp duty well we could give them time to pay it, but we shouldn't let it go for nothing, because I maintain that 50,000 shares putting you in the position of a minority share-holder is for this Government - nothing.

But the bad part of this is that today we are establishing a precedent which has never, in the long history of finance in this Island, ever been perpetrated. We are bartering, giving away good, sound cash which we should be collecting in return for a few shares. This is a retrogressive step for our Government.

MR. C. HAYS DOBSON (CONTINUING) Now I know there are good parts to this resolution, there is the fact that Mariculture employs some people - we know that, and I am not disputing that, but so does Eye-Rite, and so does Kirk Plaza and so does the Eastern Queen for that matter. Should we entertain anything from them if they came and said "Look, I can't pay the stamp duty". No, they should pay. We are told that it is alright to give concession because the money will come back. We heard this morning how it will come back from the Hotel bed because it will be used time and time again but what a stupid argument because when the house holder here buys his bed the money comes back, because he sleeps in it, night after night, night after night and in the process of sleeping he has to replace his linens, he has to buy food and so the money comes back. So these are stupid arguments which should not have been presented to this House by the people who run the finances of this country. These are arguments that could have been tolerated by a school-child but not by men of finance.

Tax that Government does not collect is money in the hands of the person who should have paid that tax. If a man today was building a house he would have to find the money to pay the stamp duty on the land. I remember here in 1970 when the Stamp Duty Law was revised, was re-written - we were told by Members of Executive Council that if a man can find the money to buy the land he can find the seven and a half per cent to pay the tax. So here if these people can find four million dollars to buy not only the land but all the services that go with it, they can find the money to pay the tax and we should not be gullible enough to believe that this would put any hardship on them, or even stupid enough to believe that our participation as minority shareholders could be of any benefit to them.

This is a matter, Sir, I feel that is not a Government policy decision and I am hoping that the elected Members in Executive Council will seek, before this goes to a vote, your prior approval necessary under the Constitution to let them vote by the dictates of their hearts instead of being forced to vote under the collective responsibility of the Constitution.

Mention was made of our worthwhile participation in the past in certain companies. - CDB Caribbean Development Bank, but they were good investments at the time, because CAL started out on good financial footing, Caribbean Development Bank is financially sound institution, but here we are willing to accept shares in a company that has been in receivership - in a company that is now going into new management and who's to know that the new caretakers may not be as bad as worse as the former ones.

We have been burnt in the past by these schemes which have been made to look good on paper - will we ever learn our lessons?

We are told that this is an incentive - this is not an incentive for these people to come here - this is not an incentive for them to establish a new business - the business is already established, and is already going, so this is not an incentive. It is relief they are seeking, relief under our tax laws.

I was one of the Members who was against that seven and a half per cent tax because I felt it was too much; I feel its a confiscatory tax - its takes away too much - it adds too much to the price of the land, but it is a tax we collect - its the law of the land and once it is the law of the land it should be paid by all and sundry who deserve to pay it. We should not establish a precedent here where Tom, Dick and Harry can come running to Government and say "We cannot pay the tax - will you stretch out your benevolent hand towards us and let us have relief under this thing". Government is not a charitable institution, Government is a business and one of its businesses is the business of finance, and to talk about people getting employment is only playing on the sympathies of the Members. These people

MR. G. HAIG BODDEN (CONTINUING) will stay in business whether we collect this tax or whether we don't.

We should look at the total good for the country - if this $50,000 was going in to increase wages for the people who work there, I would say yes - its going into the pockets of the owners.

Mr.President, I know that this motion will pass - there is no doubt in my mind, but it will not have my blessing.

MR.JOHN D. JEFFERSON: Mr.President, Honourable Members, I rise to speak to the motion before us. I certainly feel that the motion before us today is worthy of very serious consideration by this body here today.

We are aware that Mariculture Limited in these past months has been in very serious financial problems. It was a matter of great concern to the Government of the Cayman Islands and people that Mariculture Limited did not collapse. Just a short time ago a Member just said news was made available to the Governmentand to the people of the Cayman Islands that Mariculture was safe.

The motion before us today, Mr.President, as far as I am concerned is not a matter of whether the Government of the Cayman Islands would buy 50,000 shares of Cayman Turtle Limited, but as far as I am concerned it is a matter of investment for the Government for the people of these Islands.

I remember several years ago when a motion was brought to this Chamber when Members were made aware CAB in Washington had told LACSA that they were not going to renew a license for a shuttle service between the Cayman Islands and Miami. Members in this Chamber were faced with the possibility of not having any airline at all; because one of the previous airlines had left and LACSA had performed a very vital duty and service to these Islands and here they were being told no more permits would be renewed. In the good wisdom of the elected Members of this House we were faced with one possibility - or two possibilities, - that we would ensure that there would be an air service to this country and an air service as far as we are concerned and history will recall has been of paramount importance to this territory. It a matter of life and death, whether or not we succeed or we do not succeed. I am sure without an air service that we wouldn't be able to stand here today and listen to the Member for Tourism quoting the statistics which tell us that never has there been a time in the history of these Islands that more tourists have come to the shores. We were faced with an investment, Mr.President, and as far as we are concerned we thought of returns, but that was not the problem at that time. It wasn't a matter of whether we would get returns in dollars and cents, but whether or not we would have a service which this country needed very badly.

That investment now the creation of our own airline, which, as far as I am concerned, has provided and is still providing a very vital service, but to remind the Member who just stopped speaking, if he had been in this Chamber on that day I can assure him that even that good investment, as he speaks about, was not accepted in the clear-cut way in which he might think, because there was truly a stormy session, there were some Members that objected, but the majority ruled and history records us having made a right decision, thank God.

The decision with the Caribbean Development Bank as has been previously stated, was another proposal put before this Government and we accepted it. We didn't accept it just for the matter of accepting it but we saw the benefits that we could derive. Today in just one instance,Caribbean Development Bank has made an loan in scholarships to this country something like $55,000 outright.

As far as I am concerned, Mr.President, Mariculture has great potential. As far as I am concerned I have felt it would be a shame to see a company that has started out the first commercial turtle farming company in the would, beset with problems that they never

MR. JOHN D. JEFFERSON (CONTINUING) anticipated and yet in a few years have gotten over the hurdle And got to the stage where they are today. At first, nobody knew the problems that would set in - I've had some of the doctors and scientists themselves - the things that were new to them - they weren't aware of, but because of research, because of patients and prudence, the company overcame hurdle after hurdle and Mariculture today provides for the tourists coming to these Islands something worthwhile to see and/as far as I am concerned, the only real industry, tangible that we can see, that I believe holds a lot of potentials other than that of tourist which we have just been through debating.

There is more to the motion than is set down before us here today - the consideration given goes far beyond what is stated here in the motion. We are aware today of the work of the conservationists throughout the world - we are aware that wild turtles are becoming scarce and its only a matter of time, when, as far as we are concerned, according to what we read, that it'll be a complete ban on being able to catch wild turtles. Well, we are also aware that conservationists are putting up a battle and for Mariculture to be able to self-sufficient, for Mariculture to be able to move and improve itself and become a real viable business,Mariculture has a very short time to prove to the conservationists that they have made tangible gains and strides to make them self-sufficient. It is no secret, Mr.President, that it is only a matter of time and Mariculture will not be able to bring eggs laid in other countries and hatch them here in these islands. Mariculture have made a lot of strides. I believe this year they had something/like 16,000 eggs provided by the turtles laid here in this Island. Well, what it means is that we must not have 16,000, it means that we must have enough eggs hatched in this territory to keep Mariculture and make it a profitable and viable business. And it means that if they are to have time to be able to project this to be able to move this out from 2 to 5 years, that they must have some strong arguments for the conservationists. And this is what I believe that Government will give tremendous impetus - I believe that they will stop to consider it more seriously, not only just a private company but here is behind it, the Government of the Cayman Islands. and, Mr.President, make no mistake about it if it wasn't for the confidence in the Government of the Cayman Islands, investors, thousands of miles away, wouldn't have come to these shores to invest four million dollars, to bail Mariculture out and make it a viable business.

Every year almost in this Chamber I hear "well, we've got to provide more things for the tourists - the tourists can do - we've got to provide more things for our people". Well, too many times it means bar-rooms and more bar-rooms. Here is something we can lend ourselves to - here is an investment that will reap great returns for this country returns in employment - returns in seeing an industry get on its feet and become a profitable, money-earning thing.

Once, and I guess I am being selfish about this, there were about ninety people hired by Mariculture, and in my district I would say that about 90% of those people were hired from the district of West Bay, but I am not just looking at it from that aspect - I am looking at it from what it will benefit the Island as a whole, the Bread, Little Cayman, North Side, East End, George Town, Sudden Town - other districts in these Islands. Our participation in this, as I have said, Mr.President, will help to make it a profitable, viable business and lend itself to the fact that it will enable Mariculture to be able to break down some of the barriers, some of the hurdles, that are still before it in order to make the sale of that most profitable and viable business.

We are not asked here, like we did with the inception of CAL, to provide $50,000 from the treasury of the Cayman Islands - we are asked to waive the $50,000 that would be going into the coffers or into the treasury of these Islands. And Mr.President, when one Member said that if we took that $50,000 and put into our Treasury we could cut the Hospital fees right away - isn't that a short-sighted way

MR. JOHN D. JEFFERSON (CONTINUING) to think - isn't that just looking beyond our noses. What would happen when the $50,000 is used up, and it wouldn't last very long. In a short time the $50,000 would be gone and we wouldn't be able to provide more and better medical services for the country, because we slash the rates collected and we are only collecting now $3.00 out of every $4 spent at the Government Hospital. We are only collecting $1.00 out of $4.00 - Government is spending $4.00 and it is subsidising $3.00 out of the $4.00. Can any sensible, realistic, rational people expect that we could provide a service for this people that we'd able them to be able to pay a smaller percentage than that? Mind you, in addition to that, it means that those that cannot afford to pay, still get the same attention, and you know, that's all I am concerned about. All I am concerned about is that those that can't afford get the same attention and those that have too, but don't have the money then, can sign a note and pay the bill later on.

You go to a private doctor and there's not one private doctor....

MR.PRESIDENT: I don't think we should get too involved in medical fees....

MR.JOHN D.JEFFERSON: I agree, Mr.President, but since this same Member had the latitude to do this, then it is incumbent upon me as a Member to go on and defend and make the point in relation to this motion.

At this stage in our economy when there is hardly any construction being done at all, at this stage when there are a number of people out of work, at this stage when we are looking for ways and means to give injections or give incentives to start business moving, isn't this a good beginning? to have an injection into Agriculture that will help them to get on with their job quicker - that's all it means. Certainly they would be able to pay the $50,000 after awhile, there's no question about that, but it means that $50,000 that they are able to hold now they can do something else with that - they can help the company to move at a faster rate of speed.

We have been told that Agriculture will be building new offices and that will add to the construction of this country, that will add more jobs. I think we have a lot to gain from an investment like this. It's not an out-right grant - we are not giving money away - we are investing it.

You said in your Throne Speech we must be prudent financial house-keepers- I think this is being very prudent - we are looking beyond our noses - we are seeing down the road - we will be getting dividends - sure, it will be viable - but it provides for this Government. These Islands a tremendous amount of advertising - the only turtle farm in the world and we are spending hundreds of thousands of dollars on advertising. I believe this gives these Islands a tremendous amount of advertising, being the only turtle farm in the world.

I was told yesterday it was a sight to see at the Turtle farm - cars and people everywhere - what were they going to see? They didn't have to go that far to see the water, they went that far to see the only turtle farm in the world.

All we are doing/waiving this amount of money to help them do a better job faster. We are the guardians of the finances of this country, Mr.President, and make no mistake about it, we are looking for every facet , as the Financial Secretary said, that can be tapped that will provide more funds to meet the day-to-day expenses of running this Government, of providing the necessary things for the people, and let you be assured of this, as far as I am concerned, I am not going to let anything go that I think that augment the raising or increasing of taxes on the people of these Islands. I have good common sense enough, to know a good thing when I see one and I believe this is a good thing.

MR.JOHN D. JEFFERSON (CONTINUING) As I've said, it helps them to get over the hurdles and sale of their products - it'll help them with the conservationists, the arguments will hold more water - there'll be more serious consideration I believe given to them if the Cayman Islands Government is involved and as the Member from the Bronc said, if the company was to fail, $50,000 wouldn't break the Government of the Cayman Islands. And let me say this, Mr.President, when I can satisfy my convictions and when according to my common sense I believe something is right I don't give way because of foolishness; if it is right, it is right. But there's one thing that I do, that is once the democratic process has been exercised, which is the majority rule, then I think it is my responsibility to support that decision as long as it does not go against my God-given convictions, or as long as I am assured, and I know that it does not go against the people which I represent. I thank you very much.

MR.PRESIDENT: Are there any other speakers on this debate?

MR.CRAWFORD EBANKS: Mr.President, I intended speaking on this, but reaching the time that we usually adjourn around one o'clock, I thought you were probably going to seek adjournment.

MR.PRESIDENT: I am quite happy to suspend at this stage and continue debate after lunch. So I suspend the sitting until 2.30 this afternoon.

AT 1.52 P.M. THE HOUSE WAS SUSPENDED
AT 2.42 P.M. THE HOUSE RESUMED.

MR.PRESIDENT: Proceedings are resumed.

HON.BENSON O.EBANKS: Mr.President, I rise in support of the motion before the House. I believe that Members who have opposed this motion have done so with certain misconceptions. The proposal to invest $50,000 in the new company Cayman Farm Turtles, Limited or Cayman Turtle Farm Limited is not because that company cannot find the money to pay the stamp duty on the transaction, nor is it because the company is in any financial difficulty. In fact, the information is that the company has at its disposal finances adequate to develop the industry to its present market potential, and therein lies the whole secret and the pin to this proposal.

It is no secret that Mariculture, Limited (and I want it to be clearly understood that when I say 'Mariculture, Ltd" I am referring to the now defunct company, not the new company - when I am referring to the new company I will refer to Cayman Turtle Farm, Ltd). found itself in financial difficulties basically because its markets in the United States for its product dried up because of legislation which was passed in New York and California banning the use of turtle products on the basis that the green turtle was an endangered specie. Now, it is also well known that this law is not restricted to California and New York, it's an international and in fact most countries have signed this treaty not to allow turtle products to be imported or exported from their territories, their shores. In fact, we were asked in Cayman whether we wanted to become a party to that treaty,and for the good of Mariculture and for the local fisherman who, through one form or another, still get turtle, we said no, because they would have been importing turtle into our country as well and we would have been killing that trade.

So what has happened is this that Mariculture, before it went under, started to negotiate on the basis of having farmed turtle product, turtle products produced from their farm, removed from the ban, removed from the definition of endangered specie, because they were not collecting these turtle in the wild. They have had some success with this, but Mariculture, Ltd. did not have the resources to carry on the operation during the life of these negotiations, and that was when Mariculture went into receivership and was carried on by finances made

HON.ERNSON O.EBANKS (CONTINUING) available by a local bank and a foreign investor. Now the Member opposing this motion made the point that this is an established business and not a new venture and therefore needed an incentive from Government. It should be interesting to people and its no secret, it is well known to those who are employed at Mariculture that the individual who gave financial assistance to Mariculture in the days of its difficulty, and took as security a bill of sale over five thousand turtles, when the time came to realise his security he wanted to take those turtles and transport them to Nicaragua to be butchered rather than butcher them in the Cayman Islands. So anybody who is deluding themselves into believing that the business at Mariculture is captive to the Cayman Islands, per se, is only misleading himself.

Government was in a very difficult position with this and it dragged its feet and luckily within that period the present consortium who has purchased the assets of Mariculture, Ltd. came along and made the offer to buy it. That's where we reach Cayman Turtle Farm, Limited.

Now, as I said, the proposal is not that Government waive stamp duty because the new company cannot pay the $50,000. The positon is that the company is formed, the capital is fully subscribed, but one of the participants in the deal has said that they will make the 50,000 shares available to Government and what the motion in saying is that Government will not have to go and hunt for the money because the equivalent cost of the shares is the amount of stamp duty that would be paid, as Government has the money to pay for the shares. And the money is not going into the pocket of the investor, the money is going into the company to be spent, to be paid out in wages partly locally to the local people who are working at the farm.

When one buys shares in a company, the money doesn't go into anybody's pocket unless they are shares that an individual is selling, when a company sells the shares the money goes into the company's treasury.

The proposal is that Government take this interest in this company, to demonstrate to the world at large that the Cayman Islands Government regards the continuation of Cayman Turtle Farm, Limited as vital to its economy, important for the employment of people. This, it is believed, will help the company in its negotiations to open up new markets, naturally the investors who have formed Cayman Turtle Farm Limited would not have invested the money if they did not realise that some market existed. In fact it would be true to say that they can sell what products can be produced at present levels, but, as the Member piloting this motion said in his contribution to another bill this morning, what we have to realise is this that we don't only have to think of the present labour force, but we have to think of the labour force that is coming in the market every year, and this is increasing rapidly. This year, or I'll go back to last year, this year the outturn from the Cayman Islands High School was in the region of 100 students, and will be in the region of 100 students. Next year, 1977, the graduating class will be something more like 220 - it'll be in excess of 250 children, we think of what we have to face in terms of finding employment for our youth.

I mention the fact that the individual who had provided finances for Mariculture, Ltd. was determined to take those turtle to Nicaragua to slaughter, rather than to pay Caymanians to slaughter them. It is also true that Mariculture at one time seriously considered re-locating itself. Make no bones about it, the couple of pens that are at Point-Sal the plant that is there is insignificant in relation to the total operation of the turtle farm. Remember that the company would still have the property and sell it - they bought it in the days when land was cheap and the appreciated value would give them back the money which they have spent building the plant. The value in that venture is in the form of knowledge gained, and in the turtles that have been raised to reasonable standards - the turtles can be transported - the knowledge can be carried away and used elsewhere, so let us not delude ourselves into believing that we have any strangle hold on that operation.

HON.BENSON O.SEALES (CONTINUING) We have talked about diversification- that is diversification. As long as there is life on earth people will eat and if we can believe what we read the source of protein will become scarcer and scarcer every year and the venture should therefore be a success.

The other thing that is in this new company's favour is that they are taking over a going concern - they have immediate cash flow. As far as I know two shifts of butchers are working steadily at the farm at the moment, so this new company is not in the position the Mariculture was in, when it was spending money for years and years and no income was there.

I spoke of the knowledge which had been gained - we all know that inthe early days of Mariculture's operation, each year at a certain time they lost considerable amount of turtle from some type of disease, flippy-flopper or flopper-flipper and something else they used to call it, but by research they have beat that and the lost now is minimal. So I believe that even on its own this company is a solid investment for Government, but as other Members have said we cannot expect foreign investors to show confidence in our country if we are not prepared to do it ourselves, and this is what the company is asking. The company has said "You say you welcome foreign investment, how about putting a little bit of chAnge where your mouth is so that the world can see that you mean what you say". Now, Mr.President, unfortunately we have many examples to go by if we would only heed the lessons, but it seems as though some people would allow history to repeat itself in every instance, rather than to learn from that experience.

We all recall the recent disaster , financial disaster that over-took New York city, and that, in the opinion of enlightened and people in the know, was caused by the fact that they adopted the attitude companies are here, they'll never move, take it or leave it, we've got you - you must stAy. What happened? Companies began to move out, headquarters of companies began to move out and relocate by the thousands - it didn't happen over-night, but it happened and what was the position? The state was left with diminishing returns and still had to provide the social amenities for those who remained. I am saying this, Mr.President, to lead up to the suggestion that was made by one Member that if we used the $50,000 that is proposed to be invested in Mariculture , limited to put towards the cost of medical expenses for 1976 that the medical fees could be halved. I am suggesting, Mr.President, that is a short-sighted view because not only would the $50,000 be a one-shot operation, but what would be the result if, as a failure of Government to show its confidence in this undertaking it was unable to expend and employ additional labour as it came on the market, and there was no more employment for these people - or it failed and the present 70-odd employees at Mariculture found themselves unemployed and Government was called on to provide medical services to them free of charge. And this is a possibility, because we are talking about 70 families and we are not talking about a penny to provide services fr those people.

The point was made that Government would be in a minority position - this is true - as far as I know the proposal is that even though the shareholding will be small Government will have one Director on the Board.

We talk of direct labour at the farm, Mr.President, when we talk about 70 people being employed, because the food that is imported for those turtle provides additional labour, stevedores, truckers the products that are shipped out like-wise provides labour and revenue to the carriers in-volved and this means that the Island can maintain a good transport service both ways, which is a benefit to everyone, not only to Mariculture or to Cayman Turtle Farm, Limited.

Mention has been made by other speakers of the importance of this industry to tourism. I don't think anyone can deny this and it is not only the hotel operator that benefits from this - when the cruise ships come in that is the main source of revenue for the taxi operators the people going to see Cayman farmed turtle, its a novelty. I believe as

HON. BENSON O.EBANKS (CONTINUING) Almost every tourist who comes to Cayman, if he is not a repeat tourist, tries to see that operation.

I mentioned earlier, Mr.President, that if this company was one that Government had an indication was weak financially, I would not be here advocating an investment in the company, regardless how small but it is because Government is considered an informed opinion that this company, the principles in this company, have resources behind it, why we want to encourage it but to see that it stays in the Cayman Islands, because I believe that this company will not be satisfied to just have turtle on food imported from the United States or elsewhere at high prices. I believe that in the same way that the company in the past did a lot of research into the rearing of the turtle, the new company will do research into the production of food and it is known that the principle ingredient in the feed that is being used is the soya bean and this can be grown in tropical conditions such as we have in Cayman. If it were possible and this is possible, and I believe and have sufficient confidence in the operation that a good attempt is going to be made at doing so, if this is done, this will put a very badly needed injection into agricultural pursuits in the Cayman Islands. Not only will it provide the food for the turtles, but we all know that it is the same ingredient that forms the basis of cattle feed and it could provide cheaper cattle feed we hope, than the imported feed now being brought in to support the cattle industries in this Island. This would mean again additional employment, it would mean employment in the growing of the crop, employment in the processing of the crop and the rest of it. And last,but not least, it would mean that whatever income is then derived from the sale of the turtle products would be net in terms of foreign exchange to the country.

Mr.President, it was said that this is a bad motion - that it is the worse motion brought, I think, it said, in your time. The same speaker said of course many bad motions had been brought before. The implication being that there had been change of direction in Government. Not belittling your leadership, Mr. President, but I think it is time that the point is made that Executive Council by constitution advises the Governor, and not the other way around. There is provision if the Governor as Chairman of Executive Council disagrees with the advice he gets for him to go against that advice, but he must do so after advising London, and no one has seen that happen. And the charge has been made, Mr.President, and insinuations made that this Executive Council is, shall I say, fiscally irresponsible. And I have a few statistics that I want to quote.

I am not new to Government - I first entered politics in 1965 and became a Member of Executive Council in 1969 and I have a few statistics. The revenue of this country grew - 1969 over 1968 by 45.6%, 1970 over 1969 by 30.3%, 1971 over 1970 by 25%, 1972 over 1971 by 26.8%, 1973 over 1972 by 34%, 1974 over 1973 by 25.7%. The cynic might say, Mr.President, that the 1973 figure is indicative of the 1972 election results but lest I be accused of trying to misinterpret figures, I want to be quick to say that during these periods we did increase company fees, bank licenses, import duty on cigarettes and alcohol and so on along the way. It would also be appropriate to state that during that time we gave three significant salary increases or revisions to the Civil Service and when the point is made that Government consciously in 1975 or 1974, when it prepared its 1975 budget consciously undertook to spend reserves....

MR. JAMES M.BODDEN: Mr.President, on a point of order. This gentleman seems to be straying from the gist of the debate on Mariculture and is debating the budget - he's already lost that chance.

HON.BENSON O. EBANKS: I am not debating the budget, Mr.President, this is the economy and the fiscal responsibility of this Government.

HON.BENSON O.BANKS: (CONTINUING)and this was introduced into the debate.

MR.PRESIDENT: I think this is so. I think the point was made by the Second Member to speak. I shall ask the Member, however, to....

HON.BENSON O.BANKS: I will be short, Mr.President, short and sweet - the figures are long. And this is not unusual, whenever the going gets a little bit on the rough side.....

MR.PRESIDENT: I don't think this remark is necessary - you can carry on.

HON.BENSON O.BANKS: I am saying, Mr.President, that it would also be reasonable to mention that when Government took the conscious decision to spend reserves, it wasn't spending reserves that were handed to it, it spent reserves that were accumulated in the life-time of the Executive Council as I am referring to it here. That is 1969 through 1974, and I won't go up the ladder, Mr.President, but suffice it to say that 1969 began with a revenue balance, general revenue balance surplus of $385,416 and 1975 began with $2,010,035, and that was the money which Government spent to alleviate the unemployment in the economy. And it is this same Government that is concerned that employment, full employment is restored to our economy and this is why we support ventures or investments such as is being proposed in this resolution.

To reiterate - if this company was weak I would not be advocating investment in it, but I believe that we should lend every conceivable support to an industry that could become great, that holds great potential for the employment in the future of these Islands, as well as providing much needed employment at this time. If the full potential of the market for turtle products can be realised, if by farming these turtles the product can get in to all of the available markets and this farm can supply (it won't be able to supply the full demand but it would supply part of it), the direct employment in this operation could rise to the hundreds - forgetting any spin-offs like construction that would take place as a result of expansion. We are talking about day-to-day operations in the slaughter and so on, and the keeping of the turtle. And, Mr.President, I quoted the figures that I did awhile ago to prove that when an economy is at full employment Government has not much difficult in meeting its commitments for social services and the rest of the services which the population requires, but 1975 as you pointed out in your Debate and which was again mentioned in your speech, was a year of recession, world-wide, it hit us and when Government had exhausted its reserves in employing labour we saw Government revenue fall because as was rightly pointed out, the main source of revenue is import duty and if people don't have the money to spend on food, clothing or luxuries, Government can't get the duty which would normally be paid on them, therefore its revenue falls, and it will be noted that this was the area of greatest deficit in the anticipated revenue during 1975. In fact, if my memory serves me correctly, it is equalled to about the figures that the deficit we ended with, represents.

In closing, I would point out that this $50,000 worth of shares that we are asked to buy, as a Member rightly pointed out, is a wind-fall that has come about as a result of the sale of Mariculture, Limited to Cayman Turtle Farm, Limited. We are not being asked to waive the duty, as I said, we are being asked to invest in this company so that the world will know that the Cayman Islands Government regards this as an important element in its economy.If this meets what it is intended to do by opening new markets, it is money well spent. If it succeeds we will also get returns on our investment, I am sure, but whether or not we make a return on that investment, I would suggest that Government cannot lose from the investment because if the operations continue and we are assured that they will continue long enough for Government to

HON.GUNNAR O.EBANKS (CONTINUING) makeup that amount of money from import duty on food and other items that the employees at Cayman Turtle Farm, Limited will be able to purchase as a result of their being in employment.

I could go on, Mr.President, but yesterday I indicated in my debate on the Hotels Aid Bill the spin-offs from one industry into the other and it would sound like repetition if I were to do so again today, more than I have already done, but I cannot be/emphatic and ask Members to support this motion. It is not a bad policy - it is a good policy and I am sure that time will prove that when the vote went in favour of the purchase of these shares that it was a wise choice by this legislature. Thank you, Mr.President.

MR.CRADDOCK EBANKS: Mr.President and Honorable Members, it is somewhat regrettable that Government had/invested some of the tax-payers money into other similar enterprises so that there could not be any man or woman on the streets looking for a job.

Mr.President, I'll be quite brief on this motion. The Member this morning piloting the Hotels Aid Bill said Members don't understand the bill before them - I agree - this isn't new - this is everytime - all the time, so there's no question that regardless of what is brought where it will end up. Every motion that is brought to the House - it has its ropes in it - its always a beautiful picture painted - this is what we'll get - this is what we will receive. It doesn't look, Mr.President, like its the proper time for anyone to try to invest if you don't have money. It has been stressed to the breaking point that the new owners, the new financiers of this company, no money problem. We were told that a number of years ago about other things coming into this country. It was stressed by Government, no money problem, yet after a short time they started pleading poverty. If that be the case then, Mr.President, if they are not short of money and as has been stated into the motion, they will make it a payable business. Then why be concerned about Government at this time?

Its been stressed if Government becomes a shareholder that will relieve the obstacle in their marketing field. their reputation as finding proper markets must be pretty low, Mr.President, as far as I am concerned, if they have to use a minor amount of $50,000 into a four million dollar project to bear them out to find the proper marketing then its something wrong somewhere else again.

I wonder, Mr.President, if any state in the North American continent going to revoke their legislation as has been passed according to a Member that has just done speaking, to let turtle come into these states because Government is a small shareholder in it. Don't, Mr.President, let Members drag people around and get confused that you can be brought out with such small, frivolous things and the Member went on to say that if Government participates in taking a part in this, then they won't be able to supply the market on the outside. Well, then, why bother with Government having a small share to get these obstacles removed?

Mr.President, its somewhat of a new policy I guess we are trying to go into for the year - we help others that can help themselves. Others help themselves that can't help themselves or make the best then of whatever hardships come your way.

Much has been said on the exemption of duties and taxes and what not - the flow of benefits you'll get - well, why not be clear in everything - everything duty free and tax free and see where we'll end up. Then there can be no griping - there can be no hard feelings - you getting this and I ain't getting that.

Mention was made of C&L - I know a little bit about it - I supported it. the reason I supported it and I supported it whole-heartedly. We had an airservice, BWIA that used this country like many other investors are doing, for convenience - when it was the proper time for them to pull out they pulled out and left us. The United

MR.CRAPNOCK BRANKS (CONTINUING) States Government felt that LACSA couldn't be continuing to have temporary permits to shuttle. Certainly it left us in the middle of the bridge, Mr.President. With air service that was a life-line to the country, to investors, to everybody concerned, then what else would it have been possible that Government take the prime of something to try to relieve the situation, till somebody else, Government felt it could continue or wanted to continue. But we have Members in this House, Mr. President, that are going to support this motion and they almost sweat blood and tears against CAL ' No, we are not going to support this airline, we are not going to go into this, we not got this money to spend'. We were found in the middle of the river and they were saying 'that's all I can say - let 'em drown - let us all drown in' or something - yet I say these Members are going to support this present motion.

It is a democratic Government -everybody votes according to the dictates of his mind, but I can't see when somebody can help themselves why we should help them and not be eager to help somebody that is not so able to help themselves. That's the difference in it to me.

An incentive to the hotel industry - Mr.President, I don't know whether you want to call it a hotel industry or whether you want to call it the tourist industry, but there is one investor into this island that has been here for the past 12 years or something like that that has been investing into that field and to the best of my knowledge they have paid the full import duties on everything that they have spent into the Cayman Kai area - millions of dollars they have spent out there - they haven't gotten anything - they have paid full duties on it. And then we are forever going on and bow to people that have millions and millions of dollars - stashed up all about - much of it is out here - much of it in our banks, collecting a big interest to beat the taxes in their own country and we must bow to them like this is the first dollar we've seen and we've got to help them out by giving them everything tax free, duty free, half free or something. What time, Mr.President, are we going to wake up and be reasonable and honest to ourselves and our people?

I know - we've been told if the public can't pay the freight and duties and insurance and taxes on your car you shouldn't have one. Then the fellow that wants to build a hotel and he can't pay for it, he ought not to get it either. I didn't know, which I haven't been in the hotel business and I don't think I'll get into it, but I didn't know the hotel business is such a bad business - in other words its just a bare gamble as has been stressed here this morning, the hundreds of thousands of hotels that are built all over the world, for millions and millions of dollars, being occupied all the year round and then it not a payable investment? How is it that a hotel can exist then?

Some of the biggest and the best, I suppose, some of the finest hotels we will find in the Western Hemisphere or down in the Miami area, Miami Beach - a lot of those hotels are closed for three four five months of the year - if they weren't making enough money would the taxes that they have to pay, on business in the United States, then they wouldn't close them but for once - and that would be for all. So how can we forever try to tell the public this is what is needed and unless we do this we can't get this, we can't get that.

An illustration was used this morning about taking a small grouper to catch a big one - I am not a fisherman now, Mr.President, but I spent a lot of my boy-hood days in that, day and night, and I tried to fool many a grouper, one week, next week, second week and third week And he proved to me that he could get his food somewhere else rather than me fooling him with a small grouper. (MEMBERS - LAUGHTER). That's what these now are trying to say that investors should try to continue to fool us by "you take this little bit - or give us this little bit and everything will be alright'. I know it

MR.CHADDOCK EBANKS [CONTINUING] it will be alright.

Mr.President, I am not going to say any more on this, because we have some other things coming up and we have one item on the Agenda that I going to explode - I am going to pull apart, because there is no use of a case going to court, and both sides not going to be heard and I am not going to side in with wrong. Where I say that its wrong and I know its wrong but where I know in the dictates of my mind its right, or right is right I am going to stay by it. So if we have money to give up in obtaining shares in this Horticulture, then we got money we can do some other things and not to tell the people we don't have money to do this, we don't have money to do that.

The Member that spoke, the Executive Council Member, he came in the Assembly in 1965 - he got into Executive Council in 1969 or something like that, I think he said, and he brought some statistics that he just pointed out what has happened since he's been in Executive Council. In other words, Mr.President, what I am reading between those lines of him saying that we Government, wouldn't have got these bountiful increases in revenue if he hadn't been in Executive Council, because he didn't give any indication what part he had played during the first year as an elected member over on this side, the same as myself. So I couldn't read anything else out of it. If that be the case then, Mr.President, I well know that my contribution to this don't mean anything, but when it comes to the time of voting you will understand, Mr.President, whether I say yes or no. I thank you.

HON.A.D.BUSH: Mr.President, Honourable Members, as as been expected, this motion from Government, would meet some opposition and so far we have heard two voices of opposition - I am sure there is a third yet to be heard. But I believe, and I am suggesting, Mr.President, that the opposition knows, and this was admitted, in the very first voice of opposition that was voiced here today, he said " I know this motion will pass" and I believe he fully realises that it will pass and that he chose to vote against it or will vote against it because he knows that his vote will not matter one way or the other. That there are Members here who are considerate enough to carry the motion.

Now what is the purpose really of this motion? I won't go into the details altogether, Mr.President, but because the mover of this motion will fully outline it, I am sure - he has in his opening remarks on it and I am sure that he will wind it up even with greater detail. But the whole purpose is for Government to show some good-will towards this venture which is being undertaken by a foreign firm. It is to show a gesture of good-will for the success of this venture.

It is not money that is really being taken out of the Treasury and put into it. - it is money that we would have received and it's more-or-less just a paper transfer into this venture. I like the words of the Member from Cayman Brac who said that if we do not show faith in our own country, how do we expect others to show faith. This is quite true and this is just how I look at it and I want to say that Government isn't really looking at this money which is being put in here as a monetary gain. What Government has taken into consideration is the overall benefits the economy of this Island will receive by showing such a gesture towards it, and this is the reason. Wouldn't it look most ungrateful if a Government had no faith in anything in this Island, especially something of the magnitude as this. How does it appear to outsiders - a man or a firm, a group of people coming here to invest millions and asking Government just what we are going to pay you for stamp duty on this transaction if you will only look at it as a gesture of good-will to just put it back in our firm. Not to give it away but

HON.A.B.BUSH (CONTINUING) to take share in it.. Suppose it proves a great success, wouldn't it be a great advantage to Government but as I said, Mr.President, Government really isn't looking at the monetary gains from this venture, it is looking at the benefits that the economy of the Island is going to receive from it. What we will yield from this $50,000 in this venture I am sure that it will even in six months from the boost that the economy will receive by the employment of our people in this, it will be received probably ten-fold. I see where we have nothing at all to lose - we have something to gain and apart from that we will show the investors that they have our blessings and that we wish them all the success in their undertaking.

Mr President, I won't say anymore. I am sure there are more speakers who will further outline the purpose of this and as I said, the mover of the motion, I am sure will go into it in great detail to try to point out more of the advantages that the Island will receive from this transaction. Thank you very much.

HON.W.W.CONOLLY: Mr.President and Members, I rise to support the motion that has been moved by the Honorable Financial Secretary, the motion that is under debate in this House at this particular time.

Mr.President and Members, there are one or two points that I would like to bring out - probably haven't been brought out in the debate and the points that probably are unknown to quite a number of people. The fact is this the green sea-turtle has been considered one of the animals that its existence is threatened and there is a possibility of it being extinct. This has caused restrictions to have been placed on the importation and the exportation of this particular animal and it has been done by quite a number of countries in the world, including the United States of America. We have here in Grand Cayman, or we had here in Grand Cayman at the time, the turtle farm which was the world's only green turtle farm, and particular operations ran into difficulty with its marketing. Most of the development of this ex-company, Mariculture, Ltd, had been done in the research because it was considered that the cycle of rearing the green turtles in captivity had not been complete without they could have the turtle that were hatched in captivity mate in captivity and then reared in captivity and lay in captivity. I think this particular cycle has been complete last year, however, quite a bit of money was spent on the research doing this before the company got on its feet, and as a result of that, they experienced financial difficulty.

Now there have been several interests into this company situated at Goat-Hill, West Bay, Grand Cayman, but I think one of the worse situations that could have happened to this operation down there was the passing of a law in the United States by the 93rd Congress on the 28th of December, 1973 called "The Endangered Species Act" which prohibits the importation of these animals and all their products. Following on this act, the state of New York and the state of California passed similar legislation and these happened to have been the two areas in which Mariculture, Limited were selling most of their products. A Member said that the United States would not amend its regulations or its legislation, I would like to advise the Member that the state of California, did, in fact, amend its legislation to allow Mariculture products to enter the state of California and it is being sold there. The State of New York is still being discussed.

Now we have before us a motion where the Financial Secretary is seeking the consent of this House to invest the proceeds of the Stamp Duty into this new company. As has been said before I don't think that the new company needs the money for the money's sake. What I believe the company needs and this has been borne out and can be borne out by other evidence, the company needs the participation of Government in order to assist it in combating the proposed environmental regulations that would severely

HON.W.W.CONOLLY (CONTINUING) affect the Mariculture in its operation and bearing this out, a Member said this morning "I think he was jesting when he said no, that a stamp of the Member responsible for Agriculture and Natural Resources would help - I am not too sure whether the stamp would help or not, and I am not too sure what actually happens - we will have to wait and see, but on the 25th of last month I was given permission by Her Majesty's Government to testify before a Joint Committee of the Department of the Interior and the Department of Commerce in Washington.

As I said, what the results of the meeting will be, no one knows - its open until the 25th of this month before the final date of entry of all of the information and evidence, written and oral evidence. This, I think, is what the company is seeking and I believe, as someone said, even this small participation in the company will give a Member of Government, and I believe that my guess would be that that person would be no less a person than the Honourable Financial Secretary, just basing my decisions on the past, I think that was the decision in our investment in Cayman Airways, but I will say this that statements coming from Government will be more influential than statements coming from company directors per se.

If I could just continue a few minutes on this point, I don't know what the results of this evidence that I gave will be but it was based on the importance of the Mariculture's operation to the economy of the Cayman Islands. As far as the labour employment is concerned, as far as the export of products which it is estimated that in 1976 Mariculture or the new company now, Cayman Turtle Farm, Limited will export in the vecinity of one and quarter million dollars' worth of products, and these today are items that a small developing country cannot lose notice of. Anytime that we can produce a commodity for export it brings then the needed foreign exchange. The United States Government has considered this Mariculture's operation in Grand Cayman so important that it has waived - you know we are talking here today about waiving duty for some investor - the United States Government today, beginning the first of this year, has waived the import duty on goods coming from Mariculture. Some in toto and some partially - all like leather goods going into the United States in one hundred per cent, that is the normal duty and they have waived that, I think it is about 50% or something like that - but the American government recognizes that in a developing country any industry that is labour oriented and one that will earn itself foreign currency important to the development of that country and they will assist.

I feel apart from the labour end of it, which no doubt the area of West Bay receives more benefit than anywhere else, this is to be expected, the project is situated there, but when we have, as far as my records show me, approximately 70 persons employed which could be 70 bread-winners, seventy families - I don't know it might be two out of a family, but at least there are seventy persons employed. When we see the amount of trunkage, the amount of ancilliary labour and last, but not least; the amount of educational data that has been accumulated in Grand Cayman and has been assimilated all over the world in periodicals and journals, I feel today that side by side with the Department of Tourism's effort of advertising Cayman, that this Turtle Farm here is doing a wonderful job.

I was talking recently to a Master Mariner whose ship was plying out of Savannah, Georgia on the east coast of the United States and he said that he took on five tons of produce marked "Mariculture - products of Grand Cayman". Now, this to me, Mr.President and Members, is a little more in the way of what I consider a country developing and developing the potentials of the people. When you can see that materials, products, produce marked "Products, merchandise "or even "made in Grand Cayman" - this today, I feel is something that is a little more than just an ordinary company and it is not a matter of investing in any and every company. I would like to say, Mr.President, that one must remember, and I feel sure that that will be the same situation with the new company, that it is a franchise company - Government has to protect

HON.W.W.CONOLLY (CONTINUED) because this is something, not only is it unique in Cayman but it is unique to the world. And, Mr.President, I feel that we would be failing in our duty, knowing the association just reflecting on the association, the tradition, the history of the Cayman Islands, and when you speak of turtles it is almost synonymous with Cayman and Caymanians. If these regulations that are drafted in the United States become law, which they are most likely to do, this wild turtle, the green turtle from the Nicaraguan coasts will be prohibited, the importation of that into the United States will be prohibited, it will be prohibited in Europe and I feel sure that the only success of ever having this type of business going will be if it is a farmed operation.

I was made to understand that one of the Factories in Nicaragua has been shut down, as a result of some of these regulations, and while I was at this meeting in Washington, there were representatives from Costa Rica, there were representatives from about 20 or 30 different organizations, and there is no doubt in my mind, Mr.President, that the powers to be in that country are out for protecting the wild turtle. I believe if we, by injecting this money into Mariculture, will give or in the new Company, which is called Cayman Farm Turtle, Limited, I believe that with the Government's participation, the company will be more able to have legislation and regulations modified, exemptions made, than it would do otherwise.

I have here in my possession some of the exemptions now that have been granted. Some of these exemptions granted to Mariculture, Ltd. of Grand Cayman - it is not saying that they are granted to any other place - Mariculture, Ltd. of Grand Cayman, Cayman Islands. So there's no doubt in my mind that the main reason why the new company and its new owners want this support from Government, or want this involvement of Government, is to receive the support which it otherwise would not be guaranteed of.

If Government is a part owners, naturally it would give the Company a guarantee that Government in its wisdom would do all in its power to see that the company continues, because of the benefits to this territory.

This company, as far as I am concerned, what I have seen of it, the new management, the new owners, I feel it is well structured. I am no expert in corporate organisations - I would just like to say one thing - some Members said this morning that it wasn't necessary for so many lawyers, it was a waste of the company's money to have all this to draw up a simple agreement. I would like to say that what I have seen is not a simple agreement - this company today was very well involved and I would have thought that if the person who made that statement had known the true facts of all the implications of the Mariculture, Ltd. in ownership he would have said something otherwise. Nevertheless, I believe that hurdle is over - regardless of the lawyers, we are asked to waive the duty which would be paid in stamps revenue to equity in the company. The company has been brought, there is working capital and I believe that our investment in this is going to be an investment that we can be proud of.

I know and I believe we all know that Government does not subscribe to the view of putting money into private enterprise - we did with Cayman Airways on account of the importance to the life of the country - I believe that we are investing in this with the same feeling, for the benefit that it's going to be to this country, directly and indirectly. Personally, I would hope to see it produce a dividend, produce to pay this off and then carry on, but if in case the circumstances do not materialise to where that happens, if in the worst, it can continue the company, and form the employment for people in that end of this island I believe we can be well justified in agreeing to this investment.

HON.W.K.CONOLLY (CONTINUING) As the Member said if we, as Members of the Legislature, do not have the confidence in an investment in our own territory, then how do we expect other people to have that confidence. This gives outside investor the confidence, it gives them the ability to discuss and negotiate with foreign governments, foreign affairs, which otherwise they would not be able to do, and I believe this is the prime reason why they have asked Government to take this small interest in the company.

If this is the case, and by the Government's influence can assist in having regulations waived or regulations made which will support the entry of Mariculture's or Cayman farmed turtle products into the market place, I feel like this has been a gesture that will be well rewarded. I support this motion and I feel sure that all Members will share it. Thank you, Mr.President.

MR. JAMES M.BODDEN: Mr.President, Fellow Members, I would not want to disappoint the Member who looked into his little crystal ball and rubbed it and said that he figured there was another opposition speaker. So not to disappoint him, Mr.President, I rise to my feet to speak to this motion and I would profane what I am going to say by saying that we three who sit in the back bench have gotten used to the biblical saying about John Baptist - a lone voice crying in the wilderness: So that is nothing new. We know, Mr. President, that the motions that come to this House will pass as it's only a mere formality for us to come here and debate them and discuss them.

Mr. President, there is no doubt but for what Mariculture plays an important part in the economy of this country, it is no doubt but for what a lot of people may be employed there and hopefully a lot more will be employed in the future.But, Mr.President, to me that is not the gist of this problem.. It goes deeper than that. We have many businesses in this country today - Mariculture is only one of many and I am putting it to this House that each and every Business in this Island is as important to the economy of this Island as the Bible tells us about the widow's mite - it takes every Business of this country to run the economic wheel of the country - it is not just Mariculture. And, Mr.President, we are beginning to set a precedent and precedents, once adopted, are difficult to change.

These are the things that worry me about it. I am not doubting the prestige that goes with it as far as Mariculture is concerned, what what worries me, Mr.President, is the Government Loans to get into private business. This has been happening for the past few years - I would not take the time of this House to list them one by one, but it is happening, Mr.President. Government is becoming involved in private business. Once we take this step and become a shareholder in Mariculture it is not to defy the imagination to believe that sometime next year, somebody may not come into this territory and say " I am going to build a fishing boat - I am going to catch groupers and I want you to invest $10 in this"and then we find the Government is a share-holder in another business. These are the dangers that we have to stop and think about, once we take this step. It is not just Mariculture alone.

Another point, Mr.President, is this, once you become a shareholder in a company you do become involved and you do take on the liabilities attached to being a shareholder in that company, and I agree, our investment is going to be small, but once we take that step, we are then a part of the company and it is not going to stop there, Mr.President. It is true that this company may have enough money under the new financial set-up to keep it in operation for years but it is also true that the track record of this company in the past has not been all that great and what we may be faced with, is that on our dwindling budget we may be back here next year or the year after asking this House, that in order to

MR. JAMES M.BODDEN (CONTINUING) help the company keep in operation we subscribe to another half a million dollars' worth of shares. That is something that can easily happen. These are the things that worry me - it is not the initial steps that we are taking - it is what can be the out-come of it.

In the past, Mr.President, our Government had adopted , shall I say, a path of neutrality when it came to the assisting of private business ventures, in any respect, but all of a sudden, we are becoming involved. It makes us stop and think. Are we only doing this to a certain segment of the society and the business world or is it going to be the continuing policy of Government? I cannot believe, Mr.President, that if we do not become a part of this company that this company is going to fold up over-night. This seems to be the impression that Members are trying to put across in this House and I cannot adopt that - I cannot believe it; it does not have to be said.

We have seen in the paper, MrPresident, that this new company is being started with four million dollars - that's a lot of money. I am saying that if this company and the shareholders of the company can find four million dollars to invest in this venture they can find $50,000 to pay the stamp tax. The stamp tax figure of $50,000 is only one and a quarter per cent of the paid up capital of this company.

A previous speaker spoke about the lawyers' fees. I am sure that the lawyers' fees in this business far exceeded the $50,000 and I am sure that they were not able to get those lawyers to agree that for the good of the company and the good of the Cayman Islands that they would take shares in Mariculture. I know every man is worthy of his hire and I am not knocking the lawyers for getting paid for this, I am only trying to touch the point.

Another Member, Mr.President, said that we should notworry, it is a small amount of duty - small amount of money - I am saying, Mr.President, that that is incorrect, because the amount of money involved here would be equal to the extra import duty that the Government would receive on the importation of one hundred and five cars under the new Customs Duty Law that we have recently imposed. This amount of money, Mr.President, could also build a Sea Wall at Savannah which would help the Island a lot in the case of a hurricane. It could also build the community hall at Breakers which had to be shelved. It could also build the Cayman Brac Community Centre which I know is not going to be built in 1976, and I am sure that the people of any of these districts would have been very glad to have seen a community hall built and on the front of it Mariculture, Breakers Community Hall.

Mr.President, we have heard a Member of Government this morning lecture us on the beneficence of Government in regards to the Hotels Law and to the big part that the Hotels did play in the promotion of this country. Now, so that the Members of this House do not go away thinking that they were given the correct figures, I would like to say that that particular Member said we would lose on a bed-room suite $20. And he went on to say how quick we would get that $20 back. Mr.President, that is wrong. Because that import duty lost on that bed - that bed would have to be used and rented at $50 a day for 102 days a year for 45 years to get that $20 back. That's right, if we are going to get it back at 5% or what the Hotel room rents for. So an bed is going to last 45 years and I am saying that some of the arguments that they have put up in regards to Mariculture this evening are just as flimsy as the chance of that bed lasting 45 years.

Once we embark on this venture, Mr.President, we will have to stay in - the prestige of the Cayman Islands Government is then at stake. We have accepted the mantle of responsibility on our shoulders - we are then a part of that company. So if the company goes

MR. JAMES M.BODDEN (CONTINUING) into liquidation the Cayman Islands Government is going to have to be standing by there to bail it out. Any trouble it gets into in the future its going to rest on the shoulders of the Cayman Islands Government, because the Cayman Islands Government, thank God, is a prestigious operation, and that is what is at stake. We must not delude ourselves, Mr.President, a company of this nature can only be governed by the Board of Directors and the Board of Directors must either vote as one of ten or one or whatever amount it is, or vote the respective percentage amount of shares. One Member said we would have one director - I am asking this House what is the use of us having one director among 20 may be - how far is his voice going to go - as far as ours goes on this side, Mr.President. I would be glad to see them get into that position, because then they would know how it feels. So don't delude ourselves when they tell you have no worry - we are going to have a director there. Our director there would be about as useless as snow-ball in hell.

Mr.President, our director on that Board, whoever he may be, would be as helpful to the people of this Island as the three directors our Government has on Caribbean Utilities.

Members have told us that this company really doesn't need this, and I agree they don't need it, but if we refer to the motion that is before this House, Mr.President, we will see that it is admitted that this would impose additional strain on the financial position. Impose a financial strain, Mr.President, when you've already found four million dollars? And you can't find another $50,000? I can't see that, Mr.President. I would like to see a businessman in this country come before the Government today and plead his cause and say I am in financial trouble, I can't afford to pay my import duty for the next six months on my food importation, would you take shares in my store? You'd be laughed out of the building. Let's not be ridiculous - these things are not correct just because somebody tells me it is so, there is no reason that we must be led as sheep to slaughter.

Mr.President, I am saying this that if our Government is becoming so aware of what is going on in the country and the help that is needed to keep this country on an economical sound foundation, to help the people of this country, the time that they should have taken this step was a year and a half ago, and certain banks bolstered in this Island. I am saying to this House today, Mr. President, has Government taken any steps after all to go to the poor man on the streets who may have had his home mortgaged with one of those banks and today the liquidators are putting him into court to put that house on the block because he can't pay it , because he hasn't got the work - he is not earning the money to be able to pay the note . Are we as legislators helping those people? If we had the good of the country at heart that's where we would start - we wouldn't start with Mariculture.

In the beginning of your throne speech, Mr. President, you mentioned that we were starting 1976 with a deficit of $214,000 and in all expectations it would exceed that amount. Yet, to begin this year, Mr.President, we had to stretch all of our imagination and enact additional legislation to bring into the coffers of this Government over one million dllars in additional revenue. We had to do that in order to keep the wheels in motion, yet, we are now coming here today and saying we don't need this $50,000 we can throw it away. What has happened since the throne speech or the financial papers were dealt with a couple of months ago have we found the money? No - we still need it. We're going to find ourselves, if things continue as they are with a much larger deficit,even this year, and we will find that this $50,000 would have gone a long way to alleviating that.

MR. JAMES M.BODDEN (CONTINUING) Mr.President, one Member said in his speech that it was a good thing some of the Members on the back bench were not here when CAL was being debated. Mr.President, that may be true because I am sure we would have been in the Chamber a long time debating that, but I am also saying to this House today that if the back benchers had been here at that time we might have today a more profitable operation than what we have, because I don't believe that my colleagues and I would not have seen some of the loop-holes that are in that contract. If we had been able, Mr. President to know what was going on today we might have a much more profitable operation than we have.

I would also like to point out at this stage, Mr.President, that if the back-benchers and the House as a whole were able to know something about the contracts that Government got into I am sure that the back benchers would have been able to have seen that plumbers and electricians two years ago got more than two dollars an hour. These are the things, Mr.President, that are wrong. You tell us, we can't see them, you tell us, we have no place in it, yet, Mr.President, you ask us to go ahead and give away the people's money. And this is what we are doing, because in this type of Government it is only supposed to be 7 people that are able to speak up - it is only seven people who have the knowledge to run this country - if that is so, Mr.President, our people were amiss in putting seven other ones on this side of the House because there was no reason for us to be here.

Mr.President, in listening to the speech of one of the Members who preceded me I would only like to say that that reminded me of what the ministers of old said about some of the Islands that were being discovered - "We are having no luck with them in converting them to christianity because they know no sin - we have to teach them sin first". (MEMBERS - LAUGHTER).

I understand, Mr.President, from reliable sources that the main investor in this new company has recently sold his business for one hundred million dollars that's a lot of dollars even if its Chinese dollars, Mr.President, (MEMBERS - LAUGHTER). Its immaterial to me whether he sold it for that or not, but it points out that any man that can find four million dollars can find fifty thousand dollars.

A lot of talk has preceded me in regards to how the American Government is going to look on Mariculture's venture because Cayman Islands Government is a share-holder. Mr President, I can just see the Honourable Mr.W.W.Conolly going to Washington or New York or California and sitting in their Legislature and telling the Legislative Members there "Please change the law for us in regards to endangered species because I represent the Cayman Islands Government and the Cayman Islands Government owns one and a quarter per cent of Mariculture and because they own one and a quarter per cent of Mariculture you must change the law". Mr. President, he'd be laughed out of the Chamber.

Mr.President, getting on to the figures a bit, one Member alluded to the fact of the small investment in regards to the value of this company. If I figure correctly $50,000 worth of stamp duty would mean that the value fixed on the land and the fixtures must be in the neighbourhood of $670,000. Mr.President, the land value in that area, the land involved would not exceed $100,000 on the market today so that means that the fixtures are being valued at $570,000, and any business man that has any sense is not going to let a $570,000 fixed investment go to the dogs and walk away from it, plus the expense in relocating some other place, just because we refused him $50,000. That does not even bear repeating, Mr.President.

Another Member spoke and said that this new company is starting with a good cash flow and that hunchers were being employed to butcher around the clock. Now, Mr.President,as far as I know this company might not even be in operation yet, but alluding to the paper

MR. JAMES M.RODDEN (CONTINUING): it was only last week that it was public knowledge that this company had been organised and I am putting it to this House today - what has happened to these turtles in the last week that they grew so fast (MEMBERS - LAUGHTER), if they were not available to Mariculture two weeks ago in order to butcher them around the clock to inject money into a company that was in liquidation and needed to keep going; where are we getting them from today? Something is wrong here in that respect, because these turtles did not grow that fast over-night.

One Member, Mr.President, gave us a lot of statistics in regards to the growth of the budget and I am sure those figures were being given to us in the belief that he was responsible for helping us get all that additional revenue. It's a good thing that we only had one member, Mr.President, who could assist the Government that way, because if twelve elected members had been able to make the Government budget grow in that respect it would have been like putting yeast into flour, but the main thing, Mr.President, is this, that Member neglected to tell this House how much the loans had grown in the last couple of years. It is true, we've had some big budgets and they have grown, but they have grown because economic conditions have changed, because there was more money in the territory for many different reasons, but in order to do that and in order to finance the operations of this Government, this Government, as we all know, has had to borrow millions of dollars in the past few years, so don't tell just one side of the story, let us tell both sides.

One thing about this, Mr.President, is - another Member said "have no worry about it, it's just a paper transfer - it doesn't mean anything - it only means that we are showing faith in the company", well, Mr.President, not just because we debate this and stand on the other side in opposing it, but what we are trying to do in this House is to show the Members that that kind something has some pitfalls and not just because a person puts their hand on your shoulders and says follow me, just I follow you.

Sometimes we can follow in the wrong direction, but the ridiculous thing about what is happening here today ,Mr. President is this that Government is using its strength and its edicts to over-ride the law of economics - the law of economics would dictate to us that in the position the economy stands in today,in the position that our Government finds itself in that this money should be found in the coffers of this Government.

I agree,Mr.President (I'll try to wind up now, Sir) that on this side of the House we would have to crave indulgence and that we would have to say like one of your famous British sea-admirals said "I have only one eye, I have a right to be blind - I really do not see the signal". Mr.President, I cannot see the signal the way the signal-men on the other side of the House are signalling to me. Thank you.

HON.V.G.JOHNSON: Mr.President, I am willing to wind up the debate, if you so wish. I won't be very long.

MR.PRESIDENT: I think if we could dispose of this motion tonight it would make certain that the other two items were taken tomorrow morning. So, if the Honourable Member is prepared to wind up...

HON.V.G.JOHNSON: Mr.President, Honourable Members, I am deeply indebted to those Members who have supported the motion and I am also grateful to those who opposed. As I said in another address it is entirely Members' prerogative to debate as they wish - to either support or to oppose. Very often it is through opposition that we are able to go into greater detail in projecting the advantages which the subject has a right to.

HON.V.G.JOHNSON (CONTINUING) Many have spoken on the motion, Mr. President - there have been quite a number who supported it and so it leaves but very little for me to do in the winding up. I am glad that we are not all of one mind - that there are people with open minds who can also see the goodness in measures recommended by Government and can see advantages which they offer to the public and to the Island in general.

It has been said that in this venture if Government accepts the participation that it will be a minority share-holder. It certainly will be a minority share-holder if Government will only hold 50,000 shares of the share capital which runs into millions of dollars. Nevertheless, I do not think at any time there was any suggestion by Members of the company that there was need to raise funds from Government, or there was need for Government to prepare for eventualities when the company would be in financial difficulties. I think the company is quite prepared to take care of this, in fact the company is a limited liability company and the share-holders are responsible only to the limit of the capital structure of the company. Obviously it is a matter when the company gets into financial difficulties whether it goes into liquidation or whether the shareholders are prepared to inject fresh capital into the company or whether they are prepared to finance the company in any other manner. People who operate public companies are aware of this - its not a matter that if the company gets into financial difficulties they will be at Government's doorsteps asking for further Government participation, we have to go to the Treasury and inject fresh capital into the company - there is no such thing. The request here was for a small Government participation, and the reason for this was stated, quite clearly, by many speakers who supported the motion.

I know, Mr.President, that like the supporters those who opposed, can find many grounds on which to oppose and fortunately the opposition was based only on the loss of the suggestion that instead of the $50,000 stamp duty going into Government's coffers, it would be purchased for shares in the company, and this was the basis of the opposition to the motion. That is alright, Mr.President, I am sure that I would feel good having an extra $50,000 in the purse, could help a great deal, there is great need for it but on the other hand, as I stated in presenting the motion, its a matter of the economics of the operation and whether the releasing of this $50,000 will be to anybody's interest and Government is quite satisfied that the advantages to the Cayman Islands are many in Government's participation.

I agree, Mr.President, that every single business in this country is important, but the basis on which the debate on this motion commenced this morning was on the importance of this operation to the country, and we have to classify business in order of their importance. It is not Government's policy to participate in private enterprises unless the operation is something of utmost importance to the territory. We outlined some of the instances in which Government has participated in private enterprises and we stated the advantages in this particular operation and the reason why we thought that Government's participation would be to the advantage of the country.

As far as the other supermarkets and other businesses are concerned, its the ordinary business that is in great competition with others and these businesses exist on competition with each other. They're in a business which can be profitable, they sell commodities which are in demand each day and those businesses that cannot make them profitable in the operation, well, there's perhaps some need to look at management or some other aspect of the operation. This Turtle Farm got into difficulties because of the recession, recession which affected a lot of business, but more so this particular operation - because the normal ordinary management over-head costs was somewhere in the vicinity of four to five hundred thousand

HON.V.G.JOHNSON (CONTINUING) dollars a month, and you can imagine the position with a company, having to find that amount of money each month when there is no income. Today the position has changed somewhat, because the company is now in a position to start butchering its product and to seek a market for those products.

The last speaker thought it funny that even a week ago the old company had no capacity to butcher and immediately the new company took over butchering started. Mr.President, there was a group of 5,000 turtles which was held on a mortgage from a group who assisted the company financially some months ago and this group of turtles grew to the age of butchering and it was important that someone started butchering those turtle. The new company in the new arrangement bought this group of turtles and so the first job on hand was to start butchering. There are other turtles on the farm which have reached that age and certainly, I think, for a long time to come there will be capacity for the company to continue butchering turtle on the farm.

Mr.President, I don't want to delay the business of this House any later. I think the indication has been given by the speakers on the motion today that the motion will be supported by this Legislative Assembly by majority decision. I have no fear about that and so I will end this debate and ask Members to give the motion the consideration which Government has asked. I will reiterate again that it is the opinion of Government that this small participation will do nothing but good to the company. If it is their wish that Government show its interest in this small way - that we go along with it and wish the operation the best, its success will be to the advantage of the country and to no one else, and so, Mr.President, I recommend the motion.

MR.PRESIDENT: Before voting, I shall read the motion once more (READS MOTION)

I shall put the question. Will those in favour please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against - No.

MEMBERS: No

MR.PRESIDENT: I think the ayes have it.

HON.A.A.ROSE: You don't want a division on that?

HON.ERNSON KUANUI: I believe the Members want a division.(LAUGHTER)

ADJOURNMENT

HON.D.V.MAILER: Mr.President and Honourable Members, I beg to move that the House now adjourn until tomorrow morning, at 10 o'clock.

HON.G.E.HAMMINGTON: I beg to second.

MR. PRESIDENT: The question is that this House do now adjourn. I shall put the question - will those in favour please aye

MEMBERS: Aye.

MR.PRESIDENT: Those against No .....I think the Ayes have it. The House stands adjourned until 10 a.m. tomorrow.

AT 5:22 P.M. THE HOUSE ADJOURNED UNTIL
10 A.M. FRIDAY MORNING THE 19TH MARCH, 1976.

M I N U T E S

FRIDAY, 19th MARCH, 1976

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE., PRESIDENT

GOVERNMENT MEMBERS

HON. D. V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. C. E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. W.G.JOHNSON,OBE	THIRD OFFICIAL MEMBER
HON. A. B. BUSH,J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS MEMBER FOR CO-ORDINATION AND INFORMATION
HON. W.W.CONOLLY, OBE.,JP	SIXTH ELECTORAL DISTRICT, EAST END MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES,ETC.

ELECTED MEMBERS

MR. JOHN T. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H.BODDEN,OBE.	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDERS OF THE DAY

FRIDAY, 19th MARCH, 1976

1. GOVERNMENT MOTION NO.2 - MEMBERSHIP LIQUOR LICENSING BOARDS

TO BE MOVED BY HON. W. W.CONOLLY

TO BE SECONDED BY

WHEREAS the Liquor Licensing Law, Law 11 of 1974 provides that a Board for Grand Cayman should be appointed annually consisting of a Chairman appointed by the Governor from among the Members of the Executive Council, three Members nominated annually by the Legislative Assembly and one Member nominated annually by the Governor; the Board for Cayman Brac and Little Cayman to consist of the District Commissioner as Chairman and two Members appointed by the Legislative Assembly and one Member nominated by the Governor.

The present Members that the Legislature has nominated for Grand Cayman are:-

Miss Annie M.Bodden
Mr.Claude Hill
Mr.Craddock Rhenks

and in the case of Cayman Brac and Little Cayman -

Hon. Trevor Foster and
Capt. B.A.Reid (deceased).

It is necessary for the Legislature to nominate Members to these two Boards for the year 1976

BE IT RESOLVED that this Honourable House nominates three Members to serve on the Board for Grand Cayman and two Members to serve on the Board for Cayman Brac and Little Cayman.

2. CONSIDERATION OF GOVERNOR'S MESSAGE RE PETITIONS (CIRCULATED TO MEMBERS ON FRIDAY THE 12TH OF MARCH, 1976).

3. HOTELS AID BILL, 1976

COMMITTEE THEREON AND THIRD READING.

TABLE OF CONTENTS

		PAGE
1.	GOVERNMENT MOTION NO.2 - MEMBERSHIP LIQUOR LICENSING BOARD	1
2.	CONSIDERATION OF THE GOVERNOR'S MESSAGE - RE PETITION 12TH MARCH, 1979.	2
3.	ADJOURNMENT	11

FRIDAY, 19th MARCH, 1976

10 a.m.

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

GOVERNMENT MOTION NO.2:MEMBERSHIP
LIQUOR LICENSING BOARD

HON.W.W.CONOLLY: Mr.President and Members, I would like to move the following motion standing in my name,which reads as follows -

WHEREAS the Liquor Licensing Law, Law 11 of 1974 provides that a Board for Grand Cayman should be appointed annually consisting of a Chairman appointed by the Governor from among the Members of the Executive Council, three members nominated annually by the Legislative Assembly and one member nominated annually by the Governor
THE BOARD for Cayman Brac and Little Cayman to consist of the District Commissioner As Chairman,two members appointed by the Legislative Assembly and one member nominated by the Governor.

The present Members that the Legislature has nominated for Grand Cayman are -

Miss Annie M.Bodden
Mr.Claude Hill
Mr.Craddock Ebanks

and in the case of Cayman Brac and Little Cayman the Honourable Trevor Foster and the late Capt. A.A.Reid. It is now necessary for the Legislature to nominate Members to these two boards for the year 1976

BE IT RESOLVED that this Honourable House nominate three members to serve on the Board for Grand Cayman, two Members to serve on the Board for Cayman Brac and Little Cayman.

Mr.President and Members, I would like to amend this motion by moving a further Resolve Section.

BE IT FURTHER RESOLVED that the three members be nominated for the Board in Grand Cayman and that Capt. Charles L.Kirkconnell be nominated to replace the late Capt. A.A.Reid.

HON.V.G.WATLER: Second.

MR.PRESIDENT: Could I have the wording, please, of the addition to the resolution?

HON.W.W.CONOLLY: Be it Further Resolved that the three members named above be re-nominated for the Board in Grand Cayman and Capt. Charles L.Kirkconnell be nominated to replace the late Capt. A.A.Reid.

MR.PRESIDENT: Well, the motion before the House is

WHEREAS the Liquor Licensing Law, Law 11 of 1974 provides that the Board for Grand Cayman should be appointed annually consisting of the Chairman appointed by the Governor from among the Members of the Executive Council, three members nominated annually by the Legislative Assembly and one Member nominated annually by the Governor
The Board for Cayman Brac and Little Cayman to consist of the District Commissioner as Chairman , two members appointed by the Legislative Assembly and one Member nominated by the Governor

MR.PRESIDENT: (CONTINUING) The present members that the Legislature has nominated for Grand Cayman are -

Miss Annie E.Bodden
Mr.Claude Hill
Mr.Craddock Ebanks

and in the case of Cayman Brac and Little Cayman, the Honourable Trevor Foster and Capt. A.A.Reid (deceased). It is now necessary for the Legislature to nominate members to these two boards for the year 1976.

BE IT RESOLVED that this Honourable House nominates three members to serve on the Board for Grand Cayman, two members to serve on the Board for Cayman Brac and Little Cayman.

AND BE IT FURTHER RESOLVED that the three Members named Above be nominated for the Board in Grand Cayman and that Capt. Charles L. Kirkconnell be nominated to replace the late Capt. A.A.Reid.

HON.W.W.CONOLLY: Mr.President, it has just been pointed out to me that I didn't mention - it should have continued and the Honourable Trevor Foster be re-nominated.

MR.PRESIDENT: And the Honourable Trevor Foster be re-nominated. The motion is now open for debate.

If there is no debate I shall put the question.

QUESTION PUT: AGREED: THE MOTION WAS PASSED

CONSIDERATION OF THE GOVERNOR'S MESSAGE BE PETITIONS CIRCULATED TO MEMBERS ON FRIDAY the 12TH OF MARCH, 1976.

MR.PRESIDENT: When this message was put to the Assembly, it was moved by Mr. John Jefferson that the MESSAGE be debated by th Whole House. It was also moved by Mr.Craddock Ebanks that the Message be dealt with by a Select committee of the whole house. It seems to me that procedurally that the greater includes the lesser and that if the Honourable John Jefferson is prepared to withdraw his motion that we might proceed on the original motion that the matter be referred to a Select Committee of the whole house which would, of course, allow debate on that motion.

MR.JOHN JEFFERSON: Mr.President, I would be willing to withdraw my motion. The reason why I made by motion was because I felt that it should be given a hearing and since it will be sent to a Select Committee and will ensue debate anyway, I would be quite willing to step aside and withdraw my motion, and I so move.

MR.PRESIDENT: That, of course, is with the permission of the House. Can I put the question that Mr.Jefferson's motion, by leave of the House, be withdrawn?

QUESTION PUT: AGREED: MR.JEFFERSON'S MOTION WITHDRAWN.

MR.PRESIDENT: The question therefore is that Governor's message be dealt with by a Select Committee of the Whole House and that motion is open for debate.

Before we begin the debate, although it does not arise from the papers before the Assembly, it may be relevant to the debate that I hope,before proceeding on leave, to issue a statement on collective responsibility and also on the circulation of the accessibility of papers to Members.

MR.CRADDOCK FRANKS: Mr.President and Honourable Members, when I proposed that motion I proposed it in the light of the hope that as this was brought to the House it would be given full hearing as a debate in the House and at the end of the debate it then would go to a Select Committee of the Whole House, because I fail to see, Mr.President, that we would arrive at certain agreement or disagreements, as the case may be, arising out of this that could better be picked to pieces in a Select Committee, so in the light of that, Mr.President, I would hope that Members will agree after going into a full debate of the House, that it then will go to a Select Committee to be further dealt with.

MR.G.HAIG DUQUEN: Mr.President, I would like to be associated with the comments made by the Member from North Side. I feel that there should be a debate because I imagine all the Members will want to have a chance to express their feelings on this petition, since it is the first one to come to the House since the new constitution or similarly the Members will want an opportunity to keep quiet on this matter but it is very necessary that it go to a Select Committee afterwards, because it would be impossible to make any changes in laws that have already been passed here today. The procedure, I imagine would have to be that amendments would have to be drafted to the laws that are already passed and amendments made to regulations already passed. We couldn't, by the stroke of a pen, change a law that is already passed - I think the House would have to pass resolutions approving the change of these things and in order that it might be done in the proper fashion and in keeping with the established parliamentary procedure, I would strongly recommend that the petitions be debated so that the Members can express their feelings and then at some other time, say next week, or week after, or whenever it is appropriate, a Committee of the whole House go into the petition, taking into consideration the expressions of the Members here then each Member would be given an opportunity to vote on each particular item in the petition and then amendments would be drafted and could come back to the House, that is amendments to the laws, come back to a special meeting of the House as soon as the Committee has completed its work.

I imagine the Committee would be a long-drawn-out affair and would probably run into several weeks, so it is therefore necessary that we have a Select Committee deal with the different points and make its recommendations and that the Legal Department prepare the necessary bills which would be required by law and would be required by our Constitution to change laws that have already been passed. I don't see how we can deal with this in any other fashion, but it would be wrong to preclude debate on this important issue. This is an issue of paramount importance and the petition has amassed a large number of signatures and therefore we must listen to them and we must give elected Members, in particular, an opportunity to express their views, so I agree with the Member from Northside that there should be a debate and after the debate a Select Committee of the house should deal with this matter, then on the report of the Committee from that Select Committee meeting, the Legal Department could then draft the necessary amendments, if amendments are made, and deal with it in this fashion. Because a Committee's report could not, in effect change a law - there is only one way you can change the law and that is for it to pass through the normal channels that have been enshrined in our Standing Orders and in our constitution and we cannot here today depart from that procedure, but it has also been an established custom that there would normally be a debate on the merits or the demerits of any motion or any petition or any bill coming before the House. I strongly recommend that the motion from the Member from North Side be accepted by this House and that the matter go to a Select Committee after it has been fully debated and that after the Select Committee has made its report that the Legal Department then make the necessary amendments and present them to this House at a special meeting, that is provided amendments are made.

MR.PRESIDENT: I think I had better clarify what we are attempting to do - the Honourable John Jefferson has withdrawn his motion on the basis that the motion to move into Select Committee would allow general comment on the Governor's message And the Honourable two speakers have spoken simply on the procedural aspects of moving the thing into Select Committee, but I think that as the Honourable Member has just remarked, that the mere fact of a motion to refer it to Select Committee allows members to express views on the matters which are going to be referred to the Select Committee. so that I wouldn't preclude either member who has spoken, I think, purely on the procedural aspects, from speaking again on the merits or demerits of the Governor's message. I think they have both spoken - I wouldn't like them to forfeit an opportunity to comment on the merits of the Governor's Message. As I see it, the motion to move into Select Committee does give Members the opportunity, as in any other similar motion, to debate the merits or otherwise of so doing.

HON.W.W.CONOLLY: Mr.President,I would like to get it straight myself where we are because the motion has been made for the House to move into Select Committee to consider the Governor's message. I think this is the motion that is before the House at the present time, and I would like to know definitely, Sir, if this is what we are really going to debate at this particular time, as far as the procedural aspect is concerned. There is no doubt that there will be other matters that will come up that might, as it were, be an over-lapping of discussions, but I am not clear at this particular point, Mr.President, I would like to have it clear as to exactly where we are and what we are about to do at this time.

MR.PRESIDENT: Well, there were two motions proposed to deal with this matter - one was that there should be a debate, the second one was that the message be referred to a Select Committee of the whole House, The Honourable First Mover, I think, has withdrawn his motion for a general debate in the belief that the second motion would allow some general comment before the question was put to the vote of the House. If we are simply going to debate the narrow procedural point whether we move into select committee then I may have misled the mover of the first motion.

HON.BENSON O.EBANKS: Mr.President, I don't think there is any confusion as to what you have just out-lined, but I think to put it clearly what the member and certainly what I would seek direction on is whether we're going to debate your message as you have quite clearly stated or whether we're going to debate, shall I say, the petitions which were referred to by previous speakers, because as I understand it, the petition is of itself not before the House, in fact the final paragraph of your message states that there is no provision under the Standing Orders for the Governor to bring a petition before the Assembly and that by the only means open to you that is by the means of a message, you have placed the matter before the Assembly, but in procedural terms, as I understand it, we will be dealing with your Message and not the petition and this, I think, is what Members want a clear understanding on at this point, whether we are going to, shall I say, bring the petition in through the back-door or how we are going to proceed.

MR. JAMES A.BODDEN: We're not going to bring anything in through the back-door.

I am not an expert on parliamentary procedure, Mr.President, and I must admit that may be I am a bit lost right now, but my understanding was that you were bringing a message to the House under standing order 12 (I think that's which one you brought it under) of the Standing Orders of this House which sir down somewhat the procedure of handling this and in your message you said that you were submitting copies of the petitions with your message and we have them all attached together, Sir. I can't understand really what the

MR. JAMES M.BODDEN (CONTINUING): argument is about because if we debate your message, your message is only a condemnation of the petitions, so what difference does it make. I mean regardless of what we debate, we are going to be bringing in the petitions, so Mr.President, I can't understand what it is but we are going to debate this motion, and we are not going to debate it through the back-door - it's going to be the front-door, Sir. Thank you.

MR.PRESIDENT: I think I must make clear that the Standing Orders affecting a Petition to the House allow that a petition to the House must be brought by a Member of the Assembly, Standing Order 19 and if this were a petition which had been brought by a Member of the Assembly, there are two things that can happen -

(1) is that a motion is made/it lie on the table or that

(2) be read or printed or referred to a Select Committee

and any such motion shall stipulate the number of members,etc. No debate shall be permitted on such motion, nor shall any other member speak upon it or in relation to such petition except to second such motion formally. So that this petition, this Message is putting a petition before the Assembly by the only means open to the Governor to do so, but I think that Members must be guided, if they are purporting to take action on the petition itself, I think it might be wrong to use the Governor's message to take action which is not permitted if this petition had been brought in the proper fashion, which the leaders of the demonstration were given clear advice how to proceed, how to put a petition before the Assembly, so that I have done my best as Governor to place the matter before the Assembly for them to decide how to proceed, But I think that you should take note of what would have happened had a petition come direct to the House in the proper fashion and that two things to do

one, it lies on the table for Assembly

the referred to a select committee,

So that this message is brought before the Assembly, because I felt that it was of public interest and that Members would wish to take consideration of the material in these papers, but we now have before us a Governor's message brought. There are two proposals for dealing with it, one was on open debate and the second one was reference to a select committee which would be the normal practice if this had been a petition delivered direct to the Assembly by the proper means of bringing a petition before it.

MR. JAMES M.BODDEN: Mr.President, are we subjected now to just one speaking on it? Under the rule now that we can only speak once, Sir?

MR.PRESIDENT: I think as you are talking about procedural points, I can allow you to talk again.

MR. JAMES M.BODDEN: Well, Mr.President, I must admit again I am still at a loss because I also had put something before the House when this was first brought up and the Honourable Member from West Bay had put something which was for debate, I believe. The Honourable Member from North Side added to that by requesting a debate and a Select Committee, so my understanding was when the Honourable Member from West Bay withdrew that this motion then by the Honourable Member from North Side would have stood and that this one would have allowed us the privilege to debate the message which was before us from you and which I respect you very much for bringing it, because we must admit it was not, here say the correct way it should have been done, but you in your wisdom, and I think you were very wise to bring it before the House, has seen fit to do so and being we are in agreement, I think, in the House that this will be debated and that this will be dealt with and probably sent to a Select Committee for further study. I don't think it would be very wise, Mr.President, for the Members to

MR. JAMES M.BODDEN (CONTINUING) use the block vote this morning to block this from debate. So please let's use discretion and let's debate this - let's get up and say whether you like it or you don't like it, but please don't hide under a procedural point. Mr.President, you have bent the procedural point in favour of this Assembly and the people and I respect you very much for that, Sir, you have shown your wisdom and I think your wisdom should stand in front of us this morning to dictate to us that we debate this and then send it to a Select Committee, Sir.

MR. G. HAIG BODDEN: Mr.President, if I can be of further help, I would like to point out that under Standing Order 74 any Standing Order of this House can be suspended , which means that we can suspend the Standing Order regarding the bringing of the Governor's message or the Standing Order regarding the presentation of Petitions - this House has the power to do that and Standing Order 74 is very clear saying "any of these Standing Orders may be suspended at any time for a specific purpose by the consent of the majority of members" , so we cannot get into any procedural block here, we cannot be tied up in any technicality. The work of this Parliament must go on smoothly even if it means suspending for this morning's session or for any particular length of time, a particular Standing Order, so we are not bogged down by procedure. It is entirely up to the Members of this House if they want to debate this petition they can debate it - it has been properly presented to the House. Normally a petition would have come by a private member but it can be brought and it has been brought under Standing Order 12, which allows you as the Governor of these Islands to bring a message to the House and you, in your wisdom have rightly arrived at the conclusion that it was very necessary to bring this important message to the House - you have brought it in the correct manner and this House is entitled to deal with that message - it is entitled to deal with the petition which is a part of that Message and we cannot be tied down by any little procedural difficulties that any member can drag up from the bottom depths of his mind. We must deal with this petition and we must deal with it, even if it means using Standing Order 74, which is for the suspension of further Standing Orders which happen to get in the way of the business of parliament.

This is not a race track - Parliament is not one of those little two by four committees where any little technicality can block the will of the people and can block the will of the Members and so if we needed further guidance we could go to the procedure in the House of Commons, but it is not necessary, so there is nothing that can block the debate on this petition this morning- there is nothing that can block this petition afterwards being sent to a Select Committee - the only thing that can block it is the will of the Members, so Mr. President, I would suggest that the House get on with this rather than being bogged down with semantics and with legal jargon which we could well get lost in. We should be straight-forward and deal with the thing in a straight-forward manner.

HON.BENSON O.EBANKS: Mr.President, I would just like to assure the House that I am not trying to bog the house down in any procedural difficulties. The difficulty which Members experience, and I did myself, was exactly what we were going to debate. As I have said,unless up until this point no effort has been made to suspend any Standing Orders or anything else and the Message of itself, did not put, as you have quite rightly said, the petition before the House and it would seem to me to be awkward to deal with a petition brought in the form of a Message differently from the procedure laid down to deal with a petition as the Standing Orders had it been brought in the correct and normal fashion. That is the point I am making.

Let me assure Members that if the Decision is taken to debate this petition it has no fears or hesitation about participating in that. What I don't want to see is the procedure of this House and the dignity of this House ruined or degraded by bending to

HON. DENSON O.EBANKS (CONTINUING) accommodate certain whims and fancies. If there is procedure laid down for dealing with matters that procedure should be followed. If we are going to waive the Standing Order that is a matter for the House.

I am not trying to hide behind anything, Mr. President, I think it is the duty of any member and all members when discussing matters in this House to know specifically and explicitly what they are dealing with and this was what was sought to be done in the first instance. Whatever your ruling is on the matter I certainly will abide by it. That's all I have to say, Mr.President.

MR.CRADDOCK EBANKS: I am aware that I am not all brain and no head but I always try to start in the right direction, in the right channel , the right way to go about anything, and when I moved that motion, Mr.President, I thought I made it clear in the few words that I said that however it is before us, its before us your Message and undoubtedly if we're going to debate the message certainly it will automatically bring in why your Message is here, and that it then be sent too Select Committee of the whole house after a debate in the House today, whether it is finished today or not, so Mr. President, I don't know that I should ramble around any further, any more but be guided or I'll accept your ruling, your guidance in this as to whether we should debate the message as before us or whether it be sent to a Select Committee, or what, but I would prefer that it be debated before going to any Committee.

MR.PRESIDENT: Well, I think the problem is quite clear - in the message I did not attempt to tell the House how they should proceed on this matter, it's a matter for the House to determine. The question before us this morning is whether the motion should simply stand as referring the message, contents to a select committee of the whole House or secondly whether general debate should be allowed on the contents of the Message before it is submitted to a Select Committee of the Whole House. One Member has moved that Standing Orders be suspended to allow a general debate before a vote is taken on whether the matter be referred to a Select committee. Is there a seconder for that?

MISS ANNIE H.BOWDEN: Mr.President, I beg to second that.

MR.PRESIDENT: Well, the question is I think that under Standing Order 7 that standing order be suspended to allow a debate on the Governor's message before consideration of the motion that the matter be referred to a Select Committee of the whole House.

HON.A.D.BUSH: Mr.President and Members, I am still not quite clear, Sir, on just what we are going to undertake to do, whether the motion was made to debate the message brought by the Governor or whether it is to debate the petition. And I would like to get that straight, Sir, before any motion is put to this House, any question is put here as to bring it to a vote, because I am not clear what we are going to agree on whether it is the message as set out by the Governor or whether it is the petition as sent through the Governor by the people.

MR.PRESIDENT: I think in essence we are considering the suspension of Standing Order 19 (4) as if this were a petition being brought before the House, which says that no debate shall be permitted on such motion nor shall any other member speak upon or in relation to such petition except to second such motion formally. We are dealing with the Governor's message - there's no doubt of that whatsoever,annexed to that are the papers which individually form part of the Governor's message and I would hope that any debate would be confined to the Governor's message.

MR.JOHN D. JEFFERSON: Mr.President, did you say 75?

MR.PRESIDENT: 71 in Suspension of Standing Orders and normally if this was a petition coming before the House no debate is allowed on a petition - it either lies on the tables or is referred to a select committee. This is the principle that is at stake and I think the reasons for this are very sound that debate itself may prejudice the consideration by the select committee of the material, but this in essence is what the Suspension of Standing Orders has been requested for, to allow some debate on the Governor's message before a vote is taken whether the message is referred to a select committee. So I think that is what we are trying to solve.

MR.JOHN T.JEFFERSON: Well, Mr.President, there is a lot of merit in what you have just said. I was the member that moved that this message be debated by the whole house and after the Member from North Side made a second motion that it be sent to a select committee then I was willing to withdraw that motion and as far as I am concerned, I am prepared to make my contribution, but on the other hand, in the light of what you've just said about the debate prejudicing the work of the committee, that stands to reason also.

MR. JAMES M.BODDEN: Mr.President, we are not going to prejudice anything; a man must stand by his convictions. I just can't understand it, Sir, because your message is tied in with the petitions and I just don't see how you can debate without drawing references. I don't say that you would read out everything that is into the things, and I cannot understand why the members are afraid to debate this. Now I don't want to get angry, but, Mr.President, we have changed everything in this House but the words of the good book and it is surprising to me that the only time the Members can see any merit in canging anything is when they are putting it forward, and it is time now, Mr.President, to wake up - you have put this in your wisdom before the House, you have allowed us a chance to debate it and I think it is encumbent upon us Legislators of this country to be willing to face the facts of whatever we got to say and stand up to it, whether it is right or wrong.

MR.PRESIDENT: Well, this is a matter for the House by vote, I mean, whether they wish to debate or not.

MR. JAMES M.BODDEN: Yes, Sir, and I would like to see it go now to a vote and find out just how many are going to vote for or against it. I move the suspension of Standing Orders that we can debate this.

MISS ANNIE M.BODDEN: Mr.President and Members of this House, I feel that this issue is very clear. This Petition has been brought as a Message and there are regulations under those standing orders that any other standing order can be suspended to allow, I would say, the debate on the message and the petition. What use is there of debating the Message and the message relates to the petition. Whether we like it or do not like it I feel it is encumbent on us as legislators representing the people of the Cayman Islands to follow some form that they can at least be heard.

MR.PRESIDENT: I think its quite clear - I think I am going to put it to the vote, that is that Standing Orders be suspended to allow debate on the Governor's message before the vote is taken on whether or not that should be referred to a select Committee. So I shall put the question, all those in favour please say aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against. The ayes have it and debate will be allowed on the Governor's message at the end of which the question will be

MR.PRESIDENT: put whether this be referred to a select committee.

MR.G.HAIG BODDEN: Mr.President, I cannot recall the day when I have been in a better mood than I am this morning and I shall make every endeavour to see that that mood continue.

In debating your message I claim that this petition, or these petitions are a part of that Message. Furthermore, last week you, as the Governor, or as the President put a message before this House - there was not a single objection to that message coming and if we look at Standing Order 12 we will see that it only says "a message from the Governor MAY be brought" , so apparently this House or any Member could have objected at that time if they felt that it was wrong in procedure for a petition to be brought in through the Governor's message. They had ample opportunity over the last seven days to object to your message or to any part of your message if a member felt that this was wrong. So having allowed the message to come and having at that time last week made a decision that this House would deal with your message upon a future day as the President may appoint, the President appointed yesterday as the day and it was accordingly put on the agenda for yesterday, but we did not get down to that item. This is, perhaps, because I was among the first speakers on the motion which we dealt with yesterday and it drew out a long debate. Members were then prohibited from speaking and we had a very long debate, but thankfully, we have reached the point in time when we have arrived at this item on the agenda.

I want to say and I want to congratulate you, Sir, on bringing this message to the House. I think it was encumbent upon you to bring this message because your message relates to petitions which had been presented to you. One petition had been presented, your reply had been given and subsequently two more petitions were sent to you. Those petitions which you refer to in your message were signed by approximately 1800 people and that is a lot of people to be discontented. 1800 people is more than the total of the registered voters of Bodden Town, North Side and East End at the last election. 1800 people is also more than the total population of Cayman Brac and Little Cayman. 1800 people is also a bigger number than the total population of Grand Cayman in 1720, there being no people living in the other two islands at that time. So by any standards this is a large amount of people and it is very necessary that your message and the petition which is now a part of your message be examined by this House.

George Bernard Shaw, one of the greatest writers of modern times, said that it is good that people should be shocked, but it is also absolutely necessary for the progress of society that they be shocked often enough. I am going to make a shocking statement and that statement is that this petition, which was contained in your message, is one of the best things that has ever happened to this Islands because it was an awakening to the people, it was a slap in the face to Government to tell them that they had been straying. And if no other good comes from it and if no change at all is made much good will still have been done. And so when 1800 get together and prepare and sign a petition, there must be something wrong and we should at least sit down and examine those grievances as I hope the select committee will do later on and we must come up with an answer that is not only reasonable but is acceptable by the people, because after all your message would not have been brought if the people were completely satisfied, so we have a duty and that duty is to do right and if we do wrong to make every effort to make amends for that wrong.

I am not one that advocates marches and demonstrations and petitions but if they are necessary for the good of society and if they are necessary to keep Government in line then let there be petitions.

The two petitions presented to this House came one from the people of Grand Cayman and the other from the people of Cayman Brac and I notice that some smutty mind went along and put a peculiar mark against the signatures of certain Caymen Brackers that are living in Cayman

MR. E. CRAIG HOOGEN: (CONTINUING) and apparently had no right to sign the Cayman Brac petition - I don't know if we plan to export them, if we plan to send them back to Cayman Brac, but that is not a sore point with me. What is a sore point is that that same master mind went behind on this petition which you have attached to your message and picked out one or two unfortunate civil servants, perhaps, who dared to sign this petition. I know it is wrong for the civil servants to come to politicians but there is nothing in my book that says the politician can't go to the civil servants and I will definitely be checking with those people who have had the peculiar mark put upon their names, to find out if they are being intimidated in any fashion. So things have gone wrong here. One only has to look at the editorial in yesterday's newspaper and see that something is wrong because we are having marches, we are having petitions, we are having police work, that we never needed before and I say it is time that people stand upon their feet and exercise their right as citizens and that they come to government when things are going wrong, and they correct those grievances and they don't let them go too far.

We do not want to make the mistake that other countries have made by sitting by and letting things go wrong for too long and then find out there is no remedy - the time to stop is when these things are starting.

In your message, Mr.President, you broke down the petition into different categories, you picked out the most important points and you summarised those points in such an expert manner that it will not be necessary for me to go into the petition at all.. When I have finished with your summation of this petition I will have covered all its important points.

You correctly said that the petition is asking for Government to make amendments to existing laws and regulations, to remedy matters concerning which the petitioners feel aggrieved. In category A you first mentioned expenditure to be curtailed to essential projects. This will be a matter for the committee to decide, if there are any projects that can now be curtailed, if there are any that can now be cut out.

The second item mentioned is gratuities to be reduced. I know I feel that gratuities that we have already contracted for cannot be reduced because right away Government would be sued upon the contract Government had given to an employee. But future gratuities can be reduced. We now pay 25% as gratuity to a contracted officer. I feel this is too much.

In the Budget Address in December I went into all the figures on it and I will not burden the House today with those figures, but it was an enormous sum - I believe something in the vecinity of almost to half a million dollars - something like $400,000 being paid out during the year 1976 as gratuities. While only a small fraction of that sum will be paid to pensionable officers. Remember gratuities are paid to people who have only given you two, three, may be five years service while pensions are paid to people who have put in a life-time of work. So the gratuities are getting out of line. Also in December I traced the growth of money paid in gratuities over the last four or five years and there were percentage increases so astronomical in nature that even some Members of Executive Council were surprised, but we must look into this matter of gratuities and the amount of 25% which is now paid should not be written into any more contracts. It must be reduced to 20%, 15%, 10% or whatever the committee feels is reasonable. In fact, there are some jobs for which I would pay no gratuities at all. Gratuities, bonuses are normally paid to jobs that involve risks or high-sophisticated jobs, jobs of a very high technical nature - it should not be paid to every clerk or to every office boy.

Category C - refund to hospital fees and the petitioners say that these fees should be reduced or fixed or reduced on a graduating or sliding scale. One hundred per cent correct. Our hospital fees are the highest in the Caribbean for any hospital, including private hospital with may be one or two small exceptions. They are also the highest fees in the world for any Government -run hospital, and we can reduce some

MR.G.HAIG BODDEN (CONTINUING) of those items and we can fix some of them on a sliding scale on that a person pays for what he gets.

I would just mention off-hand one or two of the hospital fees that I feel should be reduced and the only reason why I am going into this, Mr.President, is because I have not previously been given an opportunity to say a word in this Chamber on hospital fees. You will recall that these new fees were made by Executive Council and they were circulated to the Members of this House. I received my copies long after the Budget debate had been concluded and I feel that they were purposely held back so that I would not be able to comment on them in the Budget debate. Yet the newspaper, in its editorial of the 8th of January told the world that it must first be remembered that these hospital fees had been submitted to the elected Members after they had been agreed upon in Cr.Co. This was not a true statement because it gave the public the impression that elected members had approved of the hospital fees when we had never even seen them. That was just another case of Governmental and terminological inexactitude being used to fool the public.

These hospital fees can be reduced. Two weeks ago I was shown a bill by a man who lives about two blocks away from the post office who had occasion to go to the Hospital and one of the items on that bill was for ambulance service - for a two-minute ride to the hospital that man is charged $75. Do you know that if any taxi driver made $25 for every two minutes that he would earn $750 a day? And if he worked 8 hours a day he would be a millionaire by the end of the year?

I have in my possession right now for report that came from a doctor, from a hospital in the United States - it cost me Five U.S. dollars - four Cayman dollars - a similar report from our hospital would cost $25 - this is exhorbitant. A report from an autopsy would cost $100 and that's only a matter of making a photo copy of the original report. Because if the autopsy is done the doctor who does the autopsy must put something in the file and if later I want a report it is only a matter of a cost of about 10% to get a photocopy of that report and that is $100.

If a person goes there to an out-patient clinic the charge is $10 just for the visit - if it is by appointment it is $15 and you can go to a private doctor for a visit for $6 or $7 and it is true that if a person needs some treatment he gets his drugs and all that for the $10 or $15 which he wouldn't get from the private doctor, but 9 out of 10 people that go to the out-patient clinic do not need the full treatment that would be available so these people, 9 out of 10 of them are paying for services which they do not receive and that is what I mean by putting these fees on a graduating scale. Like your ambulance fees - if the ambulance has to go a mile charge the man for a mile - if it has to go 12 miles charges him for the 12 miles and I could go on for hours on the hospital fees alone, but I just want to touch on a few of the other areas.

The First Member from Bodden Town mentioned this week or last week on the debate on the throne speech that it was a disgrace the way the poor people had to go around to prove that they were poor in order to get treatment. So far we have had no answer to that criticism, but I know when I get through we'll get answers. Because while I may not be loved in this Chamber you can bet I'm feared and respected.

We should not do this. I feel that the people who can pay should pay - those people who cannot pay should not pay. Those people who can pay are willing to pay but they must only pay what is reasonable - they must only pay what is just. They must only pay what is equitable - they must only pay for the services they receive and I know it was necessary to increase the hospital fees but increasing the hospital fees is not going to put more money into Government purse under the present administration. We need a proper collection system where those people who can pay will be given bills which they can pay and if they do not pay those bills that follow-up work is done and that Government gets this money. There isn't a single Caymanian that can afford to pay his hospital fees but what would pay if the proper procedure is used.

Now,Mr.President,in a reply on this same matter correctly pointed out that the hospital would cost a lot of money to run this year - I think it is something in the vacinity of $900,000 or something and that we would be getting just a small revenue from the hospital - that is correct. But there is one point I would like to make on that, Sir, and that

MR. G. HAIG BODDEN (CONTINUED) is that of that cost of $900,000 almost $700,000 goes into salaries - the actual day-to-day running, apart from the salaries is about $200,000 and of course, that figure in the Estimates /is really for all the health services, even including the garbage collection. The point I am trying to make is that people who go for treatment should not be expected to pay the doctors' salaries or the nurses' salaries, since this is a Government institution - this is the vast difference between a Government- run institution and a private institution. If you go to one of the private doctors that doctor is paying rent, he is paying a mortgage on his clinic - he is paying his staff, but here tax-payers' money from other sources are used to subsidise the hospital and we should not be attempting to make the hospital rates so high that the hospital can become a money-earning institution.

One thing we must remember, that the medical services of any place will only be used by the person's ability to pay, so if we just put out rates, high rates, exhorbitant rates, we really are not doing anything because what will happen in the long run is that those people who had been paying before will continue to pay but they will pay more and those people who had not been paying will not pay. You cannot run a hospital or any other business unless you are really on the ball. You can't run it from a glass-cage, you can't run it from a swivel chair and an air-conditioned office - you must be on the job. And I feel that our Hospital has suffered in the past, because the fees which should have been collected from people who had the ability to pay were not collected, and that is why we are asked today to pay such a high rate.

In Category A there is mention ' taxes to be cut by 50% ', but that item does not really mean all taxes. I think it refers to the recent increases that came at the end of 1975 - this is something that will have to be examined, some of them can be cut by even more than 50% - there are some of them that we might not need to cut - it is something that the Members of the Select Committee will have to examine item by item and make a re-appraisal of the situation and come up with an acceptable answer.

Luxury items to be taxed - We have under our laws some items that are now dutyfree and it may be possible to take a few of them out of that category. There are perhaps some items that are now considered luxuries that Government will have to understand are not luxuries. Our Government by its attitude has said over the last few years that the automobile is a luxury. By its constant increasing of taxes, its constant increases on licenses and its recent increases under the Customs Law of the import duty Government must be thinking that the automobile is a luxury. It is a necessity - this Island would stagnate if all the motor cars were driven down to the edge of the sea tomorrow. How would people get to work? How would people receive their goods? How would people move their furniture? So it is not a luxury - it is a necessity and our recent attitude in increasing the import duties to thirty-three and a third percent was wrong and this is perhaps one item that could be reduced.

(f) says preferential duty to be restored. Now this is one item in the petition that I will not support and the reason for it is that when the preferential duty was taken out of the law very few day to day items were affected and of course it was taken out because we are now a part of the European Common Market and one of the conditions for the United Kingdom aid in the Common Market is that the tariff charged on imported goods must all be the same, regardless of the countries they came from. There was only one item that was really hard-hit in this and perhaps something might be done with that and that item was butter. We know that the countries that enjoyed the preferential tariff when butter came from those countries, we paid a 15%, if it came from a non-preferential country we paid 20%. But the situation here is that probably more than 90% of all the butter coming to this Island had been coming from Australia and New Zealand so that while their butter was 15% it will now be 20%.

MR. G. HAIG BODDEN (CONTINUING) The other items that were affected by the preferential tariff were really small. We have the item of building cement, which no longer comes from a Commonwealth country - we are no longer importing Jamaica cement, most of the cement coming to this Island now is coming from Honduras and Colombia, so that when we remove the preferential tariff from cement there was no increase to the consumer here. If the cement had been coming from Great Britain or from Jamaica we would have increased the price, so that in effect cement was not really increased.

We also have some items like cigarettes that were affected by a small margin, because the difference on these items between the preferential and the non-preferential was so small indeed that it would hardly be noticed in the transaction. So I really dont see the necessity for restoring the preferential duty. Now we can't, in effect, restore the preferential duty but if we want to consider say, the one item, butter, we could put it in a different classification, in other words, we could put that in with some items of food-stuffs that are now 15 %, so that the butter would be 15% no matter where it came from - we could do that, but we can't put it back in a preferencial plan, because we would be going contrary to the requirement of being a member of the European Common Market. So if the select committee feels that they would like all butter to be 15% we can do that.

Category B. covers two areas that are close to the hearts of all Caymanians and must be close to the hearts of anybody who thinks at all. Those two areas are the proposed development plan and the restoration to the rightful owners of the swamp lands and cliff. The proposed Development Plan is not yet in effect - the petition is asking that that plan be abandoned; the petitioners are right. But today the plan is having its effect on this Island although the plan has not yet been formally presented to the Assembly. One can only wonder what effect it will have, if that proposed Plan becomes a reality.

There are many fancy words for describing what is done under this plan. Certain lands are going to be zoned away; certain lands are going to be white-landed away; certain lands are going to be quick-lived away; certain lands are going to be protected, mangroved away; certain lands are going to be agriculteralised away; certain areas are going to be totally devestated. But all these fancy phrases, Mr.President, do not correctly describe what is happening under this plan. No compensation is being offered and in my opinion the only word that correctly describes what is happening is "theft" and this is going on to the people who can least afford it - widows and orphans and other people. I have here in my possession a letter written on Government's stationery, from the Director of Planning to a widow whose husband left her, besides a few young children, nothing but a few little pieces of land. And let me read to you what has happened to that land. The development potential is one house per acre, and in some of the instances it is one house per five acres ,,in other words, if the land was worth $5,000 and you could put two houses on it it is now worth only half as much because you can put one and if the land could take 10 houses now you can only put one, or you can only put two and where 5 acres would have taken 5 houses, now five acres will take one house. If the land was worth X amount of dollars, if this plan is passed as proposed it would be worth one tenth of an X - what is this? What happens when a person who has lands will no longer be able to use it when the land will be marked for posterity and will not be usable during the life-time of the owner - is this not theft, if we are not offering compensation? And this Government is not in a position to offer compensation.

I wonder if this Assembly is really going to accept that plan when it comes?

The most disturbing part of this whole exercise is that you told me in your Throne Speech that it now looks like this plan may not be available before the House dissolves. So I can see one reason why such a plan would not be presented on the eve of an election

MR. G. HAIG BODDEN (CONTD.): If that plan is presented in our June session, and dealt with, and the public is not satisfied - in October they can change the Members of the House, who can set that plan aside, but if this plan does not come before October, they will have to wait four years before they will be able to show their disagreement with the Members who passed the plan. This is very disturbing news, because one year ago my colleague from Bodden Town and I brought a motion to this House asking that Government give two months for the public to study this plan, and this Assembly would not do it - they gave us one month, and they thought they were being generous. One year ago this House would not give two months for the public to study this plan - that is a fact, and yet today, one year later the plan will not be presented this year.....

MR. PRESIDENT: If the Honourable Member is prepared to take his seat at this stage...we might suspend for fifteen minutes. I suspend until twelve o'clock.

MR. G. HAIG BODDEN (CONTD.): Mr. President, before I move off the subject of the Development Plan, I would like to state that I am not the author of this plan - the proposed Development Plan came into effect in 1974, or rather the Law which required this plan to be made - came into effect in 1971. Long after that, in November 1972 I became a Member of this House, and when I came here I found the Development Law, which required A Development Plan to run it, but my colleague and I also discovered that The Development Law said specifically that a Development Plan should be presented to the House within one year - this had not been done, yet the Planning Authorities were acting under this Law in whatever manner they felt like, and the First Member from Bodden Town and I brought a motion to this House asking that Government comply with the Law, and subsequently this plan was presented.

The point I want to make clear is, that The Development Law is worthless without the Development Plan, and that actions taken under that Law must be contrary to the Law, because every other line in it refers to the plan, and we yet do not have a workable plan - what is proposed for a plan will not serve these Islands - this petition in asking that the plan be abandoned - but the Law requires that there be a plan. But the Law does not require that there be this plan - what the Legislators had in mind in 1972 was that there would be a plan that would suit these Islands, and this all that the petition is asking for. So when it asks for the abandonment of the plan, I don't think the petitioners are asking that we break The Development Law - all the petitioners are asking is that we have a plan which is suitable - a plan which is acceptable by the people of these Islands.

There have been complaints that the Planning Authority has been using this proposed plan, perhaps the interim plan under which they are working is equally as bad. and it is time to get rid of that interim plan, and to present the people of these Islands with a plan under which they can work. And so I am asking that efforts be made to expedite the presentation of the Development Plan, not it before the House/the General Election in October of this year, so that if the public find that the proposed plan is unacceptable, they will be able to go the pools, and they will not need a demonstration. This would be one way of avoiding a future march present the proposed Development Plan to this House, so that the House can deal with it before the House is prorogued at the end of this year, and if the public then find the plan unacceptable - they can show their dislike for it by changing the composition of this House in the October elections.

To hold this plan back any longer is a disservice to this country, because the Development Land Law went into effect in 1971, and here we are five years later still without the plan which was mandatory under the Law, and the reason why no plan is here is because certain special interest groups cannot get what they want.

MR. G. HAIG BODDEN (CONTD.): One year ago (this was mentioned earlier) we brought a motion asking that Government give the people time to study this plan - they were given just one short month, and we are here nearly two years later - one year later - and the plan cannot be finalized... Why is Government dragging its feet - do you know what this doing to the economy of this Island - we have investors that won't invest - we have people with money that won't spend it, because of this delay. They don't know what is going to happen to the land, they say - they don't know if they will be able to use it - they don't know if it will be white-landed away so that even future generations cannot use it, and this is having its effect, and it is necessary that our Government deal with this plan. Present a plan - scrap the plan, amend the Law, this would be another way of getting rid of this Development Plan - the Law could be amended, but as long as the Law on our books says that there must be a Development Plan; it is our duty to present this plan.

The second part of this petition which I said would be dear to the hearts of our people, is that part which asks that swamp land cliff be released to the claimants, or the owners as stated in the petition.

The Cadastral Survey was on the way when I became a Member of this House. On the very first day I sat in this Chamber a motion was (a message I think it was) presented by your predecessor asking that Government absorb the cost incurred, or a part of the cost incurred, under the Cadastral Survey. My colleague and I were against this, and from that minute onward we/were/ men. We were not accorded the many courtesies shown to the new Member this week, because we dared to speak against the Cadastral Survey, and to make it even worse, not only were the Members here exceptionally rude to us on that day, 13th of December, 1972, but some of the people on the outside were also rude, it is a pity that people hadn't stood behind us then, and we may not have been here today asking that Government give back swamp lands, and still lands.

This was debated fully for a whole day a few months ago, when a motion was brought to this House trying to give back, or get back these lands, and I will not go into all the details of the Cadastral Motion, but to my mind this item here is by far the most important item in the entire petitions, because the Development Plan is not yet a fact, it is only a proposed plan, but people have lost their lands, and that is not an opinion, that is fact. It is my opinion that they did not lose these lands in accordance with the Land Adjudication Law. The Land Adjudication Law plainly states that our local customs should be followed in determining the rightfull owners of these lands.

A few months ago we pointed out from the minutes of this House, and from the little black book that we heard so much about that it had been accepted by this House that our local custom was that those who owned dry land would own part of the swamp, but that is not the interpretation of the Adjudication Tribunal. They say that if you own the foreshore, because Government owns up the high water mark, it entitles them to part of the swamp. So our local customs have been set aside, although the legislators who pass the Land Adjudication Law had enshrined/it to protect the rights, and/freedoms, and the privileges of land owners. Many subterfuges were used. We brought into this House documents dating back to 1911, which gave ownership of swamp lands right down to the sea in favour of the person who held the document, and we brought into this House judgments handed down by the Tribunal, which said that those documents were ancient and ambiguous - who ever heard such nonsense - there is no way a document can be too old, the older it is the better it is, but there was no other way to get around the fact that the document said bounded on the North by the sea, so the person dealing with that document had to say it was ancient and ambiguous. And furthermore witnesses have been used - Government witnesses, to testify that all land belongs to the Crown. I explained this three months ago saying that that passed away with the passing of the feudal system, and it is now accepted that land does not belong to the Crown. The owner either by possession, or by documentary evidence, can have just as good claim on the land as the Crown. Claim which is full, and undisputable.

MR. G. HAIG BODDEN (CONTD.): It has been said in these hearings by witnesses, and I call them false witnesses - that there were no land grants in the Cayman Islands, and hence all the land here still belongs to the Crown, and we only use it. That in the History of the Cayman Islands written by Neville Williams, which history has been authorised, and has been published by the Government of the Cayman Islands, you can see that the Cadastral Survey went wrong, when they determined there were no grants. And to prove this point in favour of this most telling line in your message, I would crave the indulgence of this House to read from this History of the Cayman Islands, which has been published by the Government of the Cayman Islands, and show you that the very lands in dispute were granted to these people.

A year before, on the 7th September, 1734, there was made the first royal grant of land in Grand Cayman, to David and Mary Campbell and John Middleton. This grant was issued by the Governor of Jamaica in the form of letters patent. In consideration that the three grantees both transported themselves, together with their servants and slaves into the Island to become planters, they were granted 3,000 acres, (and this is the telling part) The bounds described in the document were, to the North upon the sea and the Grand Sound; East on the path leading from the Water Key to the South Settlement at the Spit; South-West on the Key Cives and West on waste lands the West of Abraham's Plaintain Walk". And there were other land grants, but I'll only mention a few.

"In 1741 Trelawny (was the Governor of Jamaica I supposed ordered Richard-Jennings to make surveys in the Island, prior to issuing three further grants of 1,000 acres apiece to Samuel Spotswith, William Foster and Murray Crymble. A new feature of these grants, compared with that of 1734, was the proviso that if, within the specific bounds, anyone could prove before a Magistrate by testimony of two witnesses that he had already cleared grounds and was in actual possession of them his rights would be protected". This/where the system of owning land in Cayman by possession came into being. Yet people in this Island who know that their families had owned lands for three hundred years, are now deprived of it by the procedure in the Cadastral Survey.

The last grant I will refer to is this one - "More significant was the issue of the last of these series of crown grants of 1,000 acres to Mary Bodden on 6th January, 1742, after a survey of the property had been made the previous November by Thomas Newlands. Newlands, who gave his name to the Newlands district, was by trade a timber merchant, like John Middleton". The very lands that have been adjudicated in the favour of Government. And one other telling fact is this statement. "The only tenure by which inhabitants of the Caymans held their land is possession". This was because they were supposed to pay annual rents, and that had been forgotten by the Administration in Jamaica, and the people were living on the land without paying the rent.

We have in our possession copies of these grants taken from the archives in Jamaica, and I will only show you one of them, made out to Mary Bodden, and the boundaries on it clearly states, "on the North on the seashore'. So there is no getting away with the fact that these people who had owned, and had enjoyed these lands, must feel that they have been taken advantage of. I don't know what Government is going to do to reverse this situation, but it needs to be done - I don't know if we need a Royal Enquiry to go into it, I don't know if we need to authorise the Judge of the Grand Court to look into it, but certainly something must be done.

Category B, in this petition, in your message is next - for the benefit of Members I will not be dealing with all of this because I am still on the first page - asks that the Constitution be changed to abandon the principles of collective responsibility, and to provide two Members for East End and North Side. Category C, is an item on which I will refrain from voting, if I am on the select committee. The reason for this Mr. President, is that at the time of the last election the evil forces which were working against me spread the rumour that the First Member from Bodden Town, and I, were seeking full

MR. G. CRAIG BODDEN (CONTD.): Internal Self-government, and we wanted to change the Constitution. We told the people in Bodden Town that we were not going to break the Constitution, and I will not break that word. But after the October election, I might consider it. But at the present time I am duty bound by my word, not to seek any amendment .....

MR. PRESIDENT: I think, if I might intervene the Honourable Member is talking about an October election, the premier is talking about a November election, and no date has yet been determined.

MR. G. CRAIG BODDEN (CONTD.): Thank you for that correction, Mr. President, I trust that there will be an election this year.

When I rose a most in the 1976 election, I can say to my people, I believe that the principle of collective responsibility does not work well in a small Legislature. It is very good in the House of Commons, or in the British Parliament because there your cabinet is only a small fraction of your total membership. Here our cabinet is forty-six point seven per cent of this House, and there is always an addition to the collective responsibility, there is what I would call contingent responsibilities, which also attach themselves to the collective responsibility. So I think that the principle here is wrong, but I will not do anything between now and November to ask for a change.

I remember that election so well, because I understand the Constitution, I understand that in this constitution, we did have a form of internal self-government - there is no getting away from it - we do have Internal Self-government to a certain degree, and we told the public this. Other interpretors told the public that was not so, that we were trying to get self-government. Anyway, all of that is water under the bridge, and the facts have borne out our words that we do have Internal Self-government, and it has been working.

The second part to change the Constitution to permit two Members for North Side and East End, that is really not my business at all, but I will say this if the Member from East End should propose a Motion from his people in East End (I am not talking about the present Member, Mr. President, I am talking about whoever is the Member after the 1976 election) if that Member should come to the House, and say my people in East End want two Members, I will go along with any resolution to be sent to the Colonial Office for a change in the Constitution, but I don't think I should really interfere in the internal workings of East End. North Side is a different matter.

Category D. details of Government contracts to be made available to Elected Members.

I am very proud, Mr. President, that this morning you made an announcement to the House, and if I heard you correctly, you will shortly be making a statement on the matter of the publication of Government contracts, also you will be putting out a paper on collective responsibility, and I await those papers. If I have your permission, Sir, and if you feel that I am not moving too hastily, I will move to do this message.

You say in this message that all matters that I have been talking about, with the exception of taxation on luxury items have been considered in the context of the 1976 Appropriation Law, which was approved by the Legislative Assembly. That is quite correct. The petitioners are saying that they do not agree with the decisions made, and the laws passed, and the Regulations approved. So we will have to examine them again in the light of the eighteen hundred signatures.

You correctly point out that unless there is a decision by the Assembly, to reduce expenditure, or to get revenue from other means, we could not really reduce the taxes. But I witnessed an exercise here yesterday, where in effect we gave away fifty thousand dollars, and I am wondering if we had refused the taxes on that this year we have collected fifty thousand dollars from the new increases, would we have been any worse off. The point is, if a person wants to do a thing, it is in his hands, and he can do it.

MR. G. CRAIG FORDEN (CONTD.): You mentioned the fact that we will have to seek means and ways of getting additional revenue, if we are to cut this. But there are several avenues of taxation, which have been talked about in this House, but which seem to be delayed for some reason or other. There is the registration of ships, which we are told would bring over a million dollars in revenue per year. You have set up a committee to go into this matter, and we hope that the committee will soon have a report for us. There is the oil terminal in Little Cayman. You pointed out in your Throne Speech, that nothing concrete has really been done, because Government has not received a firm proposal for this as yet, and also the previous enquiry has not come up with the data which Government will need to make a decision. These are two big items, and would give us a lot of revenue.

The point I want to make here, is that Executive Council must do everything in its power to speed the implementation of these two revenue earners. But there is one other way to get revenue, and that is the way we have gotten it in the past, with the exception of 1975. And that is from an increase in business in these Islands. Of course, that would mean doing away with the proposed Development Plan - it would mean doing away with the restriction on business operations. For many years our expenditures increased, but we were able to keep pace with them without all of this additional taxation, because the businesses were increasing, people were importing more goods.

I believe last year, for the first time in many years we did not see a substantial increase in customs duties, which is the main source of revenue for this Island, and I understand that this year we may not have a substantial increase again. So this is one way of getting revenue - increase your business base, but to do that you can't have a plan that investors can't work with - you can't have a plan that keeps them in abeyance - you can't have a plan that will frighten them away.

Now, for the petition from Cayman Brac and Little Cayman. They too object to the increased taxation imposed in the 1976 budget - they should, and I was expecting them to object, because the people of Cayman Brac have good sense, and anybody here who has good sense will also object, because there were too many things happening at one time. The taking away of land, the confiscating of the earnings of a life time, the increased taxation, its too much. The people of these Islands would probably have accepted any single measure mentioned in this petition, but they could not swallow all of it. In the Cayman Brac petition they request the deduction of expenditure by drastic retrenchment, but they must use strong language to get their message across. We know that the Cayman Bracers do not mean that you must go out and slice in half, and you must go out and stop work on everything, they do not mean that, but the language is an indication of their feelings - for out of the abundance of the heart the mouth speaketh - and their request for the reduction of expenditure by drastic retrenchment, is a noble request, and one that should be followed.

The other petition mentions the same words, but we do not have as varied, and as colourful a vocabulary as they have in the Lesser Islands. The petitioners in Cayman Brac, state their dissatisfaction with the recent increases in hospital fees. In the Lesser Islands they have built their own hospital, and I know if they had to do it, they will take it away from Government, and run it themselves, rather than being abused in the manner they have been. It is not necessary to make notes, I know in the Lesser Islands they will have a cut of fifty per cent of the charges, but their hospital, the capital cost was provided by the people of Cayman Brac, and they should not be included in these exorbitant fees, which have been imposed. Fees that have come from another land, fees that have been imposed from people, that should not have had the right to set fees. The hospital fees of which these people complain, in Cayman Brac, were set under Health Laws, and the reason why Executive Council was able to set these fees, is because this Legislative Assembly passed a Health Law giving Executive Council the power to make the Regulations and prescribe the fees. This is wrong, it is wrong to have this any Law, it is one thing that the other Member from Bodden Town, and I, have fought ever since we have been

MR. G. CRAIG BODDEN (CONTD.): Members of this House.

We should not pass a Law, and then leave the most important part of that Law to Executive Council, but the Assembly did, and we are part of the Assembly, but I said yesterday, it did not have our blessings. It is so easy to pass a Law that gives Executive Council the power to make the Regulations, it is so easy, and it relieves the other Members of a lot of work, but it is not right. We should not leave the taxation of the public to the four Elected Members in Executive Council, each and every Member of this Assembly should be responsible for the taxes imposed.

The Cayman Brac petitioners raised objections to the draft Development Plan, but is there any country in the world that would not have raised objections to that Development Plan. If I understand the motion that is before this House, it means that for now we will only debate your message, then when the Members have expressed themselves, and I have no doubt that all the Government Members, will be required to answer me, when that exercise is complete we will go into a committee, which will probably meet in private, and go through the petition, clause by clause, and recommend to a full sitting of this House what changes, if any, should be made, and therefore it is not necessary, Mr. President, for me to use up the time of this House, there will be opportunity when the changes are made for the public to see how their petition has been treated. So with these few very kind remarks today, Mr. President, I thank you.

MR. PRESIDENT: I think this might be a suitable time to suspend. I Suspend until 2:30 this afternoon.

HOUSE SUSPENDED AT 12:50 P.M.
HOUSE RESUMED AT 2:30 P.M.

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

Before we start I'd like to command the treatment of the last speaker on this motion; he stuck very closely to the message by the Governor, which I think guards against the precedent that the First Elected Member of Executive Council was so anxious to guard.

MR. JOHN D. JEFFERSON: Mr. President, and Honourable Members, as always the public has never had no Members here in this Chamber had any reason to wait for any period of time to find out the feelings of this Member that represents the district of West Bay, one of three.

Mr. President, I wholeheartedly commend you for having in your wisdom brought before this Legislative session the message concerning the petition, that had been addressed to you, and Members of the Executive Council.

I feel, Mr. President, the reason why I was one Member that was first to get on my feet, and make a motion that this message be debated by the whole House, was because I too like to feel that I championed the cause of the people. I feel that we cannot now, or any other time disregard, or ignore any thing that is brought before us by the public, yet I could say this, that the procedure in the House this morning could have been done more rapidly and swiftly, had some Member brought himself.

Mr. President, I believe that this petition here this morning, or this afternoon tells everyone of something. I believe that your message in relation to that petition, tries to show that this Government has never yet, and I don't believe ever intends to try to evade any issue, that could be of paramount importance, that reflects the feelings of the people.

Your message as stated before us is also evident that you feel, that it is rightly the job of this

MR. JOHN D. JEFFERSON (CONTD.): Legislature, and not yourself, with the greatest of respect, Mr. President, to deal with a matter of this sort. This happen to be one issue before me, that I haven't taken very much note, or haven't taken a great deal of time to prepare notes of which I want to speak from, because as far I am concerned, it can be spelled out quickly, and it can be dealt with in detail just following category by category, letter by letter, and I am sure that we won't miss too very much.

I too want to say, Mr. President, and join you that I appreciate in some aspects the way the previous speaker dealt with this. Not that I agree with all that he said, but the fact that he didn't go/anymore detail into some matters.

Mr. President, I believe that the door is open/and has been opened to any grievance of the public, or Members. I will say this with the greatest of respect, that being an Elected Member from 1968 until now, I have never found any door in Government closed when I was seeking information, or when I was trying to get to a source that could be of benefit to, may be the problem that I was trying to solve. You have made your offices/available to both Members, and to the public, and I am sure that anything that this message speaks about here today, could have been accomplished and achieved, the same goal could have been brought in using the offices that are open to grievances of this nature, or any other kind.

In my opinion, Mr. President, this Message dealing with the petition only reflects disagreements on certain matters that have been dealt with by the Members of this House.

I am glad that I live in a society, and in an Island where, as far I am concerned, I enjoy freedom of speech, freedom of expression, and certainly, Mr. President, let me assure you that here is one Member that goes on record as saying that those freedoms, as far as I am concerned, will always be enjoyed by me, because I will never accept any infringement upon the rights to be able to speak out, or the right of expression.

Mr. President, let me go on and follow the categories laid out in your message. Category A, expenditure to be curtailed to essential projects - well, I wonder if we are not aware that some of the essential projects, which we have embarked on for some time - the money that we could/have saved from curtailing some of those projects, or trying to curtail some of those projects, would no doubt be just as expensive to us in the future, because we have made certain commitments.

Gratuities to be paid to employees of Government to be reduced. Mr. President, I would challenge any Member of this House - who has worked harder, who has chased after some of these essential things, but it boils down to one or two things - if I am not a plumber and I need a plumber, which means that - if the plumber tells me his sealy/three dollars an hour, as far as I am concerned, if I need a plumber then the alternative is/must - if I need the services of a plumber, I will have to pay. I cannot see how the gratuities at present, and I think that this is something that we could go into in detail, but I believe that one of the things that we have to realize is that we have been providing facilities, that we have been bringing in/people that have been able to help us provide know how expertise in various fields, and these people are in demand - I don't say don't look at it, I am not saying lets rub it off and forget about it, but I will agree with the previous Member, and I think this has been the exercise of this House - why have we been making/money available for scholarships, why has this Government been spending more money in courses overseas - why has this Government been bringing in people from the outside to hold courses and training and different things - is because we see the dire need - because we see that there is a real need to help our people to qualify, to fill some of the essential positions.

Let me say this one more time, I think it is worth repeating, in spite of anything anybody says, I think the Cayman Island are unique in one position, and that is why a lot of developing and independent countries, have had foreign expertise at times shaping policies - no policies are determined in this country by anybody from the outside.

MR. JOHN D. JEFFERSON (CONTD.): Category C - hospital fees to be reduced or fixed on a graduating , or sliding scale. I was somewhat surprised, and wonder where the Member this morning got the figures, when he said that the figures here in the Cayman Islands hospital was the highest in the Caribbean. I know he couldn't have gone beyond the shores of Bodden Town - the great district - the First Elected Member.

Mr. President, I can remember in just a very short time ago, when every time that C.A.L., or any other plane left (B.W.I.A before that) for Jamaica people were leaving these shores to go to Jamaica, and other places for the simplest of medical attention. My constituency told me, John you've got to do something about the medical services - haven't I done something about the medical services - haven't we all here done something about the medical services - haven't we remembered when we lived here in a little Island, a little cubby-hole where if two or three people were sick they were stuck, and sometime the doctor stood there all night long watching after patients - I remember those days, and I think the public needs to be reminded of those days, Mr. President.

I would ask, or challenge anybody to go to one of the private doctors in this country, (and I think they are doing a good job), but go to one of them, and have a medical examination, may be you need a shot, then they'll write you prescription, may be you go to the drug store to pick it up, and come back to this Legislature and show us what the tab is. I would say in all sincerity that possibly where we made a goof... and I don't believe we really made a goof, because I believe that essentially, what we are trying to do, we're trying to provide a maximum of medical benefits and services at a minimum cost.

Take today, Mr. President, I've heard - people use the illustration, well you went to see a doctor, you had a cold and he gave you may be a couple of pills, or said go home and get some rest, and drink a lot of liquid, and that is all you need. you say you pay ten dollars for that. But wouldn't it be also fair to say that Susan went to the doctor, they've medical examination, he sent her to the lab to have a lab test, he gave her another slip and said go over and have an x-ray, and come back and prescribe drugs, all for the fee of ten dollars. But what if Susan didn't have ten dollars, she could get them anyway. There is nobody in this country that can't get medical attention free.

About a week and a half ago, I called the Probation Officer, and I asked her how many people right now that are getting free medical attention. She said Mr. Jefferson, I am just now bringing up the total, she said I have eighty-eight to date, and a lot more coming. Some people use the illustration - you go into the theatre to get a toe nail taken out, the doctor charges you seventy-five dollars. You could use that illustration as effectively, as a man using the one, that he went to the hospital to get a vaccination, and the fee was ten dollars. That could have happened when it started, that doesn't happen today. A man that goes to the hospital to get a vaccination it cost him four dollars.

The new introduction of fees, Mr. President, is new to our people, and I am in great sympathy with our people, because I don't believe that our people - eighteen hundred people would sign a petition, and bring to this House, or try to get it to this House without some concern of theirs, but what I will say, when the Member this morning said, that this petition is one of the best things that happen - it is a slap in the face of the Members of this Legislature. I believe that is exactly what that Member intended for it to be. But let me tell you this, I believe I know our people as well as anybody else, and I believe that deep down in the heart of every Caymanian, the only thing he really wants is what he feels is fair and equitable. And I believe that when the introduction of the new fees, which I know it to be a fact, the public was misinformed, certain people in responsible positions didn't give the public the truth, which they are entitled to know.

Mr. President, so many times I run after rumours - to search them down, and find out in so many instances that there is not an inkling of truth - somebody wanted to twist it - somebody want to stir-up somebody else, so they told them a prefabrication.

MR. JOHN D. JEFFERSON (CONTD.): Taxes are asked to be reduced by fifty per cent. Mr. President, when we think in terms of taxes, then we think in terms of all that we are trying to provide for our people. We are trying to provide them with up-graded, and better medical services, we are trying to give our children a chance to get a good education, and a lot has been done in that respect. We have doctors over-seas today that are qualified Caymanians - qualified doctors and they are Caymanians, and a few years ago there wasn't one doctor that came/ the Cayman Islands, or to be a citizen of this Territory. We have built better roads, I talked to a Taxi driver yesterday morning, he said John when I realize the kind of roads I drive my car on, when I realize the savings that I am going to make in maintenance cost, he said the little increase in taxes isn't that much.

Mr. President, I think when we send this message to a Select Committee, that in all sincerity we should carefully go through each item, we should carefully once again go through the message, and again search our hearts, because there always comes a time of heart searching, at least I always take time to search my own heart, and what I've found out is that its not the man that shouts the loudest, or makes the most noise that is the most sincere. But I believe, as far as I am concerned, we have been searching our hearts, we have been trying to find every way to curtail increases in taxation. They are asking that luxury items be taxed, well, lets examine them, but on the other hand let us make no mistake about this, that is not anything new in other countries.

People that come these shores, if th can buy a camera cheaper in Grand Cayman than they can in Miami, don't you think that that is also an incentive to help - they come on these cruises, or go on vacation, they will be picking up some of these luxury items, but I am not saying don't search it, I say lets search it, lets look into it again.

The preferential duty to be restored. The other Member said he will not support that part of the message.

Category D, deals with, and I am glad that it comes just that way, the proposed Development Plan for the Cayman Islands. Mr. President, here is one time that as issue has been kicking around, and the Members of this House, I've heard a couple of Members in public meetings, but the Members of this House have never had an opportunity to deal with the proposed Development Plan, and it might have surprised some people to find out the Members of this Legislature might have had as much or more, than some people in the private sector to say about the Development Plan, but don't go around with petitions to get people to sign against a proposed Development Plan. The Government in all of its sincerity, soul searching, says alright there are objections lets go about the democratic process, lets set-up a tribunal, lets hear the petitions one by one.

I went to the tribunal one day, Mr. President, and it wasn't long in my heart before I realized that the Development Plan was a political thing, not the people. People had been taken advantage of, people had been misled on that same thing, we haven't had a chance to speak ourselves, speak our piece on the Development Plan. I can tell you this, the way it looks to me, by the time it gets to Members there won't be much that we can say except, well the public doesn't have any objections to it any more. So I believe this will be our plan, one piece of enacted Legislation that the people would have enacted it before it comes to the Legislature, it only be, no doubt a matter of ratifying what the people have done. That is the way it looks like to me. I can assure you this, when the plan is brought before the Legislature, and let me tell you this, Mr. President, about the previous Member saying that he knows that it will shelved until after the election, because Members don't want to deal with it. Let me tell you this, here is one Member that stands up and wants to be counted on any controversial issue, nothing to be afraid of, or nothing to be ashamed of. I try my best to serve my community, and to represent my people, and give the district to which I represent honest, fair and enlightened representation.

MR. JOHN D. JEFFERSON (CONTD.): When you hear people, and I can't blame the public, because when I hear responsible people saying that the reason why we don't have any jobs in Cayman, is because the Legislature have killed it with the Development Plan. What has happened to the seven point eight million people in the United States that have been unemployed - what has happened to New York city that has been on the verge of bankruptcy for the last year - what has happened in the United Kingdom, an unemployment of one point two five, have these countries also rejected this proposed development plan, Mr. President, we must be sensible, we must lead our people, we must inform our people, we must be honest with our people, we must help our people to realise, that no Legislator within the walls of this Chamber could say, one way or the other in relation to the recession.

In a country with the resources of the United States, and the suffering that has gone on in that country for the last year, my friends, when you find twelve elected Members with a population of about thirteen thousand people, with a country like that, and our mother country, with the resources at their disposal, and the recession has had the hold that it has in that country, why don't we be honest enough to tell our people, that as far as we are concerned, the recession has taken its toll, but thank God that Government with its wisdom of starting some of the essential projects has cushioned, and made the period of recession of unemployment shorter than it would have been otherwise. Why don't we take time out to tell our people some of the good things that this Government has done, and is trying to do for them.

Swamp land and cliff be released to the claimants, and stated to be owners in the petition. Now, Mr. President, if I am going to give the people of this territory, honest and enlightened representation, I can never now, nor any time in the future give to any individual what this Government should hold in trust, and hold in trust for the people of the Cayman Islands. I am one Member that have brought a motion to this House many months ago, when I brought that motion the adjudication was going on, in my own district, and what did I say in my motion, I said that Government should get out and lay claim to the lands that truly belong to the citizens of this country. I have no fear or favour, I could not care less who I offend in this issue, because I am fighting the people's cause, Mr. President, the land belongs to the people.

When The Adjudication Law was brought before this Chamber, I was one Member that got to my feet, and said that if the land registration and adjudication, that had been carried on in the Turks and Caicos, and some of the other islands, that some Members from this Chamber should be sent to those countries to be able to investigate, to be able to satisfy themselves, that the process of Law was sound, and was working in the benefit of the people. This Government sent two Members of this Legislature, and one of the Administrative Secretaries to the Turks and Caicos Islands, and we had opportunities of going into the meetings, when those meetings were held, hearing the grievances of the people expressed, if they had grievances, seeing the process of Law brought about, going to the Law society and finding out their reaction to the adjudication, and later on to the Registration office. I left that territory, and felt this way, that we could never bring anything better to these shores, I am still waiting for us to /put the system of adjudication and getting our land on the Registry /and as far as I am concerned, it is one of the finest systems in the world.

One of my best friends, I remember some like ten before he died, he wanted to be able to borrow some money to buy a car, and he had a piece of land - he gave it to the hands of some lawyers, they went through it to check the title, Mr. President, about six months later they were still checking the title, about six months later they were still checking the title, and he couldn't have a clear title. Today you can go to the land registry office, and in about fifteen to twenty minutes, anything that needs to be known about your parcel of land, anything you need to do in order to be able to mortgage that piece of property, or sell it

MR. JOHN D. JEFFERSON (CONTD.): in a period of about fifteen or twenty minutes, it can be done. You tell me that that doesn't benefit the country. When we were in that process in this Legislature, I had some disagreement with Members - the problem of local customs - they said well, if here was a piece of dry land, and here was another piece of dry land, and there was swamp in the middle that the local custom was that we split that land in half - half belongs to the land on the right, and half belongs to the lot on the left. Well, if that is good enough for Peter, it ought to be good enough for Paul.

Government said look, it's established that tidal swamps belong to Government, well, they said if your using local customs, and this is the tidal swamps, then we ought to be entitled to the piece of land in the claim. They have made claims, they have lost some, they have won some, but it has gone through the process of Law.

Mr. President, it would be remiss for me to say that during the process of adjudication, or during the cadastral system work, that there will be people that will be aggrieved but, Mr. President, from my own district, and I know of other districts - the number of parcels of land that has been adjudicated in my district, and the small amount of grievances filed, tells me, the system is working well, it tells me that I am not going to sit here now and give back the lands of the people in this Island to any private individual. Should I give something that is not mine, I hear people saying a lot of things about Legislators.

Let me say this, within these walls we agree and disagree, but I have to be true to my soul, I have to be true to my own people, and I honestly don't know of anybody in this Chamber that would give away what belongs to the people, or we would be dishonest enough to take what doesn't belong to them, I have no knowledge of any such person in this Chamber. I hear all kind of abuses, and it is really regrettable to walk outside the Chamber of this building, and hear some of the remarks that are being made. Some people might be asked to substantiate some of them one of these days in a court of law.

Mr. President, I could never agree under any condition, to give up any claim for lands that this Government holds in trust for every citizen in this country.

Category C, the Constitution to be changed to abandon the principles of collective responsibility in the Executive Council, or to be differently interpreted. You said that you hope that a reply will soon be in the hands of Members, relative to the collective responsibility vote. Well, lets say, Mr. President, that the seven of us sat down here, and we were in a Law in Upper House, and we sat down here in all of our wisdom and went through some Law, motion or what have you, and we worked it out, there was disagreement among us; but we worked it out until all Members could support - then we went up to second Upper House, and we all disagreed. Would that really be showing, the kind of representation, or the kind of honesty, or the kind of integrity that any Parliament anywhere would want to have.

I don't believe that the Members of Executive Council were able to speak for themselves, but, Mr. President, I don't regard any Member of Executive Council elected, or otherwise, to be a vicious person without heart or feeling, or reasoning - I feel they are truly sentient - people with heart, people with feeling, people that have conscience, and I like to think of them that way - I have no reason to think otherwise.

My colleague and I stood up on the platform in 1966, and again in 1972, and offered ourselves for re-election in our district, and said look, if you elect our ticket that will be a block vote of three in the Legislative Assembly. Two consecutive times they elected both of us - there are times I have voted contrary to my colleague- he's got a heart, he's got a conscience, and so have I - what might satisfy his conscience sometimes might not satisfy mine. The good book tells us that we must in the light, what somebody else can do, and not feel bad about it, might not be the case with myself , or the other way around. I can say this, in the sight of God and man, that I've

MR. JOHN M. JEFFERSON (CONTD.): done my best to be honest in this respect, regardless of what anybody, anywhere says - and I challenge them to peove otherwise.

As far as I am concerned, I feel sorry to see in your message, that you brought regarding to the petition, the Constitution brought before the people. Because, here is one Member - soon be the first quarter of the year, that I'm reiterating what I said years ago, as far as I am concerned, and as far as human representation is concerned, we have moved the Constitution of the Cayman Islands, as far as I am prepared to move it, and I'll tell you this, when somebody else begins to deal with it, I'm going back to my constituency, and say look this is the way I felt about it. I don't want them to go to an election and find a manifesto there that is hid in various big letters, and covered-up, and the morning after election a delegation is off to Her Majesty's Government, and say, look the people of the Cayman Islands elected me on this platform, my platform is here to move the Constitution, and the sad story about the Cayman Islands would be that as some other countries that I know.

Let me tell you, Mr. President, if we deceive these people, we only have eighteen hundred signatures here, but let me tell you if they find out that they have been deceived, there won't be eighteen hundred, there will be almost thirteen thousand. Because the people of these Islands are not going to sit down, and let anybody cause them to lose what they feel is rightfully theirs. And make no mistake about it, the people of the Cayman Islands haven't got along badly let me tell you that - they have done quite well, and I challenge you to show a Government anywhere in the world, with the natural resources at our disposal, and the minimum taxation that we have, that has provided the amenities for the people that we have in the last few years.

I am saying that you can count me out on that, when it comes to dealing with the Constitution I'd go on to that exercise, and I'll tell you as far as I am concerned, we've got the best of two worlds today, and I am not going to agree now, or anything in the future - dealing with the Constitution, because we are so close that when we set this ball a rolling, set it in motion, before we realise we would have gone off the fence. You know I've heard some of these countries - some of these people talk about the anti-colonials, but you go through some of the independent countries today, and you find that the anti-colonials have been out-banned - a few are better off, and the mass is suffering.

Constitution to be changed to permit two Members from East End, and one from North Side - let's look into that, I don't know now how I feel about that, but I'll tell you I wouldn't deal with it until after election, because I can tell you this, in spite of all that has been said, and there is a lot being said today, Mr. President, I don't think that any Member of this House conscientiously to discredit, than have been done by some people in regards to myself, but I feel that the people of Grand Cayman haven't just known me since yesterday - they have known me for many years back, and they know that, as far as I am concerned, with God's help, I've tried to be honest in every respect.

Category D, details of Government contracts to be made available to elected Members.

Mr. President, there has been a lot said about contracts in the last year or two, and here, I am not one Member that is going to say let's not look at them closer, I wouldn't be so irresponsible - a lot can be hushed under a few fine lines on the bottom, but I know this, I don't believe that there is a Government contract, that I would go into the office of any Member, in fact, every Member here under whose portfolio contracts are awarded has sold this House, any time you want to see that particular contract, or any other contract - you come to my office, and you can see it - what would I do to have a contract laid on the table, where it is public property, everybody knows about it - is that done anywhere else - would that be good Government - would that benefit the people.

Let me tell you this thing, Mr. President, there has been a lot of effort made to fool people, but up until now, thank God here is one Member that hasn't been fooled, and here is one Member

MR. JOHN J. JEFFERSON (CONTD.): that is going to stand in the way of anybody being able to fool the public, in my districe, or in other part of this Island. Before they will be able to fool my constituency, or the citizens of this country - they are going to have to walk over me. Because I believe what is right, and I believe that our people are entitled to know what goes on the right side, and the wrong side. I don't believe in covering up anything, I've never been in anything yet that I've covered up. When this message was brought, I was one of the first Members on my feet, and said this ought to be debated by the whole House. because there are people in this Chamber that champion themselves by saying, we are the champion of the people's freedom. Let me tell you this, what it comes to the realm, I believe I am as much champion as any man within the walls of this Chamber, and as far as my constituency is concerned, I can sleep every night.

One Member said, that previously we were able to pay out of the revenue for what we got, let me tell you this House publicly again, what I have no doubt told them a lot of times - being an elected Member in 1960 the public would say look, we want you do this, and other things, and too many times at the end of the year nothing tangible could be seen. Until we got to the stage where we felt, now look, the revenue has increased, the facilities are needed by the people, why shouldn't the people have these facilities. What I am saying, Mr. President, we have championed the people's cause in all of our ability, we have tried to use our ability to make a better way of life, for every citizen in this territory, and here is one Member that is not anti anybody, but I am definitely pro-Caymanian. but I do not share, nor do I want to be associated with an anti movements in this country, except anti against anything that is wrong, or evil.

Mr. President, I have gone through an exercise in the last year, with various sectors, various fields, and even sometimes I hear church man talking about the things that this Government does, and it doesn't do, but let me go on record as saying this I am glad up until now, that the elected Members of this Legislature that occupy the seats in this Chamber, have taken the strong moral stand they have taken in this country, because let me tell you this, when you get outside you'll find out that there are a lot of people in responsible positions, that are not near as forceful, when it comes to the moral issues that confronts this country.

Mr. President, in your message, you did what was right, what was just, and I would expect no less from a man of your calibre holding the office that you hold, to do no less than you did, to bring this message to this Legislature, and we would be less than responsible, if we didn't want to go into it in detail, and use a fine teeth comb, as people use the work, and make sure that we've done everything possible, to hear any grievance that has been brought before this House.

Mr. President, its unfortunate, but it is true, as an elected Member, after both general elections, I said to my constituency look, if you voted for me, fine, if you didn't forget all about that, the battle is over, the democratic process has been explored. I find myself, or words to that effect, having the confidence of the people, and there is no question in my mind that I believe that I will the third time, Mr. President, in spite of the stuff that people are talking, because Caymanians - and people in my own district, I believe they realise when they got a good thing - I believe they realise when they got a man, that if it is black he is going to say it is black, I believe they realise when they know they've a person no less that would tell them the truth, and would give his life to defend their way of life, don't make any mistake about that, but I told my constituency look, the battle is over whether you have voted for me or not, I am elected, and I want you to feel free to realise that your cause is my cause, but there are people that have never accepted us, there're few minorities that have never accepted my colleague and myself, no doubt they never will. What to them is the unfortunate thing, no doubt the majority of people still share the idea, that we have given our district, fair and just, honest representation.

MR. JOHN D. JEFFERSON (CONTD.): Mr. President, I commend this motion, I feel it must be sent to a select committee. I support that, and I can assure the public, and Members, that I will use my vigilance with God's help, to try to look into this with the all eyes and insight that God can give me, and Mr. President, I believe with God's divine guidance, and our obedience to him, there is no hurdle in your message that we can't come over.

Thank you, very much.

MISS AMNIE M. BODDEN: Mr. President and Members of this House. It appears as usual that those who term themselves 'on the other side', they don't want to get up to speak until those on this side have said their speech.

Well, Mr. President, I am here to say what I have to say. First I would like to thank you, for bringing this message, I feel, Sir, that a paper such as has been presented to you deserves that some action be taken. Now, I would like to state here and now, that I am not anti-government. I am a pro-government when is right - anti-government when it is wrong, and this message that you have brought, Sir, there are certain items that cognizance must be taken of.

Now according to your message, Sir, category A - expenditure to be curtailed to essential projects. Well, I think each and everyone of us agree here that, the expenditure has been curtailed to essential projects for this particular time, the reason is money is so scarce that we have to do just the essentials.

Now, these gratuities to be paid to employees from Government to be reduced. We heard it said here in the last Budget Session that these gratuities amount to a fabulous amount. I have sense enough to realize, Sir, that contracts under which this Government is operating must stand until they are finalized , but I must agree, with the Member from Bodden Town, who said, that when we go to put contracts signed for other employees to follow, that we should look into this matter very seriously. It is not fair for a Civil Servant who has put in say, thirty-three and a third years, the best years of their life, because we all agree that after we get a certain age, you hear these are old people, no more good for anything, and I feel, Sir, when our Civil Servants put in thirty-three and one third years of their life in service to Government, that they should amply repaid in the way of gratuity , or as pensioners, be it what it may, they should get reasonable amounts.

I heard it from good authority, not too long ago that a man who had served as a teacher for, may be eight, nine or ten years, that his gratuity was far above what a certain Postmaster, Collector of Customs, call it what you may, had served for thirty-three and a third years. I agree that this is a justified complaint, our Civil Servants slog, toil and toil, and work nights in the midst of inequitudes, hot sun, everything that they when after putting that length of time in the service of Government, that people who have served, one, two, three or four years, should not get a gratuity which is far above what they receive.

The hospital fees to be reduced, or fixed on a graduating or sliding scale. As has been explained in this House, our Government spends three out of the four dollars, that goes on the hospital, and I will say, Sir, I was one who said before, that our hospital fees were far too little. Speaking of my personal experience, I had to pay sixty-three dollars for what would have cost me with a private doctor, I am sure, not less than two hundred and fifty dollars. I feel that the fees should be normal, and that this scale which was presented, and of which I knew nothing of , until long after the Budget Session, that that should be gone into, and if all that I heard said here today, that seventy-five dollars for the least little thing we should go very thoroughly into that. Not everybody in Cayman is rich, but most everybody will sacrifice everything to go to get their health restored, I have done it, and I was a very poor woman, and I had to make sacrifices, and I feel that each and every sane thinking person, when it comes on their

MISS ANNIE M. BODDEN (CONTD.): health, they will do everything to try to get it better. There is only one thing that I consider more important than your health, that is your soul salvation, and I feel, Sir, that our hospital being a good facility, and those who can afford to pay these fees, I hope and pray and trust in God that I'll never have to pay either one, because I think I have had my quota of sickness, but those who can afford to pay, pay, those who cannot, and feel themselves too proud to beg Government, or go and get this card to get admittance to the hospital, some consideration should be given to them, and they have a sliding or graduating fee.

Now, taxes to be cut by fifty per cent. As far as I know it does not specify which taxes. I suppose they mean the tax on motor cars. Well, Mr. President, motor cars in most instances now are, I would say a necessity, but in other cases they are luxuries. I have seen in recent weeks in some yards that, formerly I would style them the poorest of the poor, they have three and four motor cars in their yard. Now, I would say that, perhaps there could be two categories - those for essential services and those for pleasure, and may be/can consider the reduction of the rates on what I would call the essential cars, but of course that will all be taken into account when we go to the committee.

Now these luxury items. What I have often wondered is this, does the public or those/purchase these luxury items get the benefit of this reduction, or no ad valorem duty - I wonder about that, and I think that also should be gone into when we come to the committee stage.

Now, I must agree with the speaker from Bodden Town who said that there is very little that we can do about this preferential duty, and I do not think that deserves so much consideration.

Now, Mr. President, category D. This proposed Development Plan to be Abandoned. Now I am very sure that there is not a Member in this Chamber who has stood more firmly against this - first of all Interim Control Land Bill, following up The Development Plan, and I am the only human being in the Territory, as the word is used, that this plan has ever cost one penny. It cost me fifteen hundred & seventy-five dollars for a lawyer, or two lawyers, plus five days in the court house, plus being abused, plus being told about my sickness, and last but not least, a paper sent to the lawyer on the opposing side saying, you're on the right track now keep her in the witness box until she is mentally exhausted, and when she is mentally exhausted, and collapses, your case is won. That is the thing that I don't get out of my mind, why man should be so brutal, that is all it was brutality to keep me collapsed in the witness box, well, they didn't collapse me that day, and they are not going to collapse me today, or any other day.

I am against this proposed Development Plan as is, I have always been against anything that would hurt and harm the people, and I am saying without fear or contradiction, this plan is not the best for the Cayman Islands. Now, Mr. President, I will agree that our people do not take the stand which they should in most instances. At the tribunal in the court house, I went there myself on two different occasions, and I never saw one interested person there as an observer. When Mr. Brandon's case was on, Balfour, I think his name was and the Doucet case, you couldn't tear through the crowds at the court house, there for more curiosity, but when an important issue, like the Development Plan was there being heard, I didn't see anybody there, and I feel that they were looking when they did not go. Of course, this plan might have been passed had it not been for protest from people, because we must admit, that when anything comes to this Legislative Assembly, and the Executive Council agree to it we are lost, it could have been passed, but the uproar and all the good dictates of common sense which have been used, put it through the tribunal et cetera, that has prevailed.

MISS ANNIE H. HODDEN (CYNTH.): Now, Mr. President, I would stand here in this Chamber til Gabriel blows his trumpet, and I'll never agree to that plan as is. I say we need planning, but we need planning suitable to the Cayman Islands, not suitable to New York, Miami, Trinidad, Jamaica or anywhere else, Turks Island or anywhere, we need a plan for the Cayman Islands, and anytime a plan is presented that will serve our people, I am with it one hundred per cent. Now, I am not saying, Sir, that you can put a church by a bar-room, or a theatre by a dwelling house, I am saying we must have a plan which is sensibly arranged, and for the good of the people.

If Caymanians, or I would confine it to George Towners, had not been so land avaricious, we could have had a properly laid out George Town from twenty-five years ago. I have in my office a plan, which was prepared by the Honourable Albert Colinridge Panton, of course, with experts I suppose you would call them at that time, and that showed a George Town which would not be so conglomerated as it is now. It would have been a properly laid out. I would say, little city. But, nobody then, as now, wanted to give up their land, so that plan was shelved. Mr. President, we need a plan, and a plan that is workable, and I must agree, Sir, that that is a matter which needs to be gone into very thoroughly.

Another thing that I have against the Government is this: swamp land and cliff to be released to the claimants.

I am saying, Mr. President, that when a man or a woman, or child or boy, or girl, be it who it may, has owned and occupied land for periods of say fifty years, that they are the bona fide owners of that property. Now, I have in my custody, Sir, documents which say bounded by on the South - Annie Hodden or whoever it may be - extending to the North to the sea, and they are genuine documents, and yet the Cadastral Survey court in many instances has said, oh no, you can't get but a certain distance of that swamp, high water mark claims the balance. Now, I am saying, Mr. President, that in no part of this Land Adjudication Law do I see the words, that high water mark claims half of swamps; I say that two adjoining land owners - dry land owners, or words to this effect, must divide swamps, button-wood and cliff between them. Now, Mr. President, this went to a committee we argued and we quarreled for days, because some of us insisted that those customs should be written so it would be plain as A, B, C. Of course, as usual the majority ruled, and we had to follow, but we didn't get what we wanted.

I have gone to court - in the Grand Court on appeal, and the judge said, what do these words mean, I don't know. So its good enough for the Land adjudicator, with the advice of his assessors to take into consideration what these words mean, but when it comes to Grand Court, the story is different. I have brought a Resolution here to try to get it corrected, and of course, as usual it was over-ridden, and they said I was a fool, or words to that effect, to bring such a Resolution at such a late stage. I am saying that, we should have written into that Land Adjudication Law exactly what we meant - don't leave it to any discretion of the judge, because it was not properly defined, and the judge's discretion could go one way or the other. And I am saying, Mr. President, that was mistake, and if anything that I personally can do to correct this swamp land situation, I am a woman to do so.

If the people who have to resort to court - you know these lawyers or attorneys-at-law, the majority of them charge fifty dollars per hour, I am the only one that goes to the court, and I am saying this very humbly, and go there and work for days and days, sometime I never get one penny - pay my own transportation. Now, I do that because I feel that the poorer you are, the more you need protection, and I try to protect people. Well, I suppose they will say now that this is a political manoeuvre - I have done this political manoeuvring all my life, and from 1960, since I was appointed a law agent, I have done more free work, than I have got paid for, and it has given me a pleasure. And I feel, Mr. President, that this matter of swamp land, if I have a document, which says that my land goes to the sea in the North Sound, or in George Town, I should get my land, without any interference from Government or anyone else.

MISS ANNIE H. BODDEN (cont'd.):- I have gone to the court, and waiting for my case to be heard. I have heard some people, I would say employed by Government, I don't know if you call them Civil Servants, but they were defending the cause of Government, to the extent that these rural land owners, they were thieves. Now, I didn't go for that, Mr. President. I feel that if I can present my document, which I have had from mother, grandmother, grandfather or by purchase, and that land says to the sea, I should get to the sea regardless of what anybody else thinks. And, Mr. President, I cannot agree with the speaker from West Bay who said that the Government must hold land for the people - hold the land for the people if the Government owns it, but don't take my land to give somebody else. I feel, Mr. President, that is what has happened in the past, and we want to for'ss possible to calm this down.

I heard a man but too long ago, told me in my office, Miss Bodden I'll be killed on my land, because it has been in our possession for over fifty years. We don't want anything like that to happen. We want people to be satisfied. Now, I know, Mr. President, that there are some people who it is very hard to satisfy, and especially when it comes to land, they are honest in everything else, but when it comes on land, you find very few people who are really honest. And furthermore, all the wars in world mostly, have been fought over this thing they call territory - we call it plain land, but it is the same thing, and it burns your blood up, if you believe that somebody is taking your property. I know by my own personal experience. I have said that before in this Chamber - I had a piece of land which my father had from 1896, we were very poor - it was fenced in those far off days - but when it came to renewing the fence, we had one job. First we had to give a road, next this we had to give/turn around so that car could come up, and it had me so provoked with pulling my posts as far as I could get them planted, there was a crow-bar laying on the ground, and I said look hear to such a man as Major Walker, if you make that man pull up another post, I will kill you with that crow-bar - and I meant it - because it was pure taken advantage of, and it was at my blood, and I meant that, I bet he did not attempt it after I told him.

Mr. President, I intend when your message and the attached documents go to the Committee to speak exactly like I am speaking now, whether I get my views across to other members, that will be my stand.

Now the Constitution.

We have a good Constitution to work with, but/what really gets me a bit perplexed, Mr. President, is this, the Members who we have put in this Executive Council, they speak to us as if we were puppies - you on the other side - you on the other side - you don't have any sense - you can't understand - you don't understand what is meant - I don't like that, Mr. President, I am very annoyed at it, and I feel that we in this Chamber, each one should respect the other. I agree that some have better brains, but I am going to tell you, Mr. President, I put my brain with anything in this Chamber - I may be a woman - I am not a weak woman - I am a big strong healthy woman, thank God, and I put myself with the brain of anything in this Chamber, and I feel, Mr. President, that we should respect each other. We can all make mistakes, but because one of us happens to make a little mistake they shouldn't fly/down our throats and say well, those on the other side - we on this side what can we do - it appears sometimes to me, Mr. President, that those or that side as they term themselves, think that they are the whole cheese, and I don't go for that, we have been put here by the people - we have put them there, and they must respect us.

Now, Mr. President, this collective responsibility - I can't say that I am happy about that, because I feel that each one of these four Members, they cannot agree with each other in everything, they may compromise, but I feel, Mr. President, I don't know how it could be worked, but I feel that when I am against a thing that I know is wrong, and I am going to quote one instance the matter of selling rum to eighteen year old boys, and I am very sure that those men if they/have a conscience, and I am sure that they very much have one - each one of them may have their own son, and I am sure that was not what they wanted, but according to

MISS ANNIE H. SCOTT (CONTD.): this collective vote, they had to vote - what one says the other ones have to say - amen, and I don't believe that is right.

Now, I do not want to change the Constitution to get any self-government - not one step further forward than we are now when it comes to breaking away from England, or getting on our own - not one step further, but let us work with what we have, and try to work to keep this good stable Government on its feet, and to keep the people who put us here satisfied up to a point. Now I know, Mr. President, that we cannot satisfy everybody, and what the public must realise is this, that it takes money to run any show. I personally have had, late last year, to go into my reserves because I wanted something extra, and I had to get my money which I had put away to spend, and I don't think that I was very unbusinesslike to do that. What good would/I have money in the bank and needing clothes or shoes, or whatever it might have been - I should use my money, and that is what the Government has had to do, and I do not think that we were extravagant in building these beautiful buildings, getting facilities for the public - these satin roads - paying our Civil Servants so that they could have ways and means to live comfortably - I feel that we have done a good job, and it has taken money.

What I am against Mr. President, is some people should have so little, and others have so much when we are all working and trying to get on in life. Now, I am not a communist whose doctrine I understand is whether I work or don't work, everybody live together and share and thing, I don't go for that. I believe that if I work I should have what I work for - the other man might be more affluent, he can get better than I have - I must be content with what I have - I mustn't want what somebody else has, but I must get my equal share of what I work for, and I feel, Mr. President, that these of our people who have complained they believe that they have grievance, and in some instances they do, and I feel it/is to us as Legislators to correct anything that we can.

I am not going to refer to the petition, Sir, but I notice that one of the complaints was that, they couldn't get proper representation by this weak side, hence they had to bring it how they would do the job. Well, Mr. President, I feel that we must hear these people, we must listen to their complaints, and as far as possible rectify them.

Now, these contracts.

Mr. President, I must agree that most of those contracts are very lop-sided and weak. Now, I remember being in the Court in Mr. Worsfall's time, when there was a case with what was then Cayman Public Service, I believe we called it, with one Plato Coxe, and the contract was so poor that he couldn't decide one way or the other. Now, Mr. President, I feel that when we have contracts they should be water tight, and so far as Government is concerned, the Government should never be left holding the bag. I feel that we should have proper contracts. Now, personally I don't want to see them, I haven't got the strength to climb the elevators to see contracts, and I don't believe they should be laid publicly on the table here, but those who are interested and curious enough, they should be allowed to see any contract that is awarded by Government.

Now, I don't think, Mr. President, that I will say too much more, I'll leave the rest of what I have to say until it goes to the committee stage, but I reiterate, that when people complain their complaints must be heard, and as far possible solved.

Thank you, Sir.

MR. PRESIDENT: If nobody else is ready to speak tonight, because its nearly half past four, we might take the adjournment at this stage.

ADJOURNMENT

MOVED BY HON. D. V. WATLER
SECONDED BY HON. G. A. WADDINGTON
QUESTION PUT: AGREED.

AT 4:28 P.M. THE HOUSE ADJOURNED UNTIL
10 A.M. MONDAY MORNING THE 22ND MARCH, 1976.

M I N U T E S

MONDAY, 22nd MARCH, 1976

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE., PRESIDENT

GOVERNMENT MEMBERS

HON. D.V.WATLER, CBE.,JP	FIRST OFFICIAL MEMBER
+ HON. G.B.WADDINGTON,CBE.QC.	SECOND OFFICIAL MEMBER
HON.V.G.JOHNSON, OBE.,	THIRD OFFICIAL MEMBER
HON. A.D.DUCK,J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS MEMBER FOR CO-ORDINATION AND INFORMATION
HON. B.O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR.
HON. W.W. CONOLLY, OBE., J.P.	SIXTH ELECTORAL DISTRICT, EAST END MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MCCU, AGRICULTURE AND SURVEYS.

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H.BODDEN,OBE.	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES J. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. CRAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

\+ ABSENT DURING THE MORNING SITTING

MR. T. W. FARRINGTON	ABSENT

ORDERS OF THE DAY

MONDAY, 22nd MARCH, 1976

1. CONTINUATION OF THE DEBATE ON GOVERNOR'S MESSAGE
RE PETITIONS

2. HOTELS AID BILL, 1976

COMMITTEE THEREON AND THIRD READING.

TABLE OF CONTENTS

DEBATE ON GOVERNOR'S MESSAGE RE PETITIONS

	Page
MR. CLAUDE HILL	1
MR. CRADDOCK EBANKS	1
HON. A.L. BUSH.	15
HON. TREVOR FOSTER	19
HON. E.O. EBANKS	20
ADJOURNMENT	30

MONDAY, 22nd MARCH, 1976

10 a.m.

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

DEBATE ON GOVERNOR'S MESSAGE RE PETITIONS

MR.PRESIDENT: We continue debate on Governor's message given on Friday the 12th of March.

MR.CLAUDE BILL: Mr.President, Honourable Members, I rise to make my contribution to this debate. I really did not intend to speak but as listening I became greatly interested in what other members commented on. I can assure you that I will not be long with what I have to say.

Mr.President, first of all I would like to thank you for bringing this message, copies of petitions which took place at the Administration Building on February the 27th of this year.

Mr.President, you have shown the people of these islands that you not only listen but you are willing to do anything within your powers to make this Government remain a sound and stable Government. You have placed the main points of the petitions into four categories.

I would say this that in a democracy such as ours Representatives' policy is dependent on public opinion. I do not care to go into the details of what the categories seek, as it will be dealt with in a committee at a later date.

Mr.President, something must have prompted the demonstrators and I say this that we learn by our mistakes. If the demonstrators feel that they should find out about something in this way, that is their right. We here in this Chamber must realize human rights must not be trampled. It is not right for anyone to feel that they are so exalted or so magnificent that nothing can go wrong, or nothing is wrong.

It was once said that democracy without education is hypocrisy without limitation. It is also said that one has the right to be wrong in a democracy.

Desire, I would say, is the very essence of man. All human activities are prompted by desire. Some people want champagne when they should have beer. Our constitution does not copy the laws of neighbouring places - we have a constitution which I am sure is tailor-cut - cut to fit the Cayman Islands and if in the eyes of the public it becomes necessary for something to be done to the constitution, depending on a majority vote. We had Lord Asquith in the various districts of these Islands seeking the drafting of the constitution and he opened the doors to one and all to come in and make your suggestions. Some did so and to the surprise of many it was surprising to hear what they were seeking it did not pertain to a constitution. Is this the mistake that we are making now?

The words that men fight and die for are the coins of politics. Mr.President, let us not rock the boat now. This boat was built by our forefathers and ably sailed for a number of years and I do hope that with your guidance we can ably sail that boat. I thank you, Sir.

MR.CRADDOCK EBANKS: Mr.President, and Honourable Members, I will make my reply in dealing with your message brought to this House a few days ago very brief, but before I go into any part of the message I can tell the House, Mr.President, that the first elected Member from Bodden Town going to close this debate or everybody else have their opportunity of speaking.

MR.CRADDOCK FREVOX5 (CONTINUING) Mr.President, your message is straightforward - it covers a multitude of sins but before going in to your message I would like to draw your attention to a few lines arising out of your Throne Speech in connection with the message that you have brought to the House, to deal with the public or the people's grievance.

On page 11, with your permission, Sir, -"More worrying perhaps has been the recent demonstrations in December and February against the wide spectrum of policies and measures authorised by the Constitution by laws made in the Assembly or approved by the vote of the majority of Members. Grievances of the community will always be considered". That is one of the main things arising out of your Throne Speech in connection with the message that I am going to stress on very far. Then it goes on further down - "but self-appointed leaders of demonstrators who bear no mandate from the electorate of the polls would do well to consider the possible effects of their actions on economy climbing back towards full employment."

Mr.President, I can assure you, Sir, that I stressed your taking the presidency of this Assembly, or when we took the president of the Assembly that I would give you my whole-hearted support, I would give you every due respect and I can assure you, Mr.President, I am not going to stray away from that.

Some Members have a little chorus they like to sing in the Executive Council - " I didn't intend to speak, but - I didn't intend to speak, but - ". Mr.President, before I am finished you may speak ,Sir, but I can assure you again, I am not going to lose the respect for the chair, for you in your capacity inside or outside, but this Message is here to deal with the grievances of the people, the public and there are a lot more grievances that need to be dealt with that are not in this and many of them you are not aware of, Sir. So if I should touch any place that would come under you, Mr.President, its better for me to get it across here in a few short words than to take it outside sometime probably on a platform.

When, Mr.President, you took office you assured the people that you would meet everyone as far as possible into this Island, you would work with them, you would listen to their views, their pleadings, their troubles and, Mr.President, this you have done. You have given more of your time to the public by visiting the various districts, meeting people in the public, meeting people around the corner, meeting people in the entrance to your office and talking with them than probably the previous half a dozen that filled the same capacity that you are filling today, Sir. They didn't have time, but we are glad you have some time.

May be, Mr.President, most Members don't feel that there are any reasons why there should be any grievance, why they can't accept what is being done in the Assembly - they can understand what is good for one is not good for all, but we are here for the majority.

A year or a year and a half ago Mr.President, round about, it might be a little longer, more or less a law was passed in this Assembly by the majority and that's democracy, prohibiting demonstrations, marches and what-not. Undoubtedly, Mr.President, someone was taking a long look and they visualised there wasn't going to be much spilling for the public, for the people, all the way, all the time and to create some restriction as it were, to try to control the behaviour, they say, it was law passed with measures in it that you could do this, you could do that, you may be permitted. Mr.President, if we wanted to runnin the Islands that were once, the Islands that time forgot, then we shouldn't have had this law on our books.

So many people are saying that marches, demonstrations will do us no good, will ruin our country - Mr.President, any and everything in life has a limit and when it goes beyond that limit there has to be something else to change the picture. A seaman may not have the authority or duty to tell the Master that you are going to put the ships on the rocks when he can see that it is headed for the rocks, but a good master may waken to the alert of the seaman, " I am glad you saw this and we will change our course", without floundering the ships on the rocks. I am not trying to say Mr.President, that we should try to build our future with demonstrations, or marches, if something hadn't gone wrong in the eyes of the public (this is their privilege), whether it be right or wrong, but to them things could have been better, this probably wouldn't have come about.

MR.EBANKS (CONTINuing) This is not something new to Caymanians, but I am not trying to say that we exercise this continually or regularly, but they listen to the radio a lot, they read a lot of newspapers, they read a lot of magazines, and all of these things appear in every news media about Jesus and this and that and what not.

Mr.President, with your permission, if you would allow me, I would just like to read a few lines which 95% of the revenue, in my opinion, that comes into this country, is from the North American continent, that's where we are building, as it were, or have built, for many years, our future, our livelihood and today we are still thinking and catering in that direction, particularly in the tourist field. Everything that is undertaken to be done here, we have to give thought to the tourist and the majority of the tourists are from the North American continent. Its one of the wealthiest countries in the world - I suppose they have as good hains as you find in any place in the world - that doesn't mean, Mr.President, that they don't have their problems, they don't have their ups and downs and grievances of the people - they do and with your permission, I would just like to read this short article on the 22nd of January this year in Washington an estimated 50,000 anti-abortion demonstrators filled the capital today to mark the third anniversary of a Supreme Court decision legalising abortion and to put pressure on Congress to enact the right to life measure. Despite the bitter cold, the demonstrators spent more than six hours taking their march for life from a morning rally near the White House to the front steps of the Capitol Building where they roused their support for a series of Congressmen and Senators who pledged their support. Many of the signs and a lot of the speeches were directed against Senator Birchbay, Democratic of Indiana, whom the anti-abortion force blamed for blocking a constitutional amendment to outlaw abortion. He was singled out because he is chairman of the Senate Sub-committee on constitutional Amendment, the political direction of the speeches was also taken up by Senator Jesse A. Helms, Republican, North Carolina, who read a telegram from Republican Presidential Ronald Reagan declaring Reagan's support for the right to life constitutional amendment.

Now, I am saying, Mr.President, this is not the first demonstration that has been in the United States - the back-ground the, reasons for this demonstration that every life or human being as far as possible ought to have the right to live. We know we have to be born before we can live, but it might be the stage, from the beginning.

Now, Mr.President, I'd like to go just a little bit further - civilisation is based or is founded on the Bible, the Scriptures, and I am sure that if each individual in this House this morning was asked if they believe the Bible well, may be some would say a part of it, or most of it, some would say all, but I am saying that civilisation is from the Bible and if we read the Bible through we will understand and may and know exactly the things the Bible has stated are what are happening today. So we just can't get away from that.

Mr.President, for Members who may not read their Bibles as frequently or as regularly, if they should read in the Sixth Chapter of Joshua, they will find where God instructed Joshua to compass, or march around the City of Jeriho for six days; one for each day for the six days, and seven times for the seventh day and shout and who done it? The walls fell, the people marched - Joshua, through the instruction of God told them to march - so how can we look at our people on the outside - "you irresponsible people" - its a disgrace, Mr.President, for any Member to look on the public on the out-side and say you are irresponsible people.

I say, Mr.President, I don't care or go whole hearted or approve that we should have a demonstration every week, nor every month or one every six months, but if its the only way, if its the only way and if its the last way for them to be heard, then, Mr.President, they cannot be deprived of their right of being heard. I know you have

MR. CHADDOCK REMARKS (CONTINUING) pointed out that members of the constituency should take their grievances to the elected member and let him take it on from there as far as possible. It's the right channel Mr. President, I agree, but I can assure you that we don't get very many fruits through these avenues, it's always some water-wash excuse why it hasn't been done, why it can't be done, we haven't got this, we haven't got the time.

A few mornings ago I went up at the Government Offices to see someone. I went in on the 5th of January to tell the individual who is responsible to see that these things are done as far as possible, and when I went in a week or so ago one morning, he saw me talking to someone before I got to his office. So when I got in he said you know I figured you were coming, so I called on and so, but they hadn't done anything yet. That's just the way the ball is kicked Mr. President, you ask them to do something, it's under their portfolio, into their office, it comes under them, under their jurisdiction, yet when you go to them weeks and weeks, months and months and then when you call back they find some flimsy excuse for why it hasn't been done.

There's a lot Mr. President that shouldn't come to your doors, but maybe some are so afraid of doing wrong they can't do good, they won't take the chance to represent their grievances of people. But if the public is not better informed, as that that has been stressed in here many, many times, the public should be better informed. They have now awakened to the fact that things have been happening and when it comes out the legislator gets the blame, and a lot of times the poor legislators, or a part of them don't know about some of these things. I heard a Member from Executive Council make a statement not too long ago, Members don't know what they're going to deal with until it comes before the House, that's not true Mr. President, Executive Council knows what's coming to the House long before your eight Elected Members on this side get the agenda to know what's coming before the House, and we get that seven clear days prior to the House being called. So no Member can be telling the truth, when they say they don't know what they're going to deal with until they come before the House, that's not true Sir. I can say there're certain things that may come before the House at a last minute, that Members don't have time to take it to their people, like some of the very Bills that were passed in here that created this grievance. The Financial Secretary, it's his duty, he declared these needs for further taxation, it was dealt with today, or started some of it, I knew it before, but I mean I couldn't take it to my people because I would be contrary to what is right when it comes on proposing taxation that it should be kept in secrecy until the Financial Secretary declares this. But from the Monday or Tuesday that it was declared, I took it to my people that night and I told them what was coming up, what they could expect. I read it every bit out to them, I couldn't have done it before, but I did it at the spur of the moment.

It's been stressed many a time that we must guide the people right, I agree Mr. President, and I try to do that to the best of my common-sense, because I'm not all brains and no head I know that, but I try to do that to the best of my ability, keep the public - my people informed as I see things, the way I feel about them, and what not.

Mr. President, getting a little bit closer to your message, you have outlined whatever it is that the petitioners are asking for the Government amendments of existing laws and regulations to remedy matters concerning which the petitioners feel grieved. Mr. President, I feel the time when taxes should have been raised, should have been when you start nursing a cow that gives plenty of milk two weeks after she has a young calf, but each morning you can count on eight gallons for two months, three months, six months maybe, and then it starts falling off, probably you get two quarts. What I'm trying to say, when taxes should have probably been imposed at a gradual increase, but when it was twenty five vacancies around for employment, other words everybody was on a job, no scarcity of money, a lot of us throwing it around, what was wrong with Government heaping up a good big fat reserve of a few million. It was easier to have done that, than to try to squeeze a million, when we have out a few jobs - A lot of people out of jobs.

MR. CHADWICK EBANKS (CONTINUING): If I remember right Mr. President when the Financial Secretary gave his Address, he said we would have to speak in terms of cutting down the crew of Government employees. At that very stage they were employing more, and even since I've met other people employed that there doesn't seem to be any room for. In fact I know one young man who was employed in the Agriculture Department early this year, and to the best of my knowledge no provision was made in the Estimates for further employment for employing members of the department. That particular one got employment there for a particular reason.

Mr. President as you have your Message listed in category, A, B, C and D, I'll go down to most of them one at a time. In (a) the expenditure to be curtailed to essential projects. I think it was pointed out from the Financial Speech that this was somewhat being done, because we had to try to finish some of the things that were started, and I do know that the new airport terminal that we talked about many times was curtailed to be dealt with some time later in the future as soon as we could provide ample money for it. So that was one project that was very essential, it's needed, if we're catering for the movement of more people, tourist. Yes I agree we need a good terminal where people can go through the routine of what is essential or what is necessary, what they have to do coming in and going out, rather than hesitate now. But I hope that in the very near future we will be able to tackle this much needed project that it would make it more comfortable not only for the visitors, but it will be a great revenue earner for this Government. Because there could be probably much more shops, apartments to be rented for this purpose that would bring in revenue. So I can say Mr. President even in the beginning in a way we have made some change.

(a) Gratuities to be paid to employees of Government to be reduced. I don't doubt Mr. President that this doesn't need looking after, it seems to be pretty hard for our people even in what field that they may qualify in, even to be paid what they might to be paid on entering Government service. They always seem to be bundled around, pushed around and kept hanging in the scale for some reason, whether they get disgusted and go out, or begin to create grievances, but Mr. President, if we had, and we did have a good and still have a good Civil Service, but we cannot just leave it at that. We're talking about educating our boys and girls so that they can be the ones to take over tomorrow, Mr. President we wouldn't expect them to be satisfied with the surroundings that many of us have been satisfied with over the years. We don't expect them to work under conditions probably that we worked under, we wouldn't expect them to work for as little as we worked for. They have a changing way of life, doing things different, so when we send them off to colleges and universities, when they come back if they are qualified they should be placed in a position that they're recognised and to understand that they're wanted. I am not saying Mr. President, at the top of the ladder, I am not saying that, and I don't think any right thinking graduate come back with whatever degree they may have accomplished, that they come back with that feeling that I must be up on the top of the ladder. I feel Mr. President, that they might to be put in the position where they're recognised by the public and given a feeling that they're wanted by Government, and not to be carrying around the bottom of the step, shaking the dust off the mat for somebody else to tread on. It is getting time Mr. President for some of those things to be changed. And if they're not changed then by Susie from North Side, telling me as well I can't get a job down in the Customs, you go see about it" when I go they yah, yah, yah, yah, yah, and she never gets a job. Those times are coming to the end. I know young people in this island have been made fools of by Members of the Civil Service who are responsible to look after them and see that they get their rightful place, but they twist them around, cripple them around, twist them um - you do the best you can, drown or swim.

I am not sure about this Mr. President, I don't know if before this meeting is closed if somebody may be able to answer the statement. When a graduate comes back, comes in to work for Government I wonder if they're taken on permanently or they're taken on on a probation

MR. CRAWFORD FRANKS (CONTINUING) basis, as it were on a three months or nine months trial, or what have you they do anybody else. I'm not sure about that, and as I said I would like if anybody would to make an answer to it, I would appreciate it. But they're the things when one comes in and expect to find a suitable place, a reasonable place, they're told this, they're told that, wait on this and wait on that, and wait on the next thing and wait not. Already it creates a feeling in them that probably they never thought about, then why have I wasted all of my time in coming and to come back, and they don't want me or don't have this place for me, they don't have the real place for me. So if our employees can't get some remuneration somewhere in their employment it looks like then something ought to be done about the gratuities that are being paid out.

Mr. President, our next category in A in (c) - Hospital fees to be reduced or fixed on a graduating or sliding scale. The public have got the impression that the House, the Legislators, probably all have agreed to these rates, but unfortunately others didn't get in possession of this until after.

A lot has been said about the hospital, what we have the second to none in the world seemingly, less the Caribbean area. Mr. President I am positive there isn't many members in the gallery who knows anything two years ago when members from this side in the Committee argued and stuck out that if it was time to come into the Estimates to start doing something about the hospital situation, we wouldn't agree to other things in the Estimates. Then Health Services - Hospital comes under, they at no time in my opinion tried to plant what has since has been done about the Hospital by anybody - "I" - not even Government - many places where Government should have been used "I - I - I". Well, I'm sorry Mr. President, I wasn't in that. I am glad that the hospital has been renovated and gone up in leaps and bounds to what we call maybe the sick wouldn't more comfortable than what we've been in the past years or for many years back.

I myself for whose be Immigration Department we have now, when right in the first place I was a little cosy four house with two or three little private rooms in it as the hospital - with nothing in it. I mean we couldn't afford it, we didn't have it. I could name a number of homes around into the George Town area here, in the back section where people came in - I'm talking now particularly from North Side that I know, where we come in to the doctor and you had to be under doctor's care and stay in some of these peoples' homes. We have the rooms and the facilities at the hospital, but it grew and went along and today we have a much much improved facility all around I would say. But it has been stressed so that it's second to none in the Caribbean, that there is actually nothing lacking in it.

My wife went to Kingston a year or so ago, she went into a private hospital, and she found everything in that exactly as in this hospital with these extras that are not in our hospital. It had a shower along with the basin, it had a clothes closet along with the locker, and a telephone sitting by the corner of the bed. Well, we don't have any telephone in here. I didn't see any, I don't know whether it's intended to put in any or not, I didn't see any shower, I didn't see any clothes closet. So yet we still have a little further to go to make our hospital, that there's nothing like it in the Caribbean.

The point is Mr. President, that Government still has to subsidise this hospital. Well, be that as it may, if we have to do it, we have to do it. How many years since we've been subsidising Cayman Brac Airways - long, long time - Cayman Brac had to have air service they needed some movement same as Caymanians, or people from Cayman. So when it was thought that they shouldn't be any longer left out, to get an air service in there we had to subsidise it. Well, was nothing wrong if we have to continue to subsidise the hospital for such. But I believe we may have to subsidise it longer if these fees remain as is, and if any restrictions should be placed on those private practice that may be want to be established in the island. Yes, its been said if you want something you must pay for it, I agree. I would like to own a Rolls Royce, but I don't have seventy five thousand dollars, so I have to settle on a Chevrolet or a Dodge or something else. That's all, I just don't have the money, so I mean when you don't have it, you don't have it. So what's the use of saying that the hospital fees

MR. CRADDOCK BRANKS (CONTINUING) :What be this, if you can't pay it - that's it, you become in our "black book", pay it sometime if you can, but I suppose the bill will be waiting on you when you get home.

I've heard it mentioned many times in this House, don't mislead the people. Section 5 in the Hospital Regulations - it has been put across to the public, school children are free, 'til school age leaving, and it hasn't gone any further, that's where it has always stopped Mr. President, school children are free. Whenever I told them that you take your child there, check in, if it's nothing that the child had to be admitted to the hospital for, or to remain in the hospital, you take the child back home or out, and go back to school with it, that is free, and if the child enters the hospital they're still liable to the twenty five dollars a day or what else goes along with it, same as anybody else. But it has been emphatically impressed on the public, school children are free, and the rest is left out. I heard a West Bay woman telling somebody a few mornings ago on the street, she wasn't talking to me, she was crossing and going. She said, I paid fifty dollars for two days for my four year old child in the hospital. I am positive, and I'll say this subject to correction, that our airline Cal or anywhere else would charge the full rate on a four year old child as a passenger. Yet when you put your child in there, two years, three years, four years, it's the same twenty five dollars a day. What amenities - what could that little child use up into the surroundings of that hospital that's worth twenty five dollars a day - God help us.

In Section 8 Mr. President, (Mr. President, you may interrupt anytime if you so desire, that I can sit down and come back) In Section 8 non residents liable to fifty percent for a charge. A patient who is not ordinarily a resident within these Islands would be required to pay a third charge of fifty percent of whatever part of the rates that they would come under if they went into the hospital. Sir, Mr. President I feel safe to say that if I was in Canada today, and got sick and taken into a hospital I wouldn't have to pay fully percent for a charge above what is their rates. Or in the United States, or in Jamaica or in Britain, France or anywhere else, and then we're talking about encouraging people to come into our country to reside, retired people to settle down, and live among us. Before they even get started to dabble or to reside among us, if they should get sick then, they pay fifty percent more than what is in here. Is that good advertisement? No wonder they wanted Government to get in the hotels business, because the traveller, the non resident that Automatically around in our island, he goes down to a hotel, they charge him double for his meal or double or double and a half because he's not - I mean is this the way that really business is going on in our country. Then Mr. President, if Government is setting these examples, these ought to be right then, if we're going to lead the people, and if this is leading them aright, and they follow them in the other directions of business, I don't know where it will end up.

Mention was made - the operating theatre irrespective of type of surgery it was seventy five dollars. Now many people, many from the public have made these comments on it, they made their remarks on it, and we couldn't condemn them, because the law ought to mean what it says, irrespective of anything, it's the seventy five dollars. They may have been trying to cushion down, tell the people, well you know that doesn't mean if you wanted to take out a toe nail, that wouldn't mean that. Why put the word "irrespective" there? I happen to have few of the latest editions of the Webster's dictionary, and this is what they say "irrespective" means - not having regard for persons or consequences, and that is exactly what has been told to the people, we have no regards what we put on you, you take it or leave it. I know someone will say, it wasn't something else on to it, yes, it was something else on to it, I'll read the rest of it after a little bit. But an ant, he knows when he gets enough, and you don't have to tell him to move, and he doesn't move because he believes in show foolishness, he has enough sense to move. It goes on to say, Mr President, according to this theorists : it must be resolved wholly into the objective, irrespective will of God. I know a lot of us don't respect God or nobody else - then to end it up Mr.President, it says, irrespectively without regards to persons or circumstances - without regard to persons or circumstances, that's what the word "irrespective" means. So they're telling the people, we'll give no consideration, you accept this or die. I know as I said, if you don't have it,

MR. CRAIGGER EBANKS (CONTINUING): you'll say when you get it, but they'll say you must run and see if you can find Mrs. Hylton first. What does she know about the lives and the livelihood of all the people in this country? Mr. President, its a shame on this Government to have a department that can't take care of the people and their needs and know their background and their circumstances, when they come they rather then send them around the streets like dogs looking for a home. I am ashamed that my people have to approach me with these things, and say these things and know what's happening to us.

One retired Civil Servant on pension was recently ill, got home, sent them bill seven or eight hundred dollars, yet they paid other retired Civil Servant's bills, but he must pay his. That's the way, that's the way we do business, It's like a scale Mr. President, with two faces, the one facing the customer has the right weight, the one facing the owner - other words, when he thinks he has a pound of sugar according to the scale in the front, the side facing the owner is only three quarters of a pound. He's being robbed and he doesn't know, that's all, and, that is what's happening to so much of our people, but its gradually coming out, and that's why you have this before us today, Mr. President.

I know all of us were settlers in the country, we didn't know anything about town life and all that's going on, but with all the hard days that I saw Mr. President getting to the hospital, taking people to the hospital, long before we had roads. I know something about it, when at midnight you'd be awakened - come to take my mother, come take my father, let's help us get them to George Town - through across to North Sound in the dark of the night - get to the beginning you put them on a hammock and two or three people under a stick, and try to crawl out through the cow track road that was there to get them to some place. It was faster than trying to get a doctor to come there, you only had one doctor, even at that we got ladies serving along many times, plenty of time than what we're getting today. I'm not talking about the qualifications, I'm not interfering with that side of it at all, Mr. President. I can well remember poor old Doctor Barlow, when it was only him alone, he could be in East End attending to a patient, he got a message from West Bay - emergency call, I'll be there, I'll be there, tell them I'll be there, and he'd leave and go West Bay, and he'd never get back to East End to finish it. But today don't call them, don't call and tell them to come to you, not going, not going. I've experienced that Mr. President, and that can't bear any - don't want to be bothered, just those thirty days, nice Beach, nice areas at night, drink beer and have fun - don't bother, don't call me because I'm not going, bring them in to the hospital if you want.

We have the home medical visits, they say twenty five dollars to even call one, and as I said they might go, or come the next day, then it's twenty five dollars. Ambulance service - Mr. President, I can't think of any old proverbs that I've heard in all of my days that wasn't true - the dog who tries to bite the biggest bone generally gets choked, or anybody who tries to chew too much one time will get choke too. The ambulance fee is twenty five dollars if some ambulance is called there to pick up somebody it's twenty five dollars. I don't know how they didn't put "irrespective" on to this. So that means if the ambulance goes to East End it's twenty five dollars, if it goes to North Side it's twenty five dollars, if it goes to West Bay, it's twenty five dollars. Then if it's in this area of George Town, between here and the hospital, it's twenty five dollars. If a taxi driver picked up somebody here in the vicinity of Town and took him to the hospital and when they got there he told them it was twenty five dollars, what do you think would happen Mr. President? It would be one of the most, I don't know what - but this is what I believe, it would be a long time before he would operate again as a taxi driver, he'd be disqualified. With such exorbitant rates it wouldn't be considered less than stealing from a passenger from the centre of George Town to the hospital, twenty five dollars. Then that couldn't bear any less on either, Mr. President, with the ambulance. When we steal from ourselves it's really worse than stealing from somebody else, I'll tell you that. I would say yes, all right, East end twenty five dollars, good enough, let Breakers be twenty dollars, Bodden Town fifteen dollars, Savannah ten dollars, Red Day, Prospect, Crew Road five dollars. Even then if you said George Town five dollars - but twenty five dollars. I don't think the ambulance would be called many times.

MR. CRADDOCK BANKS (CONTINUING): We have the medical autopsy report, if someone wanted a copy of that, one hundred dollars. You put it into a machine and in a matter of thirty seconds it's run off, and one hundred dollars for it. If this isn't Black market, I don't know, Mr. President. I know Mr. President, if the Member responsible for this gets the opportunity to clear it up as he thinks he's going to get to clear it up, then you will hear a lot of "I" - "I". I know he told the people that long ago he was requested to increase the rates, but he told them No, now that we have the hospital to where it is, I will increase the rates now. So then it can't be Government doing it, it must be the individual. Mr. President, I trust that we'll be able to go into this and find some happy medium.

I said say again, I don't expect this country to operate without taxes, and we must have certain measures, we must from time to time keep imposing taxation in different measures, in different forms and in different categories and covering what not. But you just don't take it like a bucket with thrash and dump it out there, and say this is it. Mr. President, I don't like to say this, but you know five or six hundred, six or seven hundred people in our island that these rates don't affect. It's very easy for some of them to say it isn't anything wrong with this because somebody else is paying their bills, and if somebody was paying my bill I would be careful to see that they wouldn't be over-burdened with duties. But if somebody is drawing twelve hundred dollars a month, and medical free, car service up-keep free, and this free and that free. Then where do you expect the people to be satisfied, to be happy because they have two days' work a week - make Twenty Dollars, or twenty five dollars for their family, and they go to the hospital and they pay fifteen, twenty or thirty dollars for whatever might be required under this. No, Mr. President, if we are to remain what we said, we are a loving, law abiding, true honourable citizens of this country, then some of these things will have to be changed, because it isn't any use of just striking a match, blow it out and you see the smoke still there - it was still smouldering there.

Mr. President, I'm not finished. If you feel that it might be maybe time for adjournment, I could probably.....

MR. PRESIDENT: I'm quite prepared to suspend if the Honourable Member will give way.

MR. CRADDOCK BANKS: Mr. President, and Honourable Members, I did say in the beginning that I was not going to be brief, and I'll still stick to that somewhat, but some of those fellers will smoke after awhile. May be I wouldn't have had to make it this brief if they would get up and lay the pathways so they see things and list the ways, then we will have something to go from. But no, vice versa. The Member responsible seems to be loading a cannon, but I can tell him I had as many years at sea as he had, I believe. I am not any sweet skin, I'm salt skin - it's only the truth hurts Mr. President, only the truth hurts.

Mr. President, I have just a few more remarks on the hospital regulations. We have the dental side of it with all different rates laid down for what ever one might want done - sort of sliding scale. But I've taken note of six into the dental section, root treatment, cleaning, treatment and filling, twenty five dollars per root. But if one has two, three or four roots that need to be attended to, then it means an additional according to this, it said per root. Well, we do know, or at least I know, I've had a few extractions, I've found mine to have more than one, so what the extra will be, it doesn't say. I don't know how that was left out, and not put the percentage increase than over the one root.

Not too long ago Mr. President, at the dental clinic it was hard to get anything done, people couldn't get any service. The Dental Officer unwillingly works when he wants to work, or does what he wants to do and what not. So I'm hoping that if these fees are to be corrected then the patients might so get the service. I don't know if there's any one pain that is more miserable than toothache. I've had it, and when I get toothache - most anybody with a pliers can fumble it, because

MR. CHOCOLATE BANKS (CONTINUING): that's the only relief as far as I'm concerned. As I've said I don't know of any pain that is anymore upsetting and miserable than toothache. But I do hope that we got the service for the fees - the patients will get attention for the fees that are charged. Fifty percent to be paid down on some of these, if you're getting part of a denture or a full denture, upper or lower, whatever the case may be. But I don't see anything wrong with paying a deposit, that's customary on a lot of this in dealing you pay a deposit on these things. So as I've said, I hope that this will all work out for the better.

The taxes is to be cut by fifty percent. Well, that is left to be dealt with, if it should reach a committee stage. Whether it be cut by fifty percent, by ten percent or one percent, or whether it should remain as is. I'm sure that when the petitioners said luxury items to be taxed, which I did read in the Compass, Mr. President, your reply to the petitioners when they first marched - if I remember currently Sir, and subject to correction, but I think it read along the line that they had suggested or offered that they would suggest other ways and means of taxation, but that they hadn't done. Well, Mr. President, I disagree with that entirely. As far as I'm concerned if I had been one I wouldn't have offered to recommend other taxations. Government has people to do that, to deal with that, set up taxation, whatever ways and means and measures the Government see fit, I wouldn't be one then to propose taxation, let Government find those avenues and deal with them. I feel that there were other avenues that could have been tackled, but I know however when you try to regulate taxation or impose it, it ends up with somebody suffering the most, unless there was income tax we were getting in, then it would be according to what you make. Well, that is the one taxation that not only the people, but legislators have actually vowed that we would never want to go in or impose. Here we don't have any fear with the tax, we don't have any income tax, we don't have this tax, we don't have any other tax and what not. Some of it - and Government feels it's difficult to set up or to collect, like in the United States every dollar you spend you pay a cent or two tax on it. But Government didn't feel like that could be done here, but everybody that went to the grocery store, they would pay their taxes according to what they purchased. So those who spent fifty dollars, and paid a dollar tax, the one who spent ten dollars, well he pays ten cents tax, that's all. He just only pays for what he - well as I've said, we've never gone into anything like that, it has been mentioned a few times, but they don't think it was quite workable, that Government would get what it should out of it.

We have some night spots and what not, you have the theatres and movies that cater for the public daily or nightly however the case may be. It looks like all these different things could have been looked into, but I endorse again, Mr. President, that we have to find ways and means of taxes so that we can operate and keep the country going, and provide the amenities for the people. When we taxed the motor vehicle sector as we did, it was from every angle, we didn't leave any part of them out at all. Sure it has been expressed that if you can't pay these things you ought not have a car. It's easy, Mr. President, for some members to say that, some members of Government to say that when the public pays for their maintenance or a good part of it, they pay for theirs then pay for their own, makes it double. Not too many cars are used for luxury, for just driving convenience, a quick evening drive. I suppose in George Town we only have one, probably Doctor Roy, what it gets today he won't even drive his car out, it's a luxury for him, he treats it that way. Anybody else more or less it is a compulsory. I know one family has two or three cars in it, but one working at an odd hour, one working at a different hour, one going one side of the island, one going on the other, one car doesn't suit the family very good. Even if they have to make some makeshifts and do this probably Government will lose taxes and what not on one car out of three probably; so they still won't be gaining all the way. We see where it comes to the traffic now - I don't know if North Side at least, I think we'll have to go back to our boat days if they haven't started painting quarantine signs down around the dock in Bodden Town, that you can't tie up your boat here either, like they have in the whole George Town area - "No Parking" - just keep going. So a car tries in the district won't be of such value after awhile if they continue - no consideration, just keep going. Anyway you don't keep the

MR. CRAWFORD EBANKS (CONTINUING): the people happy by doing everything that one feels like doing, we must do what is reasonable to make people happy.

Mr. President, category "D" - the Proposed Development Plan to be abandoned. Well, if we have to drag along much longer look like you'll have to abandon it. If it was all that much good in it, why has it been dragging along to this extent. I know, Mr. President, you can say well you know just about what happened as well as I do, I do Sir, but it's speaks plain for itself. It has seemed as have been out of context, out of reasoning to be presented to the public what was presented. A lot of the public felt, and I was approached to that extent, that you people, legislators would pass something like this. I said no, we haven't passed it yet, it hasn't reached us yet. Well, I have a copy of the Plan, as I've said it hasn't been presented to the House to deal with it in its detail, in its full merits, it has yet to come to the House. Well, I haven't met anyone that I discussed this with, just believed what I told them, and I think Mr. President, over the last week you will see that the people for some reason are being awakened, they're hearing some things that they've heard contrary - other words like I just quoted - they said you had passed this Development Plan, I said no, no this - they are being enlightened to understand - know as to what is happening, and I am hoping, Mr. President that from today on, or this week going which I indicated that more than one time; that I would have like to see this place filled, when we were in the old Town Hall it was the same way. I would like to have seen the public in there, but nobody seemingly had time, but they must be sparing some time now, and I trust that this will continue over the years. It's their building, it's their what not, it's their interest, and I do hope that they will play a part in it. As to how far the Plan might be modified before it's brought to the House, I'm unable to say, but we'll have to deal with it when it's brought here, and deal with it to the fullest extent, to what would be best as we would see it. Now into that Plan is one of the sole grievances with seemingly the island on the whole - that's the canal. Well, that seems to have been completely abandoned, which it might have served the good purpose of being brought in the Plan, that it would open the eyes of the public that they could have got something that they wouldn't have liked if they hadn't had that. Like other things in it that's what I'm saying, I hope they'll continue their interest.

Now we had the Cadastral Survey that has been on the island for a number of five, six years, and at this stage it appears like the Planning Department and Survey Department are lying one scheme together to establish something, which when the Cadastral Survey was introduced or before its introduction - we know the head of Government campaigned into the various districts. Look it from the platform and told the people what they would be getting from what they wouldn't be getting, and amongst that, Mr. President, the one part of it that was so emphatically stressed and stretched," but it won't cost you the people - the people of these islands one penny". And I am of the opinion, Mr. President, when it's finished - if it's finished, they may stop sometimes, I don't doubt that, but it'll still be a bit of jungle some place, that they're not going to survey. But what I'm going to say, I don't think Government will get a true figure amount of what really was the cost.

Now, into the Throne Speech Mr. President, I think you mentioned something about trying to get something like three hundred thousand dollars for a road across the middle western part of the area, so that land-owners and surveyors would get better access to their land. I didn't quite understand this, the surveyors claim that they're not going in to that jungle on the eastern part, beyond the Frank Sound area, and they want the road in so that land-owners can get in to trail their land. While it's not.....

MR. PRESIDENT: With respect I think that we're dealing with swamp and still lands, rather than Cadastral Survey as a whole. I think this is the point that's made in the Governor's Message.

MR. CRAWFORD EBANKS: Mr. President, I accept your Ruling Nevertheless, as I said that that provision should have been carried out in

MR. CRADDOCK EBANKS (CONTINUING): all parts of the island and if we were going to deal with it in one motion.

Then as to the Road Development Plan, I saw in the Compass a few days ago where they had passed a plan for a hotel between Old Man Bay and Frank Sound junction and the Colliers junction, into that jungle someplace. It could be, Mr. President, that they have approved the hotel plan, but if it's approved on the grounds of into that area, it's only to try to substantiate or to give the Development Plan to plan up ground to walk on to get the road across through there, rather than building or continuing the road around the water front as has been started over many years ago, and I can't see why, and saying that a road was pushed through to the eastern end of the island from the Frank Sound road junction. But it wouldn't be beneficial, it wouldn't be helpful, it wouldn't be good, I'm not saying that at all. But I can't see that Government has money to prepare or to go in to provide such road when we don't have money as has been stated to do so many other things.

As I said a moment ago, I don't know what the Plan would be like if it ever reaches the House, or when it reaches the House, so I cannot use my imagination as to dealing with it, but I do know regardless of whatever kind of plan or however it may be reshuffled when it's brought to the House, however it's thought it will be passed, I'm quite sure of that. Anyway I hope to see it at least for the next sitting - June. I can take my part of it - the swamp land and cliff to be released to the claimants as stated by the owners in the petition. It was again, Mr. President, stressed where a piece of land was found unclaimed, would Government make any claims to, not to our lands that one had good document titles to or lived on it or occupied it for so many years that brought them in the law of custom then, Government said we don't go into all that, we don't want it, only if there's a piece of land that is not claimed, not occupied, no claimant shows up, it will be Crown lands. But still even went a little further, if John Brown should show up X years after and said this is my piece of property and it could be reasonably proved, Government would give it over, nothing wrong with that, Mr. President, that's right and reasonable. One of the first objections - the hearings to the Grand Court on the adjudication was from West Bay, where the land owner had documents for so many years bounded on the east by the sea; and he told them 'no', only half of that is yours, but when it went to the Grand Court, the Grand Court said, but the man has the documents for so many years, bounded by the sea, so it's his property. Well, he got his property back.

Now as has been around, the problem seems to be in the eastern area, the middle West, between Bodden Town, Newlands, North Side and what not into that surrounding area, with the swamps in the surroundings. There's one developer into that area who purchased land out too many years ago, who has full title to the sea - adjoining land owners fifty, sixty years documentary title - says the documents are too old, antiquated, not anymore good, no half of the swamp land and mangroves belong to Government. Mr. President, not at any time to the best of my knowledge ever hearing, seeing, reading or anything, where any of these areas around that Government ever made any claim to, for one purpose or another. If the sea is the adjoining source on one side, then Government only owns to the high water mark, that their claim should stop there, not five hundred feet up into the mangroves or a thousand feet up into the mangroves, the people get half of it. Those same red mangroves around that area was once a part of the livelihood of the people of the eastern districts. Knocking bark off, men women hacking it out, drying it, shipping it to Jamaica. However, regardless of however they purchased it, of who they might have purchased it from, the documents give clear difinition of how they obtained it. And for anyone Mr. President, to me who has not claims, produce no claims, I can't see then why they should ever attempt to say that the land owner only owns half of the mangroves, and his documents say two hundred feet.

There're various places I heard Mr. President that when they went in - I suppose yes, it's true they didn't find a new barbed wire fence, they didn't find a stone wall through many of these areas, but it was always the way the land owners lived and occupied and took care of their land that half of the still and half of the mangroves were to the

MR. CRADDOCK EBANKS (CONTINUING): division line. So when we stray from that, then it's no doubt that some people will lose. I know you can say that they can take it to the Appeal Court, they can take it to the Grand Court, they can take it to the Supreme Court, they can take it to London, all of that is additional money. All that they have left is their little saving reserves and probably sell half of the land to try to save the other piece, goodness what was told to Shigeoaka - it won't cost me one penny, how can you make this opportunity go by.

Like my colleague here from West Bay mentioned a couple days ago that he was one who had visited the Turks and Caicos, and how he said we were satisfied with what we saw. I happened to be one of the members Mr. President, but I am not into that "we", because a few hundred people in their surroundings of poverty, and the little salt tarnished land that they're living on, that don't value a Japanese five cents to be used as a private avenue to reach us, so they adjudicated that first, and when we had the opportunity to go there to see - but I didn't see anything but poverty in the poor people. The few hundred who are there, they have no land to lose, they have no land to gain, I mean they're living on a piece of land, however they got it, but it's of insignificant value. You see a little house standing, not a tree surrounding, it just can't grow. So I'm only saying what I said when I came back, I didn't see anything to impress me, I didn't see anything to convince me, I didn't see anything that I could offer Government. Yes, I understand the system of registering it in so and so, if you want it moved you just say this and that and it's moved, I understand that. But it's not there to be done, it was only used as a pair of green shades, hoping that it may not be seen. I'm glad I made the trip, even though we almost had to push the plane on one occasion to get it started.

It's not good to follow too much fashion - we always refer to neighbouring islands, still we say, see what they're doing, we should do it so too. But all things, there're a few things probably we could use as an example or use for trial, or something that we could pick apart and see something out of it, but we should build on Cayman the way we would want Cayman, and for Cayman to continue, but not to bring in every whim and fancy because some place else is doing it, or some other place has done it. You know Mr. President, I may inject this right here, everyone of us in saying that people visiting the island say that we should keep Cayman the way it is or the way it used to be, and not to let it get all mixed up and so many changes like so many other places, we like to come to a place where it's quite and peaceful and loving, but you know Mr. President, at this stage some members of this House who have stressed it that Caymanians are better off today than they ever were in life. Mr. President, to this I can say yes, and again I can say no. We talked about the way our forefathers and fore-grandfathers and fore-great-grandfathers lived and abide and ran this country, and the way they built up the standards of living, the solid foundation that we started building on some years ago. But with regret Mr. President, much of that structure has fallen far from the way we started building just a few years ago, than what it is today.

I have here before me, Mr. President the two words, 'yesterday' and 'today'. Yesterday, we were one people, anyhow you want to take it, in health, in sickness, in need, we were one people. Today we are somewhat separated, we don't have time for our friends, we don't even have time for some of our families, life is too much of a hustle and bustle, we have to keep moving along. Second, yesterday it was love, we cared for others, today it's strife, we don't care, we see this daily. Three, we cared for others, today we don't actually care, as I've said, we don't have time. Four, yesterday, Sunday was started with singing and praising God for his love and goodness, today Sunday is started by record players, finishing up in the clubs. Fifth, yesterday parents whipped their children, today a lot of children whip their parents. Not particularly boys ending up in court for beating their parents. Six, yesterday, there were no divorce cases, today the courts are filled with divorce cases. Seven, yesterday, there were no prisons or prisoners, today our prisons are filled, a bed and a chair at the table are empty of a loved one from our home. Eight, yesterday the churches were filled on Sundays and the bars empty, today, the bars are filled on Sundays, and the churches empty. Ninth - one more Mr. President, it was peace and love, today it's strife and hatred. Ten, yesterday we were poor and happy, today we're rich, but we don't have much to offer because the foundations that were built, that we should build happiness on they've scorned

MR. CAMPBELL SPEAKS (CONTINUING): to have decayed. Mr. President, I can say yes, we have better schools, we have bigger schools, we have better homes, we have better clothes to wear, we get some better meals, but when the other side has crumbled, then we can't say that we're better off, because the scriptures says, what shall a man gain in this world if he should lose his soul.

Mr. President, I could go on for some more, but as I said in the beginning, I would be somewhat brief, but I will close Mr. President, with these few remarks, but I hope and trust that as long as your term in office will be here, I trust it will be, or do hope you will have the privilege of enjoying it for many years. But I do hope as long as your term in office is here, and even your successor whoever it may be will not have to be faced with marches or such petitions as what has caused you to bring this Message here. I hope you'll all be able to get a good look at this, and from now on try to do the things that will prevent these things from happening.

The last request was granted for the second demonstration, the petitioners were told that their request would be granted provided - I don't know if it was worded that way, but this is the substance - provided that they will go to the back door of that Government building. Mr. President, that's a gross insult from the Commissioner of Police who grants these applications. That office built over there, it's for the people of this island to honour the civil servants who work for the people. It has a front door, and Mr. President, that was the door that they should have entered, and not the back door. Other words, they were being told, this is what it means, that you people will be pushed in the rear. It's the feelings, Mr. President, I think of probably some of Government departments that the people are not law abiding, they want to create trouble, they want to do this, they want to do that. No such thing, Mr. President, because if they wanted to create problems and trouble they would have done it when they were told on the second application, you go to the back door. They said 'yes', they wanted to prove to you, Mr. President as Governor of the Cayman Islands, that we the people can be law abiding, and we will be law abiding as long as we have that privilege. So they came to the back door, and never murmured. If it should be a third application, they would say no, you aren't going to get it at all. That that's where this - who created it then, Mr. President, is all I'm trying to say. Is it the people? And any civil servant, any civil servant, regardless of what position he's in, told anybody from the public, you go to the Government Offices and go through the back door, is trying to push the honourable Governor of this country in the rear, to the back, pushing you out of the back door then, and pushing to see if they get the opportunity. I know they'll give some excuse, maybe a lot of cars want to go in to the Immigration - they all have enough sense not to block the traffic that no cars could cross, and it wouldn't be that many cars in flow back and forth into that area at that time of the day. They just didn't want to tell them, well we're not going to grant you your request, but you be sure to go around to the back. Any of these members in here including myself, we would have found somebody around the back of our house who didn't have any business, we'd be anxious to do something about it, because each house has a front door to welcome anybody who would want to approach.

As I said, Mr. President, I could go on quite a bit longer, I'm not tired, I'm not hungry, but I think you have understand most of what I've said. I know it's bad english, bad grammar, bad everything, but I understand myself at least, and I think you've understand most of what I've said, and I trust that you'll be able to look into this, or any similar thing - which I hope you don't have to be troubled with anyone approaching you with a petition, saying that we have a multitude of problems and grievances and we brought them to you. It was felt that an elected member should have brought the petition. I personally disagree with that Mr. President, in this manner, that this petition, if the public had known some of these things as to what they've petitioned against, before it came to this House, before it was debated, I would have said yes, a member would be entitled to bring it to the House, but after it became law, and they took it and made their grievances out of it or felt it was a grievance to them and tried to reach that something be done about it - I didn't feel, Mr. President, that it was the duty of an elected Member to bring it to this House, when they had made their petition on the ground of what this Honourable House had done,

MR. CRADDOCK EBANKS (CONTINUING): nevertheless I'm glad it's here, and as I said I trust that you don't have this to encounter with again, or any similar grievance in such a manner. I know you've assured us that Government will look into the grievances of the people, and do all they can about them, but it's not that easy when you go from one to another, and one from another, and one from another, and so many times these things are done to kill what the elected member might even be trying to do for his people. So I wish for you Mr. President, as you go on leave the best of a holiday, between you and your family, as you go around and meet and get in contact with each one and that you will come back to us feeling fresh and vigorous, and somewhat prepared then for the June sitting, which I hope the Development Plan will be before us then too. I thank you.

MR. PRESIDENT: I think this might be a suitable time to suspend. I will however like to refer to one statement that the Honourable Member made about who speaks last in the Session. An Honourable Mover of the Motion he has the right to wind up, so I don't think we should be under any misapprehensions about who's going to be the last speaker. So I shall suspend proceedings of the House until 2.30 this afternoon.

HOUSE SUSPENDED AT 12.40 P.M.

HOUSE RESUMED AT 2.30 P.M.

MR. JOHN JEFFERSON: Mr. President, I wanted to say that because of a funeral in our district this evening, I will have to be leaving a little bit early. So I ask to be excused a little early this afternoon.

HON. A.B. BUSH: Mr. President, Honourable Members, I know some more from the Executive Council side of this House will be most welcome at this time. I see we have two Members left to speak, and we have four over here, that I'm sure will speak, maybe a quick one.

Mr. President, I don't intend to really comment on your message, because it is straightforward, very much to the point, explains all that I believe is in the petition. But I would like to make some comments, on the comments that were made on your Message.

First of all Mr. President, I just want to clear up what seems to have been a misunderstanding here on Friday, when your Message came up on the Order Paper, and the procedure which it was going to take. I think Members from Executive Council asked questions for clarifications, as to the procedure of the Message. And I myself wanted to be quite clear, because I saw what the motion was going to be put, and I did not intend to vote for the petition to be debated on the floor of this House, because it is against the Standing Orders of this Legislature. And surely these Standing Orders to my mind should be adhered to, and surely they are like the compass to a ship. If we are not going to stick by them, then I'm sure we're going to get in trouble. But straightaway when the questions were asked by Executive Council Members, straightaway it was considered that Executive Council Members were afraid to have the Motion debated on the floor of this House, and I just want to make it known that this really was not the case, as far as I am concerned.

Now Mr. President, my first comment on a statement that was made, and the statement was that this Petition that has been brought to this House is one of the best things that has ever happened in the Cayman Islands. I want to say Mr. President, in my humble way, this Petition that was brought to this House in this way, was one of the worse things that has ever taken place in this island. Not only in the way in which it was presented, but also the purpose which it is expected to achieve. I am somewhat surprised to know that the Members who so strenuously support this Petition being brought in this way, didn't bring it themselves in the right way in which it should have been brought, according to the Standing Orders of this Legislature. Because in all of my time here in this Legislature I have never seen a petition presented in such a way. I have seen petitions presented in this Legislature by elected members who represented the people, and the petition was either laid on the Table, or automatically went to a

HON. A.B. BUSH (CONTINUING): Select Committee. There is no debate on the petition, this one is different altogether. And I want to suggest Mr. President, that the reason why the members who support this petition so wholeheartedly could not present it in the way in which it should have been presented, because it could not meet the requirements of the Standing Orders of this Legislature, and that is the reason why they sent it through the back door. Much has been said about those who presented this petition being directed to the back door of the Administration Building, and I want to say that if it was ever a back door petition, this is one. So I think it was directed in the right way.

Mr. President, one of the big bones of contentment seems to be the hospital fees. This was talked about more than any other part of your Message, referring to the petition. I heard a statement made here by a Member who said, the hospital fees in the Cayman Islands are the highest in the world; it is no wonder the Member for West Bay asked when he spoke on Friday, if the Member had been outside of his district. We heard though, that you can get medical attention in New York for five dollars, but one can see a doctor in New York for five dollars compared to ten dollars here in our hospital. Well, Mr. President, I don't know what kind of attention that is, especially in New York City, because what I have seen elsewhere in the United States, I'm sure that a doctor wouldn't even talk you good morning over the telephone for five dollars. So to my mind this is a ridiculous statement to make. Why do people think that Government would try to impose something on people that wasn't for them. This has all been played up to by members to the public. I wonder, if Government didn't have a hospital just what would be the position. I am sure every resident of the Cayman Islands would be wondering what kind of a Government do we have by not having a hospital.

Mr. President, I know since you've been here you've heard it, but for many years the Member responsible for Health and Social Services in this Island was harangued in this Legislature by Members who are supporting so strenuously what is before us today, and that is a complaint of hospital fees. He was harangued that the Government had the poorest medical facilities any part of the world, and something must be done about it, they said it had to be done. Government undertook to do something about it, and something has been done about it, and I feel like we all should be grateful, should be thankful that it has been brought up to the standard it is today. We talk about ten dollars to see a doctor, receive medicine, we talk about twenty five dollars a day to go into a hospital to get three meals, for a nurse to attend to you, for medicine and for doctors' services as well. I wonder if Government didn't have a hospital if the people believe that they could go in to any private hospital here on the island for that amount. I am sure it would be more.

Now all of this has come about, Mr. President, a revision of fees, because of the renovation that has been done to the hospital. Let me say it Mr. President, I don't want to go too deep into this, because we have a Member whose subject it is, but I just want to explain my part of it. But as has been always said by Mr. Charles over there, that I'm not doing anything that will take the wind out of his sail, but I will have to say something with regards to this. I wonder as I said, where else you could go and get such attention for so little. One would think that it was the hotel that we were charging, that people were bound to spend time in such places. How many of us really go into a hospital for more than a day or two every year, some of us don't go at all, thank God I haven't been there. And I think provisions are made for Anyone who have to go there, and I think provisions are made for anyone who has to go in there for any length of time, so that he isn't over burdened with the bill which he would have to face. But this all as I said, Mr. President, came about because of the renovation that was done to the hospital. Government spent six hundred thousand dollars to renovate this hospital, and naturally after spending money like that, Government had to try to improve their fees to try to off set some of that expenditure, and to keep it going. But let me say this, Mr. President, and I know all Members here know this, with the exception of one, had Government been so stupid as to have followed the advice of the very members who complained today, as they said on behalf of the public about

HON. A.W. ROSS (CONTINUING) the hospital fees in this island, instead of paying ten dollars to see a doctor, it would have been a hundred, and instead of twenty five dollars a day in the hospital, it would have been two hundred and fifty. Because what for? They want? They wanted when Government intended to renovate the hospital, it shouldn't be, it should be turned down, it should be abandoned, and a new hospital built, and that new hospital would have cost you upwards of three million dollars. Now were you going to do it then, to charge fees what you are charging today in the hospital you've got, had you had such facilities. It could never have happened, and those are the same people who're saying that Government has wasted money, should have curtailed expenditure, and had it been left to them, the finances of this island would have been committed into things that were impossible.

Mr. President, over the past three and a half years I have discovered that the most dangerous position in Government, as a politician is to be a Member of the Executive Council. Nothing is right according to some Members, and it makes me wonder, Mr. President, how did they ever agree at all to an Executive Council being formed in the Government, because our Constitution said, there shall be an Executive Council, not may be, there shall, consisting of so many Members elected by the elected side of the House. I wonder, why did anyone ever agree to it. We heard so much talk before we had a constitutional change, we wanted Caymanians to run our own affairs, the most threadbare - Caymanians to handle their own affairs. We've got Caymanians handling their own affairs to a good extent today, it is worse with some Members than it's ever been before. They just won't accept it, they don't want the expatriate to do it, they don't want more of the Caymanians to do it, and yet the affairs of the country today are being run better than it's ever been run before. I can truly say Mr. President and Honourable Members, that I have done everything during the time I have been in politics, and representing the constituency of George Town to make this island a better place. To provide the community amenities for the people to bring the island up to a standard of where everybody [illegible] one be proud of it, but again we hear when the public is called upon to pay a few additional cents, to contribute to the services, no, we don't want it. But they want the services, bear that in mind they want the services, but no one wants to pay for them.

We did hear though, that there were parts of this petition as mentioned in your Message, that Members didn't want to change, and that was the number of Members in the various constituencies as has been asked for in the petition. I can see the point in this, I mean a part from what the Member in East End behind me has said, he certainly wouldn't like to have two Members from East End like the one who have now to contend with. I believe that goes for a lot of us, you'd have to have two more in George Town, this would give us five, two more in West Bay, gives us another five, I don't think it would really matter if you got another one from North Side. But I'm sure they wouldn't want another one in Bodden Town, because Mr. President, I am sure, and I've heard this said by those two Members, we haven't been elected, we've been appointed for life. Now you know Members, that those two Members wouldn't want a third member there to disturb that little kingdom which they have got up. I'm sure they wouldn't.

I know one thing though, Mr. President and Members, that instead of the talk on the roads, they've got something else to talk about, hospital fees, because I'm sure there're no more faults to be found at the dock and the roads. They're pretty well covered, and they're so plain before them, and they're so pleased with them they can't say anything more to criticise it. But you know Mr. President and Members, I believe that the whole root of this petition stems from the Cadastral Survey and the Development Plan. I don't believe that it is altogether the small increases of taxes that Government has added to, because I've never heard it before, this isn't the first time that Government has doubled and trebled their taxes on cars and so forth. I remember when the car was two pounds, four dollars, it went for four pounds, nobody would go to pay it. I paid it, everything went off. No petition didn't come to this House about it, they paid it. But I know, or I believe, I'm suggesting Sir, that unless they had put these other things into it, they would never have got a following for just the Development Plan and the Cadastral Survey. As you have outlined in your Message Sir, these are under a law, the law is being followed, the process of the law is being carried out, and unless we have a change of the law nothing can be done about it, this is a fact.

HON. A.B. BUSH (CONTINUING): Mr. President, I am very aggrieved at the attitude of Members towards the Executive Council side of this House. Because never before has there ever been such a feeling, an envious feeling from Members as it is today. And I can say that my firm belief is why this feeling is here, is because the four Executive Council Members here have given such a performance to this Government in the last three and a half years that they're all envious of what we have done. Mr. President, and it is done by the very people who are saying, we wanted our very own to take the reigns of this Government and run it, and now that we've got it, we don't want it, it's like what the saying says, when you get what you want, you don't want what you get, this is my belief. Because I want anyone to show what better could have been done on the resources that have been put at the disposal of Government, and they know that nothing more could be, and so naturally they have to find faults somewhere or other. You cannot say that what Government has done with the money which was at their disposal wasn't needed, and you have got more moneys worth, than money you had.

We talked about expenditure on this and that, and we have spent money to better advantage than any other territory you could read about in the Caribbean, and in fact in the world. It is disgusting Mr. President, to see how Members play up to the public of this island, how they play the public against the Government, to stir up strife, and get what they are saying. We want our islands to remain peaceful and quiet, we want the harmony to remain here that has been, and they're the very ones who're stirring the public up against the Government, to make them believe that the Government is against the people, when the Government is doing everything...

MR. JAMES M. DOUGLAS: Mr. President.....

HON. A.B. BUSH: Sit down, will you please. You had your time to get up.

MR. JAMES M. DOUGLAS: A point of order. Mr. President, I think that the Member has a privilege to say what he would like to say to an extent. But I think he is trespassing the dignity of the Members on this side of the House too much Sir.

MR. PRESIDENT: I think perhaps, imputations should not be made quite so forcefully. I respect Honourable Member's right to give his opinion, which can be refuted in debate, but I think instances perhaps of this nature might be avoided.

MISS ANNIE H. DOUGLAS: Mr. President, I certainly do not agree with my colleague saying such things about "the" Members here. I am not an opponent to the Government. I'm very much in favour of the Government any time they're right.

HON. A.B. BUSH: Mr. President and Members, I hope in the future that the Members will just stick to that. That's all I'm hoping for. Not a chance Mr. President, not an opportunity has been missed on this floor to embarrass the Members of Executive Council, in questions asked and everything else put before this House, resolutions and everything else. This is why I'm saying this, because not an opportunity has been missed by the Members on that side of the House to embarrass Executive Council. That's why I'm saying it, and yet I say, these are the people who say we want our island to be peaceful and quiet, and different from the islands in the Caribbean, where we hear so much strife being stirred up. Well, I want to say one final thing Mr. President, God help us that this Government never falls into the hands of such people. Thank you, Mr. President.

HON. TREVOR FOSTER: Mr. President, Honourable Members, much has been said regarding your Message to the House, by previous speakers, and I don't intend to be too long. I always believe in a brief speech and to the point. However, Mr. President, members of the public should remember that legislation that has been passed in this House was so done by the elected Members of the people, and through the democratic process. Mr. President, the Majority rules. I believe sincerely that any decision taken

HON. TREVOR FOSTER (CONTINUING): in this House by Elected Members, and by Executive Council Members in in the interest of the public, and to improve the facilities and the amenities which they enjoy from day to day. This, Mr. President, in our job, the only difference as I see it, the public is demanding the improvements, demanding the facilities which they need, however, in certain instances it seems as if they do not want to help pay the cost of it. Mr. President and Members, I see this is impossible, you can't have the cake and eat it too. When one realises that for example the medical facilities are now being subsidised by Government by seventy five percent, what more really can the public ask. In our particular case in the Brac, we pay fifty percent of the fees charged at the Grand Cayman Hospital, could our people ask for anything more than that, it is by far being subsidised. Mr. President, if this is not good economics on behalf of the people, something is wrong, after all, we cannot do the impossible. We can only bring about the necessities for the people with the resources which we have; and if the people demand the amenities, and this again, I must reiterate, this job of the representatives, if we didn't get the facilities for our people, we would be told, we are not doing anything. Now we're getting the facilities, we have to pay for them, it's another problem.

Mr. President, directly to your Message which is self explanatory, I don't intend to go down category by category, but I would like to touch on Category B - The proposed Development Plan. As one Member said earlier in the debate, the Development Plan has not been presented to us in the House, I feel certain that Members will deal with this According to the wishes of their people when it comes. As far as the Brac is concerned with the Development Plan, I think we already have our mandate. Mr. President, my colleague and myself went a bit further, when the Tribunal was in Cayman Brac we had the services of a lawyer, so that he could represent to the Tribunal in legal jargon the wishes of the people. It was a t cheap, approximately fourteen hundred dollars, but I think it was needed, that was the whole purpose, and we did it with interest of our people. I think the majority who has sent us forth here have appreciated it.

Mr. President and Honourable Members, with respect to Item No. 7 in your Message, I noticed no Member has touched on it, and you're quite right in your statement - and I should read it. "Many of the signatories signed pages referring only to high hospital fees, the Development Plan and high rises in taxes". Mr. President, it seems to me that the whole idea of the petition was misconstrued to the people. The covering letter goes into a lot more details than these three items; can we realistically say, when looking at this petition that these are the wishes of the people who signed it? What in truth and in fact they did not really know all of what they signed. Mr. President, I can only say that method does not lend itself to a democratic system. Mr. President, as far as the Brac is concerned, many of the signatories did not know what they were signing. I was told by one person who signed the petition, that he signed for improvements in the hospital. The Majority of them signed against the Development Plan, this I can say, because I know the feelings of my constituency.

Mr. President, as far as the covering letter is concerned, it mentioned things such as expatriates' salaries that our people knew nothing of. Mr. President, I humbly submit that the only people who knew of these in the covering letter, were the five signatories to that letter, and I would add, they do not at present ever reside in the Brac. Mr. President, I asked the question, are we still living in a democratic country, when five people try to represent the views of thirteen hundred? I want to make it emphatically clear, that the covering letter on this petition Mr. President, is not the views of my people. Mr. President, I want to agree with the Member from Bodden Town, who stated previously that Brackers were sent fees from overseas, be that as it may, we know how fees are attached to all departments, we are one department so to speak. But Mr.

HON. TREVOR FOSTER (CONTINUING): it is not only the Leeward Islands, the very petition came from overseas to our people. It was brought there, it was sold to them. Mr. President, I feel that the right to present the peoples' views rests in the hands of the two Elected Members for that constituency. I personally have been sent forth here with a majority vote of my people, to represent them, which I have done for the last seven years. Mr. President, I have presented petitions to the Governor before, when I was asked by my people to do so, and I will still do so if I'm asked by my people to do so, and when it is necessary.

Mr. President, I want to say and agree with the Member who just spoke, that once you get on Executive Council, going seems pretty rough, but I would also like to say, it takes men to be in responsible positions, and stand up to their criticisms, this we can do. The only one thing I would ask those who always criticize, could we not have a solution sometimes from them? It looks to me, Mr. President, if they could handle the affairs so well, that they could offer us a little help, instead of some criticism.

Mr. President, this document will go to a Select Committee, each Member will have the opportunity to offer his views, so I do not think I should waste anymore time in elaborating on it. I can very well see that we will have weeks and weeks ahead of us to do just that. But in conclusion I would like to say, Mr. President, that the problem we are faced here with today, is a political one. It is the work of a well organised potential operation of 1976, this is what it is, without a doubt. Mr. President, and in the case of the Brac, it's part of the same three. I want to say we're not afraid of opposition, but just lets have the opposition clean. I think it behooves all Members of this House to work together for the betterment of the country, and offer solutions and help where you possibly can, but one must remember that when you're constantly criticized, your morale begins to break, after all, it's the business of the government of the Cayman Islands, which is the people. Mr. President, I can only ask Members for co-operation instead of so much criticisms. I thank you.

HON. BENSON EBANKS: Mr. President, I want to agree with the last speaker, except for one thing which he said, and that was, that when one is subjected to an unusual amount of criticism his morale lags. That doesn't apply to me. If Members believe that the barrages which have been thrown can dampen my morale, they are in for a surprise.

Friday Morning when we were working how to deal with this Message, Mr. President, the questions that were asked and were proven to be pertinent were misconstrued by some, to believe that Elected Members of Executive Council were afraid to debate this issue, nothing could be further from the truth. What I was concerned about that things were done in the dignity that this House demands. As was pointed out in your Message, there is ample provision for members of the public who feel aggrieved to have those grievances aired and brought before this House, and it was clearly pointed that the procedure which we are following in this case is not best suited for this purpose. One Member Mr. President, even went as far as to say that the Standing Orders of this House under which we operate says that the Governor or President may bring a Message, and that this should be interpreted to mean that Members had the right to object to you bringing a Message. I humbly submit Mr. President, that in this instance 'may' has the same meaning of 'shall', and that this House cannot prevent the Governor from bringing a Message to it at anytime he feels like doing so.

I am grateful to the last speaker, Mr. President, for pointing out that up until the time that he mentioned it, every speaker who was debating this, particularly those who were supporting it, found it very convenient to ignore paragraph 7 in your Message which said - many of the signatories signed based referring only to the high hospital fees, the Development Plan and high rates in taxes. Mr. President, I am in sympath with those persons who were led to believe that this is what the petition or the march or the demonstration, call it what you will was all about. But one he realistic, regardless how small the increase might be, no one likes to experience or hear about increase in taxes or rates in any form, and partic-

HON. BENSON EBANKS (CONTINUING): elderly people who are not well off at this time, I can understand how people would rush to sign that piece of paper. But I wonder as they were referred to in your Throne Speech, I wonder how the signatories to the petition, that is the four people who signed the one in the case of Cayman, can explain how all the rest that you have enumerated here got into this petition, and then how they have the right to claim the support of the eighteen hundred or fifteen hundred and what people who signed it. One speaker were bold enough to say, that when eighteen hundred people get together to prepare a petition, something has to be wrong. Mr. President, eighteen hundred people didn't get together to prepare this petition, a small group of people got together to prepare the petition, and it was taken from house to house to be signed, and the evidence is before us, as to what the majority of people signed. In the cases where they didn't sign for those three items, they signed blank paper. But Mr. President, this brings me to the biblical aspect of the lecture we received this morning, and some verses were quoted for the benefit of people who might not read their Bibles too often. I have a few verses too, Mr. President, and they come from only one chapter - Proverbs 26 - As coals are to burning coals and wood to fire, so is a contentious man to kindle strife. Where no wood is there the fire goeth out, so where there is no talebearer, the strife ceaseth. As he that bindeth a stone in a sling, so is that giveth honour to a fool.

Now Mr. President, I have two more verses to quote, and it is between these two shots that I will have to try to steer in the course of my debate. The first is, answer not a fool according to his folly lest thou be like unto him. And the second is, answer a fool according to his folly, lest he be wise in his own conceit.

MR. PRESIDENT: I hope this isn't a precedent where we're going to get texts for speeches in the House.

HON. B.H. EBANKS: Mr. Mr. President, this is only giving unto Caesar the things that are Caesar's.

Mr. President, to get back to your Message, there is nothing I submit in this Message summarizing the petition which was not the subject of debate in this House in the last Budget Session. There were matters that were disposed of in this House in a democratic way, and Mr. President, there is no doubt in my mind that the work of some Members who did not have their way in that debate is present in what we are debating today. We had many meetings in my district, and for the first time I have seen Members of the Legislature attending political meetings in my district, to the extent that they have been in this instance.

It was said Mr. President, that the hospital cannot be run from a glass cage or a swivel chair, that is true Mr. President, and I don't believe anybody attempts to run one in that fashion. Apart from the staff of the hospital, it is a fact that from before the opening of the new in-patient wing the Principal Secretary responsible for this subject and myself met bi-weekly with a cross section of the administrative staff of the hospital. This is an endeavour to improve the working relationships of the hospital with the public and to improve services if this is possible. But Mr. President, neither can the hospital be run on ignorance and half truths. It would be impossible for me to relay to medical services or the hospital without in some way using the word "I". But Mr. President, we've heard a lot about break down of communications and the rest of it, between Executive Council and Elected Members. I would merely call the attention of that Member to the Address which I gave at the opening of the new wing, I must agree that that Member did turn up, and I'll give him the benefit of the doubt, that he probably got late, as he might not have heard what I said. But in that Address I paid a vote of thanks to the Members of the Legislature, who had voted the money to make that facility possible. I have no control over funds in this Government, therefore it goes without saying that unless funds are voted by the Legislature I cannot achieve anything. The arguments to get the funds sometimes have been lengthy and difficult, but that is the only way we can get them. And as another Member pointed out, the facility that we have, the new facility that is, involves us in new expenditure of approximately six

HON. H.O. BARNES (CONTINUED) thousand Dollars. And the fees do an extent reflect that expenditure, and I wonder what would have been the result if we had accepted the advice of those who wanted to put a Bulldozer in that hospital, and build something from scratch. We would have been faced with a capital out lay of not less than three million dollars to have achieved what we have there now. This is the conservative estimate of the consultants which we employed.

Again Mr. President, a Member mentioned that somewhere he had heard me say that, when I took over responsibility for this subject I found proposed increases in fees to be introduced, and that I had not brought them forward until we had an improved service to offer to the public. This is correct, but that doesn't mean that "I" individually imposed the fees, but as being responsible for the subject, it was my responsibility to bring them forward and recommend them to Government.

I must refute Mr. President, that the hospital fees are the highest in the Caribbean, particularly as the Member said including private hospitals, and I think the other Member was quite right when he said, he could not have been out of the confines of Bodden Town. Mr. President, in other islands where one pays income tax, property tax, sales tax, and all the other taxes, it is simple to give services probably at a more realistic rate. But I doubt that that is the case, I wonder too, if there isn't some sour grapes in the criticism of this facility. When we were faced with the task of renovating the hospital, we had two choices, paint it up, repair the plumbing and say that we had done a lot for medical services in the Territory. Or to do a good job, and give our people a good facility.

Now Mr. President, it is well known, some one mentioned this morning about private practitioners, and private hospitals. It is well known that about the time that Government was making efforts to improve its hospital there was a lot of talk about private hospitals being constructed in the territory, and had Government been short sighted enough to build anything of a less standard than we have built, we probably would have found the private hospital being built. Those persons who could afford to pay would have used the services of the private hospital, and Government would have been left to carry the load of those who could not afford to pay. In these circumstances, Mr. President, Government would either have to impose taxes of some sort, or offered our people who could not afford to pay a very sub-standard service. Probably what one Member of this House used to call a "run-down-first-aid station", and this is what the public should realise, that when we've asked those who can pay to pay, we've asked them to subsidise the service to an extent for those who cannot pay, and those who cannot pay are receiving the same service as those who can pay.

The fees, Mr. President, are in a different fashion than what they were previously, but fees at the hospital have always been the subject of contention of interpretation, and more so of paying. One Member said, those persons who can pay will always pay, well, I personally have not been through the bills Mr. President, but I am told that there are many bills up there that could be paid, that remain unpaid for years, and this was not created since my time, it was something that we inherited. It has been the history of that hospital from the time I can remember. As to the system of determining who can pay, and who cannot pay. I would like to pose the question, who is that qualified to determine whether a person can pay or cannot pay? Who is better qualified than our Welfare Department? They already know the community well from their examination and scrutiny of people for other assistance, and Mr. President, the hospital, I want to make this clear, has never had the responsibility of determining who could pay and who could not pay. Heretofore, they operated on a little kitty signed by a Member of the Legislative Assembly, and/or a Justice of the Peace, and a lot of political hay was made out of that, and I can say from personal experience that persons who could well have afforded to be a paid got free medical aid, unless they lied to me.

I'll never forget Mr. President, the very first time I was running for office. I was approached by a man, a retired sea captain, lots of property, and undoubtedly grew money in the bank. He said,

HON. R.O. EGANS (CONTINUING): "So you're running for the Assembly?" I said yes Sir, and I said this is what I stand for, and I wasn't too far from the man, and he pushed a set of false teeth out at me, he said, "you going to give me these", I said no, if you can pay for them. He said so and so did, and unless you can, you won't have my vote.

MR. PRESIDENT: I think if the Honourable Member is prepared to give way, we might take the break at this point.

HON. R.O. EGANS: Okay, Mr. President.

Mr. President, at the adjournment I was saying that it was never the responsibility of the hospital to determine whether a patient could pay or could not pay, and in setting the fees last year it was decided that the certification of indigent people would be done by the Welfare Department. Mr. President, there is nothing degrading about that, if a person is in need of assistance from Government, financial assistance, it is to the Welfare Department that they go, and I contend that the Welfare Department is the fit and proper place for one to go to seek an authorisation for free medical aid at our hospital. And it is interesting to note that to date over ninety such authorisations have been issued. This does not include the other categories of individuals who received free medical attention, that is, pregnant women prior to when they go to the hospital for delivery, and post natal visits, that is the check up of the mother and the baby after birth, as well as school children and others.

One Member, Mr. President, ought to make a bit of hay out of the fact that we were saying, or some one had said that school children were free, but they haven't been told that if they were put in the hospital they would have to pay. Now, that section of the new Regulations, Section 5 happens to be word for word what was in the 1969 Regulations, and that is that all out patient services and prescriptions for children up to school leaving age, are free of charge, except for consultation by appointment. These regulations are published for all to see, and anyone with an average intelligence will see that this says, all out patient services, it doesn't say in patient services, neither did the 1969 regulations so state. What I just read was from the 1969 Regulations. What is a fact, Mr. President, that in practice, administratively, if the children are real young, the mother is encouraged to stay in the hospital with the child, and so no extra fee is charged for the mother. So when the Member talks about what could the child use, he could remember that the mother is encouraged to stay with the child at no extra fee. And it is not inconceivable that a child could use more medicine, more of a nurse's time than could grown ups. So I try to make that a criminal act to me is just what I quoted from the Proverbs - fanning fire.

As I have said, Mr. President, the fees are not ridiculous, we are still collecting one dollar for every four that is spent. Much was said of the fact that presently the surgical charge is stated as seventy five dollars irrespective of the type of surgery. I believe even two Oxford Dictionaries were introduced into that debate, to try to prove how ridiculous that was.

MR. PRESIDENT: I think it is Webster's.

HON. R.O. EGANS: I stand corrected on that Mr. President. Thank you.

But I would like to call the attention of the House that the 1969 Medical Fees carried surgical charges over a range of up of ninety dollars, forty five pounds, that was in 1969. And there was always an argument as to whether the patients had received major surgery, or whether he had received minor surgery. Because of this big spread in the charge. You would have people who go in and said yes, but so and so had an operation that cost them thirty dollars, why should I pay forty five? And Mr. President, again, the Member used the example of someone having a toe nail worked on administratively, work in outside of theatre procedure is when the

HON. H.G. BANKS (CONTINUING): patient is required to remain in the hospital over night. If the procedure carried on is done with local anaesthetics, and he or she is discharged after recovery, it is treated as a casualty treatment.

You quite rightly pointed out in your answer to the first petition Mr. President, that when any new form or service is introduced there are bound to be anomalies and that these were being closely watched, and would be corrected as these came to light. And this is being done, this is why we are meeting regularly trying to find when anomalies arise and the rest of it. But, if there were confidence in that assurance Mr. President, that should have sufficed, but that did not suit the purposes in some instances.

The ambulance service, Mr. President, was compared to a taxi service, but those people who feel that they are not ill enough to need the services of the ambulance, can use the taxi. But I want to draw to the Member's attention and to the attention of this House, that when an ambulance goes for a patient, it's not just a taxi driver behind the wheel, normally there are other attendants in the ambulance. The ambulance is equipped with emergency treatment equipment, resuscitators, and in the case quoted by the first Member who ridiculed the service, I believe that one could attribute the saving of the ambulance to that gentleman being alive today, so we're not talking about a taxi service.

When I became associated with this subject Mr. President, there were numerous complaints, the Government had an ambulance vehicle, and it was being used as a delivery van. The police, when they called for an ambulance sometimes the service came, sometimes it didn't, and it reached the point where because of this the police often sent accident victims to the hospital in private automobiles, and the concern providing ambulance service said, look I'm not going to answer anymore ambulance calls unless I'm paid for every trip which I make, even if the accident victim has already been sent to the hospital. We decided this was not good enough; it was brought to the Finance Committee, that we were going to introduce an ambulance service properly staffed, and the funds were voted. Mr. President, if one had to put an economic charge on that service to someone from East End, North Side, West Bay, Bodden Town, as the case may be, it would be a lot more than twenty five dollars. But again, it was sought to spread the burden to those who used the service, and it is my humble belief that anyone who actually needs an ambulance service and can pay is willing to pay the fee. If he cannot pay that is waived in the same way that all other fees are waived under the Regulations.

Now Mr. President, Members also said that the autopsy report all that was involved was sticking the document in a machine and getting a copy. That's a joke. An autopsy is performed, the record of that autopsy is place on an individual card the same as any other record within the hospital. And I am sure that in nine cases out of ten, persons seeking autopsy reports would not want his full medical history disclosed. This involves going back, transcribing that report, having it typed and signed by the doctor performing the autopsy, or someone authorised by him in that behalf. The other thing to remember Mr. President, is that this charge is not made for an autopsy report in the normal sense that is required by police or that type of service. What this refers to is where in the rare case where civil legal proceedings are involved, and an autopsy report is required. If one is going to involve themselves in civil litigations, this is not an unreasonable charge for a document of this nature. It's a drop in the bucket to what getting the procedure started is going to cost. Before a lawyer would read the report he would probably demand a thousand dollars retainer fee. This is not a report that a normal person would get when they're talking about police taking action, or anything of that nature. The hospital is obligated to give to the courts records free of charge.

Mr. President, one Member made the point that the facility was far from being completed, every Member of this House knows that. It has been stressed that this is the first stage in a planned phase development of the hospital eventually going up to something like seventy rooms by 1990, based on present population projections. Members voted the

HON. E.F. FRANKS (CONTINUING): money for this study, so they should know that this is not the final stage. I also mentioned that at the opening of the hospital.

Now, Mr. President, the question was also raised on Section 8 of the Regulations, where there is a surcharge of fifty percent on the charges for persons not normally resident in the Cayman Islands. The reason for this is, that we are subsidising medical facilities by seventy five percent. Those persons who do not reside permanently in the Islands do not make the same contributions to the economy as do our own people who reside here year in year out. And even with a fifty percent surcharge we are still subsidising the fees tremendously. And it's not one, it hasn't been two, it hasn't been three, there have been dozens of visitors who have said, we do not feel that we are entitled to use your facilities as long as you are charging us the same subsidised rate as you are charging your own local people. The other thing to be remembered is this, that nine out of ten of those person who use the facilities have medical insurance, it's not coming out of their pockets. If we happen to find among our patients from abroad persons who are indigent, they would receive the same service I am sure as our own people. But if they can pay, they will pay.

One Member, Mr. President, referred to the dental fees, about a root treatment, for twenty five dollars per root, and he wondered whether if the tooth had more than one root whether the charge would be made accordingly. Mr. President, for the benefit of Members, I'd like to explain that that particular item is a highly technical procedure, and possibly nine times out of ten an individual would go abroad to have the procedure done. This is not a simple filling, it is a highly technical procedure, it's one of the most painful and complicated jobs that one encounters in having dental work done, and this fee is well in line with what the charge is in the private sector.

Before I leave medical fees Mr. President, I think that I should make it clear that as Member responsible for Health, I have no control over the terms and conditions of employment of Civil Servants. What I do know is this, that if the terms of their employment entitles them to free medical and dental care, one cannot snatch it from them over night. It can only be done at the time of re-grading of salaries or re-consideration of their terms of employment, but this I mean, that you must be in a position to say to them, well you can have this in place of this, and you take your choice. But no one can just grab an entitlement from anyone.

Before I leave medical fees too, I just want to clear up one misstatement made by the Second Member from Bodden Town, when he said that Government had not contributed to the building of the Cayman Brac hospital. I congratulate the people of Cayman Brac on the efforts which they made in providing their hospital, but Government did make a contribution. I think the contribution made by Government was in the region of twenty thousand dollars, which was roughly half of the cash that was expended on the facility. Now remember there was a lot of free material and free labour went into the effort, in fact even the land that it stands on was free, but I'm talking about hard cash. And Government operates the facility at a considerable expenditure annually, it has spent further sums in upgrading the facility, and I hope that we can continue to do so.

To summarise on the aspect of medical fees, Mr. President, what I want to say is this, that it is my opinion that individuals attending Grand Cayman hospital get fair value for money spent. When for a clinic visit during hours a person is charged ten dollars, this includes the medical and nursing services, routine drugs, laboratory and x ray services, and there is no way that this can be equalled in the private sector, either locally or abroad. It is true that on the off chance one might go to the doctor and does not require medicine on a given visit, but when everything is put in the balance most people get away with less for that ten dollars than they used to pay under the old system. Similarly, for the daily rates it is good value for money.

HON. B.O. EBANKS (CONTINUING): One Member mentioned about some persons being billed. Mr. President, that is a matter over which I have no control, and I want to make it abundantly clear that no one is refused treatment because he cannot pay. If it is a non emergency case the person is ordinarily asked, have you complied with the proviso to see the Probation Officer, if it is an emergency case,treatment is administered and the question of fees is worried about later. But,Mr. President, when I talk about Tale Bearers, I didn't do this for guess, that is a fact. You hear all sorts of stories, such and such a thing happened to this woman at the hospital, which woman? one woman, which woman? some woman, and you go down the road, and you can't find out who that woman was, but the tale goes on, and when you get to the end of the lane it was an imaginary woman. But when this sort of this gets into the community, it's enough to get them concerned and excited. I can say this,Mr. President, that with the exception of one Member, I have not had one single complaint from that hospital referred to me.

One Member called me on the telephone and said, a lady was in his office and if I could see her. I said send her over, and I not only saw that lady on that occasion, but I actually spent about four appointments with that lady, and two with the Medical Officer who was treating her. But that is the one and only complaint that was brought to my attention, all the rest of them were but go around the corner to be fanned.

Mr. President, it was interesting to me to hear the debate as it progressed, how Members would say that when the call was made to cut taxes by fifty percent, it didn't mean taxes generally, it meant taxes that were imposed last Budget Session. No doubt in their minds at all what it meant, and I believe that. One Member said that Government would have been wise to have imposed taxes when the economy was in boom, and it wouldn't have come hard now, but,Mr. President, there might have been some taxes imposed in this territory for a limited time, but they escaped my memory. So if taxes had been imposed in boom time, the people would still be paying them today, true enough, they would be used to paying them, but they would still be paying the taxes. They would still have to find the money in these times of depression to pay their taxes.

Mr. President I mentioned earlier in my debate, that the persons Four / that the petition did not include, that is what the people signed, did not include all that was on the purported petition signed by the four members in the case of Grand Cayman. There was nothing on those sheets about changing the Constitution or re-defining collective responsibility, in fact I daresay that some of the names I see on this petition from my district, if persons had went there talking about collective responsibility they probably would have been chased with a broom, people believing they were being abusive to them. They are not concerned about collective responsibility, nor would they understand the intricacies of it, unless it was clearly and meticulously explained to them. But this question of collective responsibility being whipped has come up at every meeting this House, just about every meeting of this House we hear about this monster, collective responsibility.

One Member in giving an example of how unpleasant this monster was, used the example of the Liquor Licensing Law, and said, I am sure that all of the Members in Executive Council didn't agree to have alcohol sold to people under twenty one, yet they were forced to vote for it. Mr. President, the records of this House will prove that on that issue Executive Council voted for twenty one. So the point I am making is this. we are not a bunch of weaklings in Executive Council, who jump everytime somebody cracks a whip, that is not the intention. But if we agree on a matter in Executive Council, we ought to be man enough to stand by it when we come into the Legislative Assembly. That does not say Mr. President, that if intelligent arguments were to convince one or two or more of us otherwise, that we did not have the right to come back and say, look, we better re-consider this in the light of the arguments that have been put forward. But we would be irresponsible to do it on our own, without first getting together and making the point.

Mr. President, just as I pointed out that this petition had nothing in it, it was not substantially the same as was debated in the Budget Session, so is this question of constitutional change,

HON. D.O. EBANKS (CONTINUING) nothing new. One Member said to the effect that some mischievous politicians had during the last campaign accused them of wanting to change the Constitution. I don't know whether I will be called a mischievous politician or not Mr. President, but, I have in my possession a Manifesto of certain parties in the 1972 Election Campaign, and it begain. Our aim for the election in the Cayman Islands in 1972, and among other things, it said further changes should be made in our Constitution allowing for the Governor's veto to be over-ridden by a two thirds vote of the Elected Members. Elected Members of the Assembly should chair all Government committees, and be responsible for certain specific departments of Government, with respective Government officer to be Deputy Chairman. The Governor should be directly in charge of external affairs and defence, all other delegation such as police and internal affairs subject to the approval of the Legislative Assembly. And it goes on again and this question of collective responsibility raises its head. An Elected Member of the Legislative Assembly should have no freedom in his choice of actions, and should not be subject to dismissal if he votes or dissents on a Government Motion in the Assembly, and that the right to remove him from the Executive Council should be vested in the House of Assembly and not the Governor as the Members voted to Executive Council by the House of Assembly. It goes on to talk about Executive Council and all the rest of it, but, Mr. President, I only wanted to call the attention of the House to that fact, that the bit about collective responsibility is not new. And in fact as one Member quite rightly said, there's nothing new in the whole thing.

One Member, Mr. President, used an example of a march comprised of fifty thousand people in Washington, out of a total population in the United States of over two hundred million. To try to, shall I say diminish the dangers of demonstrations to our own economy. I would suggest that is a dangerous precedent. We have elections, at least it used to be every three years, its now every four years at least, and none of us all in this House now or no one has ever sat in the past who had collected one hundred percent of the votes in his constituency. We live in a Democracy where the majority vote rules, and unless we are prepared to accept that, we are going to run on shoals.

Mr. President, I have so many notes made that I'll likely to go to and fro in this thing, so I'd better just look at the Message. Expenditure to be curtailed to essential projects. As far as I know Mr. President, there are no non essential projects in 1976 Budget, in fact the only capital project of any significance other than the port is being carried on under loan funds, in the roads programme, two hundred and twenty five thousand dollars. And that, Mr. President, requires that the expected revenue from increased fees and taxes be collected in order to support this. If we are to cut back what it will mean is this, that many essential services which people expect and are entitled will have to be cut out. This would result in many unskilled, chiefly people being put out of employment, and yet we come here saying that that is the individual that we are championing his cause, the poor man. I know Mr. President, I will be told that we had a wind fall of fifty thousand dollars last week, and during the course of the Session we gave it away according to some Members. I would say Mr. President, that by that action this House took out an insurance policy, that the persons employed in that institution would remain employed, and also brought forward the possibility of additional employment in the same operations.

I have not calculated to the last percentage point, Mr. President, the relationship between the proposed income from hospital fees this year as opposed to what was collected in 1969 when the fees were last raised. But, I will say, that the ratio of money spent to fees collected in 1969 is very near what the ratio of the fees that are anticipated to be collected this year in relation to the money that will be spent on medical services.

Preferential duty to be restored. Mr. President that has been adequately dealt with, I don't even think the most ardent supporters of the petition supports that because they realise why it

HON.R.O. EBANKS (CONTINUING): is done, and it is possible, I'm only on the periphery of these things, but it is possible that the Honourable Third Official Member, if he makes a contribution to this debate could possibly inform the House that there is a possibility that we are already in a position to benefit from our association with EEC which necessitated the removal of preferential duty.

The Proposed Development Plan, Mr. President, has been fairly adequately covered. Suffice it for me to say that none of us or no member of the public knows at this time what the Plan that is going to be presented to the House will finally look like when read with the report from the Planning Department, and from the Tribunal set up to hear public grievances. When that Plan comes before us we will have an opportunity to study it, and then make our contributions to it, we can take it back to our people in that form, and see what happens. But Mr. President, even so, it should be remembered that the Plan that is coming forward at this point is in effect a definitive Plan, and the complaint that local people should have more say in the preparation of the Plan will be adequately met when area plans come to be made, apart from the opportunity they have already had in the Tribunal. When area plans come to be made for each area in Cayman, the same procedure of publication, representation and public hearing will be repeated.

Swamp land and cliff to be released to the claimants. Mr. President, this matter again was amply aired in this House, and decided upon in a democratic fashion. The islands of Cayman Brac and Little Cayman were adjudicated under the law as it is, more than half of Grand Cayman was adjudicated under the law as it is, and I think the rest of the island should be adjudicated under the same law. Now it has been said that Government is taking peoples swamp land and cliff. Mr. President, I think this should be made abundantly clear , Government is not involved in the Cadastral exercise other than paying its share of the expenses. That is, the adjudication process is being carried out under a law, its a judicial or quasi-judicial procedure, and it would be wrong for Executive Council or this body to issue any instructions to person involved in that exercise. I don't know what the out-come will be, and I hope if people are entitled to the cliff and and the swamp land that they get it, but it is also a fact, Mr. President, that Members of this House,and the records can be found to bear this out, on numerous occasions made statements to the effect that what disturbed them was that Government was not protecting its property under the adjudication process. When I am saying,I've said that to say this, that I cannot now see how anyone can reatigate the department in Government that is responsible for making a claim to land that they think is theirs, that is that is Government's, because after all it is the peoples. If the adjudicator or the demarcator in the first instance gives it to Government I am sure it's appealed to the adjudicator, if he gives it to Government, you go up the line. But Government per se is not involved in this exercise.

The other point that I would to make Mr. President, and again this has a bearing on this question of collective responsibility. A Member said that in his first sitting in this House there was a resolution before the House that we bear the cost from that point on of the Cadastral Survey, or that it be shared equitably between Government and the British Government under technical assistance. And the Member went on to say that they opposed the Motion and from that day, I think the word he used they were marked men and so on. Mr. President, the records of this House will prove that indeed a Message came to this House from the President on that question, and such was the support which the Message received including, if I can be excused for referring to that side of the House as the "other side", such was the support of that Message that the President was moved at that time to introduce a resolution, to the effect that we share the cost. Mr. President, I had agreed to the Message, but I had not agreed to the Resolution, and I led the attack on the Resolution, and it was not carried in the House, and Members can search the records to the accuracy of that statement. But I could hardly blame the President of the day for suggesting the resolution, I had never heard more in my life about how independent stated Caymanians were and how they wanted to pay their way, I believe they would have paid the whole lot if I hadn't spoken, and now they're quarrelling about paying thirty percent,

HON. R.O. EDANKS (CONTINUING) and blaming somebody for forcing something on us: and that's a fact, not fiction.

I dealt with the Constitutional part already, Mr. President, I noticed that some Members were happy to get over that section, Barry mentioned it, but I hope that the House has taken note of what I had to say about that section. And there's one last point I want to make while dealing with that; and that is, that I am not associating myself with any statement made previously or to come on the question of changing this Constitution after the next election. When I vote to change this Constitution, my people will have told me so, and not by getting four or five people together in the Town Hall, and said I had a public meeting and they told me to change it either.

You know Mr. President, this is one thing that I think would bear a little stress, as hear Members talking about we're speaking for the people, we had a public meeting, well and good; what is not known to this House is what was told to the people in the public meeting, or how many people attended that meeting. I know that in my own constituency that even in the heights of a campaign, when you get more people out than normal, you don't get the electorate out in total numbers, so even if I had a show of hands at a campaign meeting, I would be taking a chance to say that I was speaking for the entire electorate of my district. The only way that I know that one can say the electorate has spoken, is when the ballots are counted, either in a general election or in a referendum. And I don't want anybody to get up and try to make any political hay out of what I have said, about the non attendance at meetings, other than in the heights of the campaign, because I happen to know it is equally so in all districts, you don't get a large turn out. Even when that - somebody called it a turn over, whatever that is was going on a few weeks, you don't get enough to say that you've got a representative gathering. That is why I can say without fear of successful contradiction, that eighteen hundred people didn't get together and draw up this petition, no meeting was attended by eighteen hundred people.

Category D, Mr. President, you issued a statement that you would hear before proceeding on how to issue a statement on this matter. So as far as I am concerned I will leave that category out of my debate.

You know, Mr. President, when I started to speak I had some very - those Biblical quotations were only a beginning, I had some very harsh notes prepared, but as I continued my contribution I am satisfied that I have satisfied most of the criticism which has been levelled at Government. I'm not finished yet, Sir, you know. What I haven't done the other Members have done, or will do, but I would like to touch, Mr. President, on the question of gratuities paid to employees of Government. Some Members rightly pointed out that the gratuities to members now under contract could not be disturbed, and this is correct, that is a contractual obligation. The other thing to be considered is that these gratuities are not all paid to expatriate Civil Servants, our own Civil Servants some of them prefer to go on contract, which entitles them to gratuity at the end of the contract.

One Member cited the case of a gentleman who had been involved in teaching who received a sum much in excess of what someone retiring received. Mr. President, I would venture to guess that I know of that case, and it was not a case of straight gratuity versus pensions, there were special circumstances involved, special considerations. There had been understandings between Government and the previous employer of the party in question, and although there was not a contract, it was considered that Government should honour that verbal undertaking. It is a well known fact, I am not saying that the figure that appears in our estimates for gratuities is not a large one, but it is a case of paying now or paying later. As long as Government sees that the gratuity which it is paying has not gone ahead of inflation, gratuities is a better bargain than pension any day.

We have possibly the largest number of people employed on contract that would enjoy gratuities are our teachers. These teachers are usually on two or three year contracts, they are in the main young persons. If they were not paid the gratuity they would be

HON. B.O. EBANKS (CONTINUING): accumulating pension, and whom most of them are collecting gratuities at the bottom of the scale, if they were permanent and pensionable people they would go on till they had reached the top of the scale, there would probably be four or five salary revisions along the way, and they would receive pension on the salary they were receiving for the last few years of their employment. So it has never been proven, in fact the contrary view is held, that gratuities are often cheaper than pensions. What I contend we should do is to as speedily as possible help our young people to qualify, and this question of gratuity might one day disappear from our Estimates altogether.

Mr. President, to summarise, I have said that I can understand those people who have been excited by the exaggerated increases in rates and taxes, regardless of how small these were they would not be welcome. But I am satisfied that in many instances they have been exaggerated. The difficulty comes when one peruses your Message and finds that instead - two of the complaints on the letterhead can be listed under "Increased rates in taxes", but one finds that in the body of this petition, there are not only four categories as opposed to three items or complaints, there are four categories and eleven items of complaints. I believe if you have not done Mr. President, such a good job in summarising them, that the actual number would have been more; and I am wondering how - this will certainly pose a problem to the Committee, and how to reconcile this fat and broad petition with signatures covering only, as I said some three of the items. I certainly Mr. President, will give the matter consideration when it goes to Committee, although some Members, unnamed Executive Council Members of inaction. I can assure that Member that the only time that I am inactive as far as Government business is concerned, to what I consider my full extent, is sometimes when we have to spend unnecessary time on matters in the Assembly, which in my opinion could be with some give and take, disposed of much quickly.

ON the question of hospital fees, again Mr. President, I must say, and I want to repeat this, any Member knowing of instances where anything which I have said here today is not the case, I would love to know about it. Persons who can pay are expected to pay, persons who can't pay will not be paying, any variation of that I would like to know of specific instances, so that I can look into it. I thank you Mr. President.

ADJOURNMENT

MOVED BY HON. M.V. WALKER

SECONDED BY HON. G.E. WASHINGTON

QUESTION PUT: AGREED. AT 5.25 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY MORNING THE 23rd OF MARCH, 1976 AT 10 A.M.

M I N U T E S

TUESDAY, 23rd MARCH, 1976

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL,CBE.,PRESIDENT

GOVERNMENT MEMBERS

HON. D. V. WATLER, CBE., JP	FIRST OFFICIAL MEMBER
HON. G. E. WASHINGTON,CBE.,QC.	SECOND OFFICIAL MEMBER
HON.V.G.JOHNSON, CBE.	THIRD OFFICIAL MEMBER
HON. A.B.EVAN,J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN MEMBER FOR WORKS, COMMUNICATIONS & PUBLIC TRANSPORT
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER ISLANDS MEMBER FOR CO-ORDINATION AND INFORMATION
HON. D. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY 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, MINES, AGRICULTURE AND SURVEYS.

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE D.BODDEN,OBE	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HALL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. CRAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRAWFORD EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

MR. T. W. FARRINGTON,CBE.,JP ABSENT

ORDERS OF THE DAY

THURSDAY, 25th MARCH, 1976

1. CONTINUATION OF THE DEBATE ON THE GOVERNOR'S MESSAGE.

2. HOTELS AND BILL, 1976
COMMITTEE, THIRDING AND THIRD READING.

TABLE OF CONTENTS

		PAGE
CONTINUATION OF THE DEBATE ON THE GOVERNOR'S MESSAGE		
(a)	Capt. Charles Kirkconnell	1
(b)	Hon. V.G.Johnson	1
(c)	Mr.James M.Hodden	8
(d)	Hon.W.W.Conolly	20
(e)	Mr. Cruikshank Phenke	38
Referral of Governor's Message and Amendment to a Select Committee of the whole House		40
QUORUM OF SELECT COMMITTEE		41
CHAIRMAN OF SELECT COMMITTEE		44
THE HOTELS AID BILL, 1970		
COMMITTEE THEREON		44
REPORT THEREON		64
THIRD READING		64
ADJOURNMENT		65

TUESDAY, 24th MARCH, 1976

10 a.m.

MR.PRESIDENT: Proceedings are resumed.

1. CONTINUATION OF THE DEBATE ON THE GOVERNOR'S MESSAGE

CAPT. CHARLES KIRKCONNELL: Mr.President and Honourable Members of this Legislative Assembly, I too, would like to commend you and thank you for bringing this message to this House to be debated. It has enlightened me and I am sure that it has also served to clarify a lot of misunderstanding which I believe has been the root cause of recent unrest in our Islands.

I am not going to waste the valuable time of this Assembly by going into a lengthy debate - I feel that my contribution will be more advantageous in the committee stage.

My colleague from Cayman Brac and myself, at our expense, provided a lawyer at the Tribunal hearing in Cayman Brac on the 16th of February, one week exactly after I was elected. This lawyer saw that the petition of the people was properly and legally presented and recorded for them. I believe in this regard we have done our duty to our people.

After listening to the various views and statements of Members, I now feel that I have the necessary information on which to act in order to do what I believe for the people and the country.

It is most encouraging to see the interest displayed by so many of our people who have come here, day after day, to learn at first-hand what is happening in their country. The concern shown is a healthy one and I hope many more people will be awakened.

I hope also that this Session will encourage other concerned citizens to step forward in the forth-coming election to serve their country.

Mr.President, let us not deceive ourselves and believe that all is well,because this is not so. I believe that prevention, Sir, is better than cure and let us not fall into the pit-falls of the past. Those who cannot remember the past are condemned to repeat it. Problems can be opportunities. I feel that each Member of this Assembly will live up to their responsibility and have the many problems solved in the right and proper way.

It is most encouraging, Sir, to see our Legislative Assembly members searching the scriptures for answers to their problems - I assure you, Mr.President, that they will find solutions to them there.

Mr.President, I am also delighted to see that Members are indeed seeking the Divine Guidance that you asked for in this Session ... may each and every one of us continue to do so in a sincere way. I thank you.

HON. V. G. JOHNSON: Mr.President, Honourable Members, although much politics seem to be involved in this issue now before the House, namely your Message with a petition attached, I must clear a few points dealing with subjects for which I am responsible, and as I am not a politician, Mr.President, I will be brief in what I am going to say.

First I would say that I have no intention whatsoever of criticising the petition or to criticise any member who supports the petition. As I have said before, each Member must have his own mind to speak and to speak according to his conscience.

Mr.President, all people are not made alike. Of the thousands of millions of people in this world, every person unless

HON.V.G.JOHNSON (CONTINUING) he is twin or triplet has his own looks, he thinks differently, he has his own way of life. If that were not so, Mr.President, I daresay that this would be a difficult world in which to live and so you see we have a world made up of all sorts and conditions of people.

I remember some weeks ago a statement appeared in the press that representatives of the demonstration were misinformed by His Excellency the Governor of procedure to present petitions to this Honourable House. However, Mr.President, I am glad that this country operates a reliable Government and that you, in your wisdom was able to demonstrate a method of presenting the petition before this Honourable House.

Mr.President, the demands in the petition - to my mind reflect little or no confidence in the Government of this country. Yet we see day by day articles written in all parts of the world about the Cayman Islands and they refer to the Cayman Islands as a stable country, operating a reliable Government. In fact it is referred to as the leading tax haven of the world today.

Mr.President, I quite realise that the recession has created a number in this territory as it has in other countries of the world. We have much evil to decry we find people concerned about their own financial position, their financial position of the present day , their position of the future and so they have much time to devote to criticising, to demonstrating. Mr.President, as I see it, the present battle in the demonstration is between two thoughts - one, by a people who wish their grievances settled immediately, or sooner - they want it settled, irrespective of the effects on the future good Government of this country. The other thought, Mr. President, is the Government and a set of concerned citizens who think of the future welfare of the country and who think of the ill effects of demonstration and protest and accusation against a Government, a Government deemed to be a democratic Government, a Government deemed to be reliable and a Government deemed to be stable.

Mr.President, demonstration against the Government, is, in my opinion, the worse thing that can befall a country. I remember some years ago the students of the United States demonstrated to the President over the Vietnam situation. The President, who was a very strong administrator, told the students that they must go back to school and study the welfare of their education - the administration of the country was in his hands and in the hands of his senate and he felt capable to taking care of the situation. The students had no other alternative and that is how that matter was solved.

Mr.Speaker, we have a Government and from the debate which has ensued in this House, in this Chamber, from time to time, I can only gather that the thoughts are that it is a reliable Government, and a Government which the people can be proud of. Indeed, all Governments in a country are the leaders of the country - it is the institution which governs the country - the Government must always be in the driver's seat. If somebody has ills about the action of Government the constitution, the laws have provided a process under which these can be rectified. Demonstration is not going to do it.

Mr.President, the development of this country over the last 5 or 10 years was advocated by the people of these Islands it was advocated to create a local economy - it was advocated to provide jobs and opportunities for the people of these Islands - it was against the world people travelling abroad in search of jobs, people leaving their families behind for six months, a year, a year and a half, two years. I remember in days gone by young couples would get married, on the following day the husband was off to sea for a year or two. People thought it was time to create jobs at home, so that they wouldn't have to leave their young families and go astray

HON.V.G.JOHNSON (CONTINUING) and search of something to do.

The development which we have seen in this country over this period has been a development which everyone can be proud of, yet, Mr.President, can we ask each individual what has he contributed to that development? And I mean in the way of taxes which he has paid to Government. Just ask each individual to totter monthly, or annually, the amount of taxes which he has paid to Government as a contribution to the services and to the development of this country. Mr.President, I am sure that it would surprise everyone to see the small contributions which we have made. The revenues of this Government come mainly from non-residents and I would dare to say that 60 to 70 per cent of the revenue of this country comes from that source. Yet when we are asked to make a little more contribution we are faced with a demonstration.

To my mind, Mr.President, the people have been misinformed and when people are misinformed they are easy to draw the wrong conclusion. They begin to accuse Government of stealing, and all sorts of naughty things. Mr.President, we have certain immunities in this House, but that immunity does not go beyond the walls of this House, yet Government on the outside is also being accused of stealing. Stealing land, Mr.President! If there was any such thing of stealing land I am sure that this Government would test the accuser, but for their information there is no such thing as stealing land. Land belongs to God Almighty, and it can only be conveyed from one person to another by the method of law.

I promised not to be long, Mr.President, I'd better speak of some of these other things now.

Mr.President, looking at your message and you have set out the terms of the petition in categories. I am only going to deal with the subjects as I have said, for which I am responsible, mostly those under category A and two under Category B.

Expenditure to be curtailed to essential projects. We have heard many comments on this already and I do not think there is any doubt in anybody's mind as to what the present position is. When the first draft of the Estimates of Expenditure was completed we discovered that there was a short-fall of something in the vicinity of three million dollars. We sent the Estimates back to the Budget Committee and told them to call Heads of Departments together and ask them to start pruning, because we could not sustain that deficit and neither could we recommend revenue in that extent. And, Mr.President, that was the first consideration to the public We could not sustain revenue, new revenue to that extent. The Committee pruned the Budget, the expenditure until we got everything to the bones and we found ourselves still short of a million dollars. We said "alright, we will go through the process of fiscal examination to see whether there is any avenue in which a bit of revenue can be raised". By this time, Mr.President, the Services Department of Government had been allocated little or no money for 1976, this is why many people have been laid off in the Public Works Department and in other departments - no funds - . In order to keep the essential services going and in order to keep the road programme going, we had to search for a million dollars.

Mr.President, all Heads of Departments looked at fiscal measures I appointed a Special Committee, chaired by a Caymanian to look at these measures and to report to me. When the measures came I looked them over - I discarded those that were likely to be politically objectionable and I put to the Fiscal Committee those that I thought would be reasonable. The Fiscal Committee, in its wisdom, looked at these measures and recommended what they thought would be reasonable to Executive Council and discarded the rest. Next, the Executive Council did the same exercise - in all these exercises, Mr.President, the public has been given the benefit of the doubt. These eventually came on to

HON.V.G.JOHNSON (CONTINUING) the Legislative Assembly.

Mr.President, by time those measures came back, those measures were decreased from their original valuation to a million dollars - no way in which they could fetch a million dollars, but we didn't interfere with it, we said "alright, if we have to live with this and to hope that 1976 would be a brighter year than what it was estimated to be". Those measures, if they fetch three quarters of a million dollars, I think they will fetch a lot.

Well, they came to the Legislative Assembly some had the blessing of the entire House, some were not readily acceptable by all. We heard some using percentages increase in the measures in ridiculous figures. However, they eventually became law, became operative and so we have a budget which I am sure is going to fall into a deficit worse than is estimated by the end of this year, unless the year brightens.

Now, Mr.President, the request is being made to further curtail expenditure on essential projects, its a pity that the people who prepared this didn't suggest the areas in which to further restrict expenditure. It is quite easy for all of us to sit down and write something and to dictate to the Government what they should do, instead of suggesting what should be done and how Government should go about achieving this.

To further restrict expenditure would mean immediate closing down of the road programme - that's number one, because in restricting projects one usually deals with the capital expenditure section of the budget first, because when one starts to interfere with the recurrent side of the budget, the essentials, then you are headed for real trouble. So to start on the capital side, it means that the road programme should be closed forthwith.

Secondly, the port project and Mr.President, let me say this that the port is being constructed under a loan from Caribbean Development Bank - that agreement stands and this Government is committed to the liability of that loan and if any action is taken to curtail or to close down activities on that project, there is a commitment on the part of the Government, as far as the loan is concerned. We continue to pay a commitment fee on that loan, on the drawn portion of the loan as long as it remains outstanding. So, are we going to close the port project as well? That would be disastrous.

Well, then, that's the only thing, the only two items we have under capital expenditure of any consequence We will have to look then under recurrent expenditure to decide what there is. We may have to go to education - we may have to cut out transportation altogether, that's one hundred thousand dollars under Education. I mean, items like those may have to be looked at - we may have to ask parents to pay their school lunch. We may have to cut staff - we have in that high school about 80 teachers employed - we may have to look at medical and public health, cut staff there as well. Mr.President, these are deemed essential services of this Government - do you want to interfere with those? I think a little more thought could have been put into this petition before these things were written. Or perhaps they may want to cut my salary - that's alright with me. Someone mentioned yesterday about Civil Servants, the salaries they were drawing - the motor cars they were given to drive, and still they have to pay and still they get hospital treatment free of charge. I was surprised to hear that statement, Mr.President. It is a privilege which Civil Servants have always been granted, although many Civil Servants do not use it, because very often we go to the Hospital, its difficult to get service there. We have to make appointments with the doctors and pay for it. I constantly have to pay for medical treatment at that hospital.

HON.V.G.JOHNSON (CONTINUING) Gratuities paid to employees of Government to be reduced. Another ridiculous statement! Mr. President, I am not criticising the demonstrators and their petitions, but I think the people who have gone into these things to make these sort of demands on Government should have really studied Government a little more before making these demands now, Mr.President, I would say that perhaps 80% of the contracted officers of this Government are employed under the British Government's Overseas Service Aid Scheme - a scheme which offers a bit of incentive to people recruited in the United Kingdom for employment abroad, and that scheme employs perhaps 80% of the people who are on contract in this country.

In 1970, when the British Government was reviewing the terms of that arrangement, they put a proposal to this Government to increase the gratuity which was then 20% of the basic salary to 25%. They saw the need to offer greater incentive for people to travel and work abroad under this scheme. They were prepared to do it on their end and they thought that it was no more than right to request this Government to also consider some form of improved incentive. But, Mr.President, the British Government was not expecting this Government to pay the cost of that additional 5% gratuity - the British Government said, "If you will do that we will compromise the deal and we will pay all the passages of these officers to the territory". That amounts today to around $80,000 a year and you will see under/section of the Estimates that this is one expenditure and under the Revenue expenditure it is a receipt from the British Government. So, the additional 5% gratuity paid from 1970 to these officers is being recouped from passages.

I think the Local Government has made a decision that as from this year, all other contracts will be paid a gratuity of 22 and ½ per cent. That is contracts effective as from the 1st of January, 1975, and as someone already remarked gratuities at the present time are a commitment by this Government under specific contracts which cannot be varied, so I would like this Honourable House to know that, that although the gratuities is 25% it was not increased to that figure by this Government, it was the subject of negotiations and a compromise with the British Government, for those officers employed under the Overseas Service Aid Scheme.

Taxes to be cut by 50% - well, I very well believe that the petitioners meant tax new taxes and not all taxes. But, Mr.President, what I would like and I will do this in the Committee, is to show the total amount of revenue collection under those items of taxes and to show what it costs this Government to build and to service and maintain the road-ways of this country. And it will be clearly seen then, Mr.President, that people are not being asked to pay too much for the road facilities which are being provided by Government.

Luxury items to be taxed. Mr.President, I can remember from the time that the duty was removed from these luxury items - it has always been debated as to whether duty should be re-introduced or not. The Fiscal Committee every year deals with this particular question - it is always on the Agenda. It is always debated by Executive Council. Mr.President, there is no doubt in my mind, and I am sure that there are many other members who will agree that in 1969 when these luxury items were introduced duty free that it helped tourism a great deal. People, these days who are travelling abroad, travelling on vacation, they usually like to visit duty-free areas, because they buy things and they always want to buy at the cheapest possible rate and so they select a tax haven to go to or they select a country which operates an in bond system. In some cases, Mr.President, people look at the prices, if things are too cheap, they don't buy it either. I remember in 1966 when the duty was removed from a luxury item, there was a certain Caymanian merchant here who sold cameras (and is still selling cameras) and

HON.V.C.JOHNSON (CONTINUING) immediately the law was introduced, he adjusted the prices on his cameras. It was coming on towards the tourist season and mid-way in the tourist season he called me and he was in a terrible state of mind, he said that he could not sell his products - the tourists just walked in, looked at it, looked at the prices and walked out again, so I said to him "why don't you say re-introducing the original price and see what would happen". Well, he said that he had no alternative. And he did that and the following week his cameras began to move again.

That is like another case many years ago when a merchant here in George Town sold Everready pens - there were two or three types of Everready pens, one sold for ten shillings, the other for five shillings and the other for four shillings, and this merchant sold him for four shillings and they remained in the store for four, five, six months and he suddenly thought to himself "Well, I will try the other method". He took them out of the store, he carried them home, cleaned them up and a week later he brought them back and he priced them for shillings and in a few weeks they were all gone. Well, this is the other side of pricing. People don't buy things sometimes when they are too cheap.

But, Mr.President, going back to tax on luxury items, first of all, the Government has no objection at all to re-introducing import duty on all luxury items but in order to facilitate the tourist industry it would be necessary to operate an in bond store or it would be necessary for the merchants who operate these stores to maintain proper accounting records of their sales and certified invoices from all tourists who bought goods, leave the Island for which a refund of duty would be requested. Neither of these systems can operate at this time, Mr.President. The in bond store could not effectively be operated until a new airport terminal is built and the other system would be almost ridiculous if you asked Merchants to do that, and so the argument against this is not very strong. Furthermore, the duty which would be paid by local people on these is not that much. It is not that attractive to interrupt the system at the present time, and this is the reason why neither the Fiscal Committee nor Executive Council saw fit to recommend the re-introduction of duty on luxury items.

Preferential duty to be restored. Mr.President, the reason why the recommendation was made not so very along ago for the removal of preferential treatment on all customs tariffs was because this country was not an associate member of the European Economic Community of which the British Government is a full member and by virtue of that position we automatically had to become an associate member and the requirement is that we have no preferential treatment under our Customs tariff, for that reason it was removed. But there are benefits accruing from our association with the European Economic Community. Just now, this Government is in the process of negotiating aid with that body - they have temporarily named a figure of $330,000/which we are eligible over the next few years; we are arranging through the British Government for this aid to be applied to a single project and the suggestion from the British Government is that we apply it to the airport development. This is now being examined and looked after by Communications and Works, so there are benefits accruing to this country from our association with the European Economic Community and so there was justification in complying with their request to remove preferential treatment from the customs tariff.

The last subject, Mr.President, the Development Plan. I want to mention there the case of the Canal at Red Bay which was mentioned here. Mr.President, in all planning there must be a long-term view. Nobody thinks about the future of a country without taking into account long-term planning. I remember some years ago it was mentioned in here, this Government sat down and did nothing about the Development Plan and this was why it was brought up by certain members of this House, that is certainly not

HON.V.C.JOHNSON (CONTINUING) so, Mr.President, I remember immediately after the law came into effect the Hon Governor of these Islands instructed that this Government must get on with the preparation of that Development Plan. The economist was here at the time, was asked to prepare a report on the preparation of that plan, but the report which was made was shelved for the time being for certain reasons because external assistance was necessary in order to prepare a proper plan and the United Nations then made the offer to assist this Government, but the United Nations was itself in the process of setting up an appropriate body within the Caribbean to assist the various Governments in this subject, and this is why there was the delay in the preparation of that plan - this Government was moving along with it.

In preparing a Development Plan a lot of thought must be put into it and when the Red Bay Canal was recommended in that Plan, Mr.President, I want everybody to think about it; that it was a lot of wisdom in that. It wasn't a matter of trying to separate the western end of this island from the east and creating two islands out of Grand Cayman. The coastal area of that North Sound which is now being developed - you have the Newlands Development, residential development, you have the Prospect Park Development, you have Tropical Gardens, you have the other Sulkirk Manler's Development, all those residential areas, Mr.President, are sooner or later going to pose a threat to that body of water. The effluent from those areas is going to seep into that North Sound. Remember the North Sound is almost a dead body of water - there is only movement of tide in certain areas of it. In time to come, Mr.President, that North Sound is going to be a cess-pool - think of it - its going to be a cess-pool. That canal had a two-fold purpose to it, first it was to form a circulation of the water to that body and secondly, it was to form an easy access of small boats to the North Sound rather than having to go all the way around North West point or be trailed across into the North Sound -- they could use the canal to go there. That was the wisdom in that canal and I am sure that generations to come will see that, even if this generation objects strenuously to it.

We have heard a lot about the Development Plan. The Development Plan, whatever the fate may be, will be decided here in this Chamber by this body because the law says that it must be presented to this Legislative Assembly.

I don't agree, Mr.President, that the Development Plan has hampered development in this country. It is unfortunate that the Development Plan and the recession came about at the same time - nobody is going to rail-road a plan across against the wishes of the Members of this House, or against the wishes of the people of this country. Everybody has been given a fair chance to object to what was proposed and let me say, Mr.President, that the Development Plan looks to be a great big volume, but in truth and in fact there are only three chapters in that whole book that form the development plan. The other part of it just related information for the benefit of people. We must look at the meat of it - what is the Development Plan - three chapters, one on Grand Cayman, and two on the smaller islands.

We have checked with the Planning Department to ensure that at no time, before any plan is approved, that that plan is used to determine applications before the Board, and that has been assured by the present Chairman and by Members of the Central Planning Authority. The fact is the Department has endeavoured to assist a lot of people with plans before the Board. However, Mr. President, the law must have its full course, as far as the Plan is concerned, it will be presented to this Honourable House in due course. I dont think that word is so bad these days, nor that reference is so bad these days, since we have another one now "irrespective".

HON.V.C.JOHNSON (CONTINUING) However, Mr.President, the Message and the Petition will be going to a Committee and we will deal with the various aspects of it and the Committee, in its wisdom, will make recommendations back to this House so that we can settle the matter and I hope, to/the filling of all.

I again thank you, as other members have done, for bringing this Message to this House on the petition and I am glad that each member had the opportunity to give his views and the rest of it, as I said, will be dealt with in Committee. Thank you, Mr.President.

MR.G.HAIG BODDEN: Mr.President, on a matter of procedure, I am wondering if since the Member that moved the motion is not here, if I could wind up when we come to that stage in this place?

MR.PRESIDENT: I am afraid not.. (MEMBERS LAUGHTER).

MR. JAMES M.BODDEN: Mr.President, Fellow Members, looks like he beat me to it after all may be, but he promised me that if I didn't touch on these subjects, he wouldn't be getting up. So, as I don't have to speak on tourism, and agriculture, I don't think he will have to get up.

Mr.President, before going into the debate on this motion I'd like to render an apology to Mr.Mike Austen for something I said in the Assembly last week. I don't think he could be completely associated in the way that I said it. I have found the man an honourable gentleman.

Now, Mr.President, we have had a lot of proverbs quoted to us this session and although I do not walk around with a Bible under my arm, or kneel like the Mohammedans do every day at certain hours, I also am going to quote one this morning, and I am going to take my text from St. John's Gospel Chapter 11, verse 35 - JESUS WEPT. (MEMBERS - LAUGHTER). Mr.President, the people are weeping, even as that in the petition, whether it was intentionally or not, I do not know; but it ended up by saying "Your humble subjects shall always pay" and that's true. The price of justice is eternal publicity, you must always remember that. I would say that today marks a great milestone in the history of this country. We are about to make history.

A motion that has been brought by the discontent of the people is being democratically debated. The people today are experiencing the true meaning of democracy - the right to have a voice and how they shall be governed and who shall govern them. I commend you, Mr.President, for the humble manner in which you have listened to the people's grievances and brought their complaints forward to be aired in this Assembly. I really have to compliment you for that, Sir. Its a chance for the Legislative Assembly Members to stand as their consciencies dictate and for the people to have the right to listen to this dictate and judge for themselves.

I don't believe, Mr.President, that any Head of State that we have had here in the past few years would have acted so wisely. I can remember just a few years ago the Head of State that we had under similar circumstances, when the Assembly was boarded up, people who came into the hall were frisked, and we had a warship laying in the harbour. Thank God, Mr.President, I do not class you in that category. I am proud to see the manner in which you have handled this matter and I, at this time, would have to pay homage to the people of my constituency who, I would say, have allowed me this honour to be here.

I think we all realise that no great decision, in one sense, can come out of this meeting. This is fairly clear I believe, for everyone as Law and justice must always follows the the legal course, and right or wrong, it is only by majority vote

MR. JAMES M.BOLDEN (CONTINUING) of this House that laws can be changed when they are made. That is in regards to the laws. Mr.President, I am not referring, at this stage, to the Regulations.

Mr.President, I understand that certain members said that the people had marching fever - that could be true, because today we, the Representatives assembled here, meet as in a sick room in the hospital. When a person has fever it denotes that something else is wrong with the body and when the person goes into the hospital room, the doctors and the nurses take the temperature, they take the pulse, the blood pressure, lab tests and so forth. We are in that position here this morning - we are in a sick-room - we are attending a patient - that patient has this dreaded disease of marching fever, and its up to us to determine what has caused this fever. That is why we are assembled here.

This is not a laughing matter. This fever was not caused by a bite from a mosquito but I am saying that it has been caused from the lack of communication between Government and the people. It has been an attempt to rule by force rather than by justice and equity. We cannot insulate ourselves in the glass cages and run a country. That is why the people have marching fever. This is what has caused it.

There has been mention in your message about the constitution. I was very pleased here yesterday to hear a member admit to this House and to the people assembled here that we did have Self Government. Four years ago when we pointed that out in nearly every district in this island we were condemned - we were going to lead the country into independence. We were so far away from Internal Self Government that it would take up one hundred years to get there, when at the same time those very members knew, Mr.President, that we did have Internal Self Government, but they would not admit it to their people, as my colleague and I did, because they were afraid the people would not put them into the House for the very reason that we are here debating today.

The Constitution, Mr.President, created a party system, because it created a system with a block vote of seven people. We only have 12 representatives that are elected in this House and we have three who are put in by Government from their branch, that makes fifteen. Government is assured, at all times, of seven votes on that side, and they will make it doubly careful that nothing ever goes to a vote unless the seven members are present. They will stall and stall until the seven get there. Then, Mr.President, there is always an extension, so how in the God's world do we stand a chance?

We have a system, Mr.President and this is why I have been against it, I still stand against it; I will still tell the people, if I should run in the next election the same thing I am going to say today, the same thing I said in 1970, I stand against the constitution in its present condition, because we have a constitution, Mr.President, where the Civil Service formulates the laws, it sits in the Assembly and passes them and then go to the glass cage and administers them. That is not a true democracy - a democracy is where you elect your representatives by popular vote and you remove them by popular vote. That is why I have been against the constitution. With all due respect to Civil Servants, they should be honoured, but not in a position to help pass the laws of the country. That must be always done by those who are elected by a popular vote and who carry a mandate from the people. That is why I stand against it.

It is impossible for all men to ask alike. If all of us assembled in this Hall today were to look into a crystal ball each and every one of us would see a different picture and its a bad thing for any Government when everybody begins to think alike and I hope that I will never live to see the day that that will happen in this Assembly, that we are going to have 15 people that are going to complete/agree on every subject that comes before this House, because the day that happens, Mr.President, we are on the road to doom, its

MR. JAMES M.RODDEN (CONTINUING) a good thing to have an opposition - its a good thing, because every problem has two sides and everybody is going to view that problem differently, and as long as you have an opposition it is going to keep everybody on their toes. It is easy for people to become complacent, then nobody disagrees, that's a bad sign in any country, and I say again I hope it never happens.

Mr.President, the people and their representatives must always be able to know what is going on in this country. They must always be able to know what problems we face. It must not ever get to the position as it is now where Government Members are able to sift out the flour , leave the weevils and then put the weevils on a piece of paper and give them to us to see. We must see the flour along with the weevil.

Never must it get to a position as it is now that we have to plead with the Members of Executive Council on our bended knees,if we want to see a report or if we want to see a contract, and I am going to touch on contracts a little bit further on so that you'll know why we want to see those contracts, because those contracts are one of the main reasons we are in the problems we are in today , and I will air them quite thoroughly. I am saying that the veil of secrecy that surrounds these contracts must be taken off and we are going to see that its taken off. We are not going to leave it the way it is.

Communication is needed between the people and their representatives.

Mr.President, there is an old saying, know the truth and the truth will set you free, but, unfortunately, there is this gap that exists between the representatives and the people who have put them in office. It seems to me that the only time some of the members of this House know that there is an electorate out there is beginning about three months before the election, because that is the only time they go to their people and confront them with the problem that they face and ask them whether there is any solution to them or whether they would have anything to add to the way they lead. This is wrong - you must never isolate yourself into a corner and pull the blinds down to keep the sunlight out, Mr.President. The best remedy that I think the doctors of this House will find for marching fever is going to be exposure and sunlight. That's the remedy for it.

Mr.President, some members have spoken on lip-service - I never believe in giving lip-service. If I am going to back something, I'll back it all the way; if I am not going to back it you'll also know I am not going to back it. I do not to be placed in that category neither are the members, or the majority of them on this side of the House. Lip-service we do not believe in, but we will never get to the position where we can continually ignore the wishes of the people - for once in this country, and I am proud to see it, the people are politically conscious.

Two years ago, we can look back - no-one took an interest into the politics of this country. Election time came - may be a half a dozen people from each district went to the polls and that was the end of it. You'd never know anything that happened from one election to the other, but for once, the people of this country are behaving like people of other countries - they have decided that no longer will they be led like sheep to slaughter - they are going to have their eyes opened and they are going to see and they are going to understand, and I believe that if we practice that and keep to it, we will find that we will have a much better country.

Mr.President, during the years I have done quite a bit of research on the history of these Islands and I am proud to say that our ancestors, you could learn them like you did about the wooden ships of old, wooden ships and iron men. Those people had back-bones of steel and I believe, Mr.President, that wherever they are in the great beyond today they are proud to know that the

MR. JAMES M.DOOLAN (CONTINUING) people of this country have forgotten the lethargy of the last 75 years and have gotten back on the principles of standing up for their beliefs. this is what I believe. Our people have a right to be informed because they see themselves, not getting their just due, they see the spectre of taxation handing over their heads and heavier taxation - they see wartime secrecy surrounding every move that this Government makes - they see the over-expenditure in many items that is being incurred. They see the experts without the expertise. These are the problems that we face . We have a position now similar to the old proverb of the tail wagging the dog.

The contracts have become too loose - the people see their land , Mr.President, being controlled by lowered valuation or taken away - they see their complete birthrights frittered away. And this must cause alarm. It must cause alarm, particularly, Mr. President, to the many people in our country who have had to be like me, and go to sea. There are a few that were fortunate enough that didn't have to do that. But we see it, Mr.President, because we experienced the hardships. All of us who went to sea can quite remember the times when we had to leave our families for months and months at a time and go out to sea. We can remember the lonely nights pacing the ship's deck, or standing on a bow of a ship, and wondering whether the next wave had your name on it, or wondering when the millions of gallons of high octane gas under your feet were going to go up in an inferno. Yes, we remember those things. Mr.President, and that's why I am standing here today and that's why the people are sitting up there today, because they don't want to go back to it and we are going to try to see that we don't go back to that.

People are talking about irresponsibility - its not irresponsibility - its irresponsibility when a person does not stand up for what they believe in. Its irresponsibility when a person sees a problem and he doesnt try to face it - its not irresponsibility when the people are aware and are participating and want to be a part of what is happening to your country - that is not irresponsibility. This country was made out of the past from the men who did the same thing as I've just told you and I tell you this, Mr.President, I am not too old to go back there but I don't want to go back and there are a lot of people in this country that are in a similar condition.

We must remember, Mr.President, that any time we are going to get into a fight, its a good idea to have plenty of fighting room, plenty of room of maneuver, because if you get me into the corner there is only one place I am going to go then, and that's forward and it might be through you, whoever it is in front of me, and that is what is happening to this country today. We are boxing the people into a corner and the people are saying "I'm moving out of that manner".

Mr.President, people are asked to pay more taxes, then it is frittered away - its frittered away on contracts that are so loose. it reminds me of the old sieve that my poor old grandmother used to put her coconut juice through - that's right - that's what the contracts are like. The time has come when Government is not going to rule by an iron fist under a mandate - the time has come when we are not going to be ruled by hidden legislation tucked away in a skeleton closet. That is what has been happening - we must rule by law and not regulations, because when we rule by Regulations the only appeal is from Caesar unto Caesar.

We are all aware of it - those of us who sit in the House here - we pass a Law and we give the right to regulations. The law may have one page and the regulations that subsequently come forward from that would have 50 pages and the 50 pages are what you would be governed under. This is the thing that we have fought against. Many of us, Mr.President, see the creeping signs of socialism and there is no argument about that, because a lot of our recent legislation is socialist oriented. Socialism is a creeping

MR. JAMES M.BOOTEN (CONTINUING) disease. its the control of the many by the few and total control of all aspects of society. For socialism to continue it must have total control. This can be proven, Mr.Prumplent, in regards to the Mother Country. The Mother Country was the greatest nation on the world since the Persians and the Medes and what has happened to it, complacency, socialism has brought it to its knees. Its a shame - I regret to see it happen, but we must face the fact - it has happened and if it could happen to the great Mother country, it could happen to us, if we allow it. It is happening today in the entire Caribbean - why is it happening? Because of discontent - because people believe that the capitalist system is not working, when they get things continuously forced down their throat - they then look for a different system and that is what has ruined Jamaica, what has ruined Cuba and nearly every other country down the west Indies, and Mr. President, I don't know about the other Members of this House, but whether Government is bringing it or the people are are bringing it, I am going to stand four-square against any type of socialism. I am willing to give the last drop of my blood any time in my body to see that it will never be brought into this country, (MR. JOHN JEFFERSON - hear! hear!). and that is why I am standing here today, because I am not afraid to say it - the legislation that has come forth from this House in the past five years is a beginning of it - you can compare it with similar legislation in other countries and then get your answer foryour self.

Increased taxation, Mr.President, spurs the flame of inflation and increase in taxation does not necessarily the revenue of this country. This is a proven fact. The taxes will have to be passed on the consumer and , Mr.President, we are quite aware that inflation is taking place, because the labour market has not been able to get any labour increases in the last two years to compare with how it was before, and yet the taxes are coming in heavier and heavier. The cost of living is going up, as we are creating inflation, the same thing we are trying to battle in this House and who is creating it? Not the merchant - the root-cause of it stems, when you put additional taxation in. We heard figures given us the budget this morning and if we look into the figures from the budget that was presented to this House , we will find that roughly 75% of the taxes, new taxes, that were levelled, are directly paid by the little man on the street. We cannot say that the majority of that one million one hundred and sixty thousand dollars is going to come from out-side sources, because it is not, and I am not debating the budget, or I would prove the points on it.

We are going to create hardships on many small businesses in this country. Yet, we pay no attention to these but we continually will vote to lose our money into our company than the gains in taxation will grind us from nearly every other company that we have on the books. This is unfair or unwise - I am not prepared to say which.

Construction, Mr.President, is at a standstill, so the people in that field are bound to be alarmed, and I am asking and I am throwing it out as a challenge to this House this morning that as Members of this House, the Members of Government, are you trying to lure investment money back into this country? Have you, as a Government taken any steps to entice any financial institution to take a more active part in the home mortgage field in this country? If we do this, our people could have decent homes - they would have to pay for it - sure -but they do it in other countries - they do it here too. That would stimulate the construction market but are we content to do anything about it - no, we sit in our glorified positions, and we blame the recession - that is the answer for all problems that we are in now. Put your head in the sand like an ostrich and holler "recession". There are other answers to it, but we are not

MR. JAMES M.BODDEN (CONTINUING) finding them. We should have embarked on this a long time ago - its going to take more than the few turtles at Mariculture to make this economy get on its feet again.

Mr.President, years ago the typical investor that came to this country had faith in this Government - it was faith like the rock of Gibraltar, but I am prepared to tell this House that these same investors have lost the faith that they had and we are not trying to find any more to replace them. We are content to think that we are going to blunder on the way that we have been going and everything is going to be alright.

Development control of land is next to nationalisation or expropriation. When you put no economic value on land you take away a man's bank balance, Mr.President, just like the bank balances disappeared a few years ago. There is nothing different with it, because land is wealth, and its the only thing that most people have in this country, is their little bit of land.

When we prepared the Plan that will shortly be coming to this House, I hope, and the Plan, Mr.President, that I hope will come before election, because if it doesnt come before the election then you are going to have a bad plan. If we can't get it into this House before the election the people are going to get a decent plan, but, God help us if we don't. What I take objection to, Mr.President, in that plan is that no consensus of public opinion was obtained in the preparation of it. I said it in this Assembly before and I'll say it again, that that Plan reminds me of a kindergarten class where you give the kids some crayons and a blank sheet of paper and they draw you some funny pictures. That is what the Plan is in my mind. Again, its a good thing all of us don't have the same minds.

Mr.President, I cannot believe that there was as much expertise put into the preparation of that plan as what we have been told. If it had I believe we could have come out with something much better.

Now, I did hear a ridiculous statement in this Chamber this morning and I term it ridiculous, Mr.President, because I do not ascribe myself to the idea that the Red Bay Canal was such a good thing for this Island. I still believe that it was so ridiculous an item that it was only thrown into the plan so that most people would look at it and all their objections would be centered around that and then at a good time we'll say "Well, see how good we have been to you, we've taken out the Canal". I still feel that with the idea for the Canal, because, Mr.President, it is supposed to be a known fact that we have a difference in the water tables between the North Sound and the Red Bay area of roughly one foot - that can only be controlled by putting in locks, as you would have in the Panama Canal, may be not that big, but you still have to put them in. Where are we ever going to find that kind of money? Just for the matter of letting a few people be able to boat from one side of the other without going around the North West point? I have been in the boating business and I have been out to sea as much as anyone else nearly in this House, and that doesn't make much sense to me, Mr.President. We've heard its going to be made into a seasmool that would take another one million years to happen. I wouldn't want to say exactly what's on my mind on that right now, but how can 1300 , even if they used it every day make it into a seasmool? You have currents into that North Sound, Mr.President, you have the tidal differences - I , too, have used the experts and I have gotten some expert opinion on it, more than what my mind can tell me and this is not so. It would take many years to do what we were told was going to be done and how good the canal would be to us if it was cut in Red Bay. It is a very ridiculous item and it shows us how ridiculous the Plan is.

Another point, bearing on the Plan, it is not fair to blame some Members of this Legislature who asked for the Plan

MR. JAMES M.BODDEN (CONTINUING) to be brought forward. I am prepared to tell the House and everybody in the House today my colleague and I made a motion to this House asking for the Plan to be brought forward. Let me explain to you why we asked it - in 1971 there was a demonstration against this Plan in this country . It was rejected by the Assembly, that is, the Plan and yet that Plan was continually used by the Planning Board. Their decisions were based on that Plan that was rejected in 1971. The Law that was passed in 1971 called for the Plan to be presented to the Assembly within one year and about four years had gone by and no Plan had come to the Assembly, during that time, decisions in the Planning Board were made, based on that Plan. Subsequently, the people affected took it to the Grand Court - Government lost their cases. That is why. No one had paid attention to what was going on and we were using a law that was not a law, because the Plan had not been passed by this House. That is why the two Members from Sudden Town asked that the Plan be presented to this House, it was to try to protect the people's rights, to see that the decisions that were made, were made according to the dictates of the Legislative Assembly.

I hope I have cleared that point up. It is true, Mr.President, that land that is affected by the Planning Law does not change ownership, but I contend that the value is changed by that Plan and if you own something that has no value it is worthless, then you might as well not own it. So what is the difference? Whether you take it away from me or you put it in a position that it has no value - what good is it to me? What good, Mr.President, is all the Land in this country going to be when the people have it mortgaged to the Bank, you can't sell it, it has no value and the bank comes back and says " I want my money, I don't want your land, because your land doesn't have any value". What's going to happen to the economy? Is anyone giving consideration to that? No one in Cayman has any ready cash, may be just a couple of people. The people in this country their wealth is in their land and when you have mortgaged that to a financial institution, and the value is taken away from it, then you are really in a bad condition and that is what has happened and that is what will continue to happen as long as the Plan allocates the land in the manner in which the plan is proposed now, and that is why we have people on the outside that are concerned.

It is true that the makers of that Plan appear not to know what they are doing. I am prepared to say so, because if they used the advice of the soil experts and the water experts, to base some of their findings on, Mr.President, like they did in the case of Spotts Cliff, Pedro Bluff, High Rock Cliff, Bluff Bay Cliff and zone those places as Agriculture, well, then my God, Mr.President, I am glad they did have the experts to work with them because if they hadn't had the experts, only God knows what they would have put on it. That is one time it was a good thing we had the experts.

Following along this, Mr.President, I take objection again to the Tribunal that was set up - that Tribunal was supposed to be something that would be very fair to the people. A chance for people to appear before it informally, voice their objection, be recorded and be heard. Instead of that, it was made into a judicial type of hearing. We brought in a very expensive quick-witted lawyer and the persons who appeared there to protect their right, were grilled like you would a convict. This was wrong. Our Government should never have learnt themselves to doing such a thing as that - it took away the rights of the people. In my opinion, it was actually stabbing the people's noses into the dirt. We must remember the Tribunal system came out of a sort of medieval ages this was used years ago to pick up a person, like Craig and myself, who do not agree, take us before the Tribunal and declare us insane and put us in an asylum. This is what the tribunals were used for

MR. JAMES M.BODDEN (CONTINUING) years ago, and this is similar to what we are using it here for today. We are not convicting a person and putting him in an asylum but we are taking away his rights while he believes he is getting something for nothing - its wrong.

There is no doubt that the plan is needed, but it must be one that has drastic changes in it, in other words, Mr.President, if there aren't some drastic changes in that Plan when it comes before this House, there is only one answer to it - and that answer is not the answer I would like to see, because the only Answer then is to submit it to a referendum and when you submit it to a referendum it can be only a yes or a no vote - and we know that if it is submitted to a referendum its going to be a no vote. So I hope that those people who sit in lofty positions will take a little bit of advice on this particular subject - be sure that that Plan is not as onerous when it comes to this House, as it was in the past, or it has to go then to a referendum. The people must decide.

Mr.President, we, the people of this Legislature, are the guardians of the public funds - we must do everything in our power to conserve the use of such funds.

Now,we are going to touch on the contracts which were mentioned in the petition before the House, and I am going to show this House why the people are alarmed, why we are alarmed. We are alarmed about the manner these contracts are handled, that is why we have mounted a campaign in this House to get Answers, because the answers have not been forthcoming to this House and have not been forthcoming to the people of this country. We are beginning to get the answers now, thank God. But the local contractors are asked to bid and they are asked to bid on the basis of a high performance bond, in most cases which automatically throws them out of the bidding, because performance bonds are not that easily obtained in the Cayman Islands. They have large retentions in these contracts, against the work performance, large penalities on time over-run, and this is how a contract should be, but unfortunately we find that when these contracts have been given to certain people, we find that there has been no performance bond; we find there has been no retention, we find there has been no penalty for time over-run. The same contract that was offered to a local person and these these things were in them. Not, Mr.President, we moved them outside and that is not included. When we have lost the money and the work is not done, it is the people of this country who has paid for it - it is the money that we are the custodians for and that is one of the reasons the people today are worried - because when the job is not done, and the money has been paid, additional money has to be found to take care of it. Additional money in a Government can only come from one thing - taxation, and that is why we are worried.

You know like the answer given to us about a certain contract the other morning was like the little song they've got - "the money went away in a Lear jet", because that's what happened. Whatever the figure was that much money went from this country without any control on it. What we are going to have to do - we are going to have to find some more money to do the same job that should have already been done because it was paid for.

In my statements, I do not want anyone to believe that I am against a foreign contractor bidding on these jobs - I am not. The only thing I am asking this job, and our Government is to give every bidder concerned a fair break. If its going to apply to one, it must equally to the other one.

We find, Mr.President, that Government has received no discounts when in many cases discounts were applicable. We find as Leaders in a lot of large purchases - we find contracts like the furniture contract going to the highest bidder - we find that local contractors have been out-bid, Mr.President, because contracts were made, and this is on the Hansards, it has come out

MR. JAMES M.SNODDEN (CONTINUING) in the debate in this House. We have found out that contracts were bid, and our Government accepted those bids on the basis of wages which were paid six and eight years ago to the construction force; It was easy for this particular company to out-bid the other people involved, when they used the $2.00 figure for labour, for a figure that was involved now and was involved then, of roughly $5.00 an hour. They did not have to build a profit into their contract at the beginning, because they were assured of $139,000 worth of profit at the end - how can a local contractor or a foreign contractor bid against such things. It was a closed bid, it was built into it and the Members of Government did not find it.

All due respect, in my estimation, kids in our primary schools reading that contract would have caught that, because they knew 2 years ago that you had to pay a carpenter at least $4.00 an hour, a plumber $3.00 to $6.00 an hour, an electrician $5.00 to $6.00 an hour, yet we sign a contract at $2.00 an hour and we've got to make up the difference. Its easy for the man to compute in advance his profit - he knows how many working days its going to take to construct that building and that's not fair, Mr.President, that is not fair to any contractor in this country, it is not fair to the people - it is not fair to Government.

You know, its a good thing we have the type of constitution we do, its a good thing that we have the type of Government that we do, because Governments in many other countries, Mr.President, as you are quite aware, have fallen on less things than this.

A vote of confidence is asked for - Mr.Wilson just had to vacate on account of it. So its a good thing we have the type of constitution we got.

The people are alarmed over the gratuity system, and the fringe benefits such as housing, and I can understand the reason for us having to pay gratuities - I know that we were in a position that our people weren't not qualified, and could not step forward to fill the jobs and we are going to be that way for many a year yet. Well I have no objection to us bringing in people, because that is the only way we are going to build a country. But what I do have, and stand against, is the system whereby we pay ten wages and we give the fringe benefits, such as say $300 a month for a house and we don't do it for the local person who is being paid less. What is he going to live in? He has to live in something, and that is the part of it that I am against, but, what I am saying now that we must do - we know we face these problems - it is time for us to sit down, look ahead five years, figure out what the problems are, figure out the jobs that are going to be available and then try to see that we have the people that are qualified to fill those positions - don't wait until the last minute and train 50 doctors, when we only have need of five. We must have a plan - Government continually tells us about their plan, I am giving them a plan this morning. Put this plan into action and you may have something.

It is not fair, Mr.President, to say that the increases in the fees was by the majority of the Legislative Assembly, because in most cases the raises that came into effect were done through Regulations, through something that the Members of this House have nothing to do with - these laws were passed, some of them may be fifty years ago, and Regulations were given in these and the Government side of the House was given the benefit to change those regulations or made additional regulations and put them in force. Once it is done under Regulations the Members of this House have not one thing to say about it, and the majority of these increases came about through Regulations and not by law.

Mention is made in your Message, Mr.President of no division on the passing of the Estimates. That is quite true, Mr.President, because what is the use when you are out-voted in Committee, and then out-voted when it comes to the House and with all due respect to the Members of this House, there are only two Members in this House that usually ask for a division, and unless

MR. JAMES H.BODDEN (CONTINUING) we had asked for it, it wouldn't have been in there, Sir. So that's why you don't have a Division.

It is true, to give the Member his due, that the hotter roads that we are having, will decrease the maintenance costs and it is also true that to reduce the maintenance costs, to get the use of the good roads, a person should pay. I subscribe to that idea, but I believe that the manner in which he should pay, could have been distributed a little bit more equitably. I contended when this bill came before the House, I contend now, that it would have been fairer to have devised a system to start your import duties increase at 25% and escalate it to 40%. If a person wishes to drive a Cadillac or a Rolls Royce or a Mercedes Benz, or whatever is in the high category of cars, then he should pay , may be the 40% for it - but... when transportation being what it is, today in our country, and when a person has to buy a small car, or may be a used car, that it is going to cost him $1,000 to $1,500, then I contend that he should not have paid the same tax as a man who is buying a very expensive car. I contended that then I still contend that it should have been treated in that manner.

Mr.President, I think most people in this Island today are proud of the medical facilities that we have. God knows, we needed them, we suffered long enough without them - we also realise that to enjoy something you pay for it, but again, Mr. President, it must be fair and equitable. We are contending that more fairness could have been shown in some of the increases. We take a hospital, we take the surgical part of it (I am referring now to the operating room where the person is going to be charged $75.00 for the use of that), I don't know what the fee for the operations would be, but let's say that he's having an arm removed. Probably the surgical fee on that would be $50, then you have to put him in a room .....

HON.PERSON O.EBANKS: On a point of order, Mr.President, the fee for the surgery, includes the cost of the operation .....

MR.PRESIDENT: That's a point of information.

MR. JAMES H.BODDEN: I thank you for that, Sir. Now does it include then the room, too? $25.00 more for the room? Alright, that's extra - good! Well, he only saved $50.00, Sir. He is paying $75.00 for the operating room, and he's paying $25.00 then for the room you are going to move him back into. So its costing him $100.00 for the first day in that. The ambulance fee, I think could have been changed, as several members have said before, because you must remember that, we have a capital expenditure in the ambulance, but we are probably figuring that capital expenditure over a period of 4 to 5 years and the people who run that ambulance are people who are not really completely employed just to run the ambulance, but they are porters at the Hospital. They are there to do additional work, plus driving the ambulance. Now we have a National Council of Social Services and I believe, Mr.President, that this is the time to get them busy. This is the time to get them working in each district in this Island to find out who qualifies for free medical service - don't wait until a person gets sick, goes to the Hospital and then you insult him by telling him "Please don't vomit - wait and go see Miss Hylton and she'll fix you up and then come back and vomit". Remember, the person can't hold it. So, Mr.President, I am asking that we put the National Council of Social Services to work in each district - let them find out who qualifies for this help. Issue the necessary cards to them, so that when they go to the Hospital they can be treated with dignity. We must remember this, that the greatest indignity that can be done to a poor person is to make them really realise that you realise they are poor, and its like the old saying "The poor we are going to have with us always". So we must make an attempt to do this - do something of this nature - make these people realise

MR. JAMES M.DOLDEN (CONTINUING) and feel that they still have the type of medical services available to them that they had years ago. We must remember one thing, we have debated a lot in this Chamber about what we spend in the medical department, but Mr.President, this was accepted by the people of this country as a way of life years ago. We have, what I term, limited socialised medicine, and if we are going to have that, it was sponsored by this Government it has been supported by this Government, it must be paid for by the tax payers. That is the system we have. If we have that system, then we should not gripe about what its going to cost us, because it is just like we do with education - we know we do not want to upset the applecart in regards to education and health, it is really even more important than education, so don't tell us about the amount it is going to cost us, don't tell us about you are subsidising it 75%, because I think most people in the Island accept it as something that Government is doing - its just a part of Government.

Another part of this, Mr.President, that I cannot agree with and again, looking from the other side of the coin, I can see the argument for it, but I do not believe it is fair. We have based so much of our future on people who come to this Island, yet we are saying to the person who comes to this Island "because you are not a part of this Island, you must pay 50% more than the Caymanians pay". Now if there ever was discrimination I think that is discrimination. When we do a thing like this, Mr. President, our minds are very, very short. Because its only the past few years, or may be the last few months, that the majority of our people got sick did not have to leave this country and go to another country for medical attention, and I will bet that there was no one who ever left this country and went to a foreign country that the doctor said to them "Aw, you are from Grand Cayman, fifty per cent more on your bill" - that did not happen, Sir. And it is only a few, may be, who would not be using the hospital today and who would still continue just like they do with their children, school children, the educational system is not good enough here, so they send their kids abroad and you still are going to get those few who are not going to consider the medical situation here that good and are still going to go abroad. So its going to happen, but, Mr.President, we must remember that it is through the benevolence of someone who visited this Island and left in his will, I understand, over $100,000 which helped us to get the present hospital we have today, and yet we are going to turn around and treat someone else in the same position in a manner by saying "You must pay 50% more". I do not believe that is right, Mr.President, I think that is a bad reflection on us as a Government, and on us as a people.

Mr.President, no one in this House ever asked to change the Adjudication Law - this would be very unfair, because the three of us who sit on the back bench here believe in fairness and equality, so it wouldn't have been fair for us to bring this. We are only asking for the just rights and we are insisting that All the areas of this Island be treated alike. In the Western area of this Island, Mr.President, the Government made a very feeble attempt on a few claims. The records of the Adjudication Court will reveal that Government claim was based on high-water mark. It will reveal that the adjudicator in every case that came to my knowledge ruled that the high-water mark was the area where the sea hit the land, and the people were given their land - Government wound up with none. Yet in the area that has been recently adjudicated, Government's claim is different - the claim in that area is the wash land and that common law does not apply because Government owns the water, its own the high-water mark and then it must own in and own half of the land. This is a concept, Mr.President, that has never been used in this country before. We have talked quite a bit in this House about

MR. JAMES M.BODDEN (CONTINUING) common law and it is true that a lot of our laws today are based on common law, and common law, in no areas of this island, dictated that that was the custom. So it is unfair what they have done. We contend that it is wrong - it should have been different, Mr.President, but it was not different, because a different direction was put forward when that area was being adjudicated. My contention is that Government owning the sea-bed cannot vest ownership into the land. That is my humble contention as a Member of this House. And that is what we should change, Mr.President, is the directive under which they are working. What we should change, I think we have already made one step in that direction, we should have changed the adjudicator who apparently was brought in to do this specific job under specific directives. This was wrong.

We take abuse, Mr.President, to the manner in which that Adjudicator abused our land-holding laws. Titles 50 and 65 years of age were disallowed and called absent - this was the ruling that he put forward. He did not adhere to the law, Mr.President, as it is set forth in the Land Adjudication Law and I am going to read what the law says, with your permission, Sir - this is in section 16 (2) (a) =

> "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, tenant or 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 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. Good documentary title means a 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 12 years old".

I am saying that that complete section of the Law has not been adhered to by our Special Adjudicator, because it plainly defines there that you do not have to say in your document that you must have five acres of dry land to claim 10 acres of swamp land - it doesn't say anything like that. It says that the dry land you are claiming that you are in possession of the swamp land also, and it is the first time it has ever come to light, other than may be a few years ago that Government owned anything in that area. It says in the adjudicator's report that he's dealing with the assent of his assessors. I contend again that is wrong, Mr.President, because the law plainly says "but shall not be bound to follow them" and even if the local assessors told him of such a thing he was confronted with the evidence of the titles and paid no attention to them.

Mr.President, the swamp land that is in contention in the North Sound area is not swamp in the sense of what is known like in other countries. Most of that swamp, so-called swamp is dry-land. You can go and walk over it most times of the year with dry feet - that land has been caused into a swamp over a period of years by the type of manner in which the Island has been built up. You have a hard base of rock, which, in most cases, is not more than six inches in depth. Over that you have a lot of humus, rotten stuff and so forth, that has been there for years and years. It has built up a layer again of about 18 inches - when it rained ,(excessive rain, that is) being the land is so flat, there is no where for the water to drain to, so

MR. JAMES M.BODDEN (CONTINUING) it stagnates and then it is only the sun usually that can take care of it. This has created the swamps, swamps that only have may be six or eight inches of water in them and swamps, Mr.President, which can be used for good use and can produce rice - not ganja. Mr.President, it looks like pretty good rice too (produces bag with rice), so that's what it can be used for. That's what we can do with it - that's what the people of this Island can use it for and I am going to ask the Serjeant-at-Arms to please convey this to the Honourable Fourth Elected Member.

HON.W.W.CONOLLY: Don't bring it here - don't bring it here....

MR.JAMES M.BODDEN: Give it to him, give it to him, give it to him. Trying to put you to work - go ahead....

MR.PRESIDENT: I dont think that this is ....

MR. JAMES M.BODDEN: Pass it to the President, see if he will take it. I am not joking, I am just showing you something.

HON.W.W.CONOLLY: I don't want to see anything.

MR. JAMES M.BODDEN: Mr.President, I think it is worth while - the Member should look at it because it can be found on the areas that we are saying are waste lands and are no good. You can do something with it.

Mr.President, I am further contending that the vegetation in the North Sound area is the same type as is found in Red Bay, South Sound and Bodden's area, yet no claims were made in these areas and why did Government claim the Mid-land section. The same type of land, the same type of vegetation - what is the difference? You did not claim it in the other areas why should you wake, why should you suddenly wake up when half of the Island has been done by the Cadastral system and realise that Government has a lot of land. For years the Government allowed land transactions in these areas to take place. They collected stamp duty on them. If they owned them and knew they owned them, why did they not come forward? Why did they not stop these transactions? Somebody has been very derelict in their duty to have allowed this to have continued for all these years and to have done nothing about it if Government owned it.

I am contending again that when Government accepted stamp duty on these land transactions they became a party to that transaction and to claim that land and take it away now is to break that right.

Further to this, Mr.President, why did you put the Mosquito Law into force? Why, under that Law are land owners advised to clear their swamp areas, or suffer penalties if the people didn't own it? This I cannot understand - you make a Law - you tell a man to clear his land, his swamp land, or he is going to be penalised. He clears it then you take it away from him, because you own it. That's not right.

Mr.President, our first settlers in this Island came here around 1690 and from then til nearly 1900 they governed themselves. We did not have a member of His Majesty's Government serving in this Island and I am contending that if they had any right in these lands that over the couple of hundred years there they lost them in the same manner as a man who deserts his family and is not heard from for seven years , can be declared dead. They lost it from desertion. They had no right and this was recognized, Mr.President, by Sir Kenneth Norman, a Governor of Jamaica, who, in correspondence with the Colonial Office, with the Earl of Derby, told him in similar words to what I am saying in the House today

MR. JAMES KIRKCONNELL (CONTINUING) that the Government had no right to any land in the Cayman Islands.

Speculation, Mr.President, plays a large part in development - it is speculation that spurs development. If Mr. Dragnall had not speculated and gambled we might not have so many hotels today - it was speculation that got the economy of this country moving years ago - it is speculation that is going to move the economy from the area it is in today to fifteen years hence. So don't let us ever kid ourselves that it is not there. Many of the people of this country have lost their wealth, Mr. President, in the swamp lands, because the swamp lands represented to some people a means of social security in their old age. We all know that we have no way to take care of the old people - we all know that there are no benefits to accrue to them, so the poor wise person tries to hold on to a piece of land and in his declining years sells it, and lives from the proceeds thereof. Now we are going to hamper him by putting a specified value on that land through a Development Plan and then we are going to take it away from him too. What are we doing to do with him. We're going to make him a pauper on the streets and he has nothing in his name and yet we do nothing for him in return? Mr.President, as far as I am concerned, in the eyes of the law, if I go to Kirk Plaza today and I steal an apple, I am considered by the law just as much a thief as the man who steals the Crown Jewels. The punnity might not be as severe, but the act is the same thing.

Mr.President, I am going to submit another point. Years ago our Government contracted to have a history prepared of this country. It was done, I think, by a man by the name of Williams and, with your permission, I would just like to read a short paragraph from it. Sir, " The only tenure by which the inhabitants of the Caymans hold their land is possession, they have no grants. An individual cultivating any spot he finds uncultivated before and having used it as long as the soil will properly admit of or discards it. Either for a time altogether and clears and cultivates new but the land which he may have cleared, although not occupied, is looked upon as his and it would be considered among themselves as unfair intrusion to interfere with it. In fact even then a number of Caymanians were asking whether their property would not be more clearly defined if they were to hold it by a regular grant of the Crown".

Following on to that, Mr.President, I am going to submit that Government did give up their claims to the so-called swamp in the Middlands section of this Island and they gave it up years ago. To substantiate that, Mr.President, I will submit a map of 1,000 acres of land in the mangroves. This map would be difficult for anybody to pin-point as to where it is exactly because there are no map co-ordinates on it, no degrees or nothing else like that, but it is on the sea-shore, 158 chains and if you will look at this map, Mr.President, it is on the sea-shore of the North Sound, it tells on it black mangrove, white mangrove trees. These are the type of trees and vegetation that grow in that area, and this was a land grant, of a map for a land grant given to a man by the name of Sprayfrith on the 20th of August, 1741. This one was one thousand acres to William Foster given on the 20th of October, 1741 and again, Mr.President, it shows the black mangrove trees, the white mangrove trees and so forth. This one was one thousand acres given on the 20th of November, 1741 on the North Sound and the mangroves and this one was given to Murray Grimble. Again, on the North Sound, 158 chains. This one, Mr. President, was 1,000 acres on the North Sound given on the 12th of April, 1734 and given to Middleton and Campbell. That's the land grants, Sir. This is the map of it, Sir. Altogether, roughly about 6,000 acres of land on the North Sound were given out by Crown grants in the early seventeen hundreds. Further than that, Mr. President, if I had time to do it, I would submit to the House the boundaries as given in the documents on these various land grants

MR. JAMES M.RODDEN (CONTINUING) but the one that I would like to point out is that one of these, Mr.President, takes in the area known as Water Cay, which is right up to Rum Point and the land that is being developed in the Rum Point area. The land is coming south from there to Absolom's Plantation Walk and if we take all of those together and measure them, Mr.President, it is going to extend from Water Cay down to roughly Newlands. So where does Government have claim to that now when it was recognised by the Crown in 1731 and 1741 that they had given it out by a land grant, and following that, Mr.President, if anyone should question it, the history book of this Island records that the people, who own these grants, lived up to them, as far as making the annual payments for a period of 60 years - its recorded here by Mr.Neville Williams. So I am contending that those land grants are good, they were given by Governor Pro-lawny - they were given by approval of His Majesty George the Second, by the Grace of God, Great Britain, France and Ireland. So where is Government going to come up today and say that they own this? It was given away in 1731 - they gave it away again, Mr.President, by not paying attention to this country - by letting this country govern itself for 200 years without any help from abroad and how is it that only in the last few years has some wise person conjured up a figure and documents or whatever he may think he has, to prove that Government has this land? Mr.President, it was vested in the people of this country, lets put it back where it was vested.

One Honourable Member of this House, Mr. President, spoke about the condition financial condition of New York City. I regret to see what has happened to New York City - never loved it, but I have been there many a time. Mr. President, the condition of New York City has happened because it is the most regulated city in the United States - its the highest taxed city in the United States - that is one of the reasons that it is in its present position because the headquarters of a lot of companies have moved out due to the high taxation and the amount of regulation - the same thing we are trying to tell these people.

One Member, speaking previously said that the petition was not truly indicative of the feelings of the electorate in his country. Mr.President, I am submitting that that is wrong, because if I remember correctly the registered voters, Cayman Brac and Little Cayman is somewhere in the neighbourhood of 700. may be a little over 700 And out of 700 people on the registered voters list, 345 have signed it. Again, I do not know whether the entire 345 are registered voters - I've never checked it, never had that much interest in it, but what I am trying to show, Mr.President, is that they could be registered voters and that if they are registered voters, that's nearly 50% of the registered voters. And he contended that the people didn't know what they had signed. Well,you may tell me that about the one for Grand Cayman, but you won't tell me that about Cayman Brac, because the one for Cayman Brac, I think we have seven pages of it, no we have six pages and on all six pages of the Cayman Brac petition says at the top of it "We the undersigned, protest against the following - high hospital fees, the Development Plan, high raises in taxes" , so there was no way that those people could tell him that they didn't know what they had signed, because its right there on the paper, Sir.

He also spoke about the lawyer- was the lawyer there to represent just individuals or was the lawyer there to represent the people as a whole?

One Member, in speaking this morning, was trying to belittle the contribution that is offered in the new raise in taxation by the people of this country. I am submitting again that he was wrong, because of the revenue that will be raised from

MR. JAMES W.BODDEN (CONTINUING) that, Mr.President, at least two thirds of it can be traced directly to the people of this country, the rest of it is raised on the Companies and so forth and so on. So, Mr.President,anyway you look at it, the people up there, the people out there are the people that are going to pay this increased taxation.

One Member spoke and said that this was no place to bring the contention. I submit, Mr.President, that that's wrong. The Government of this country is in this Assembly - this is where the laws are made - this is where everything that pertains to the running of this country should be done finally. I am not saying about the day-to-day running, that can be done any other place, but this Assembly is the Government of this country and from this Assembly is where it's going to be governed, not from the glass house.

One Member spoke about the churchmen being leaders politically and I think he was striking out somewhat against that. I don't know who he meant, but let me say this, Mr.President, from the creation of time, as far as we go back into recorded history, churchmen have also been political leaders - they not only led their people spiritually, but they led them politically and for that reason thousands of people have been burnt at the stakes. They have been burnt at the stakes because they were involved in their country - they wanted to know that they not led their people just spiritually, but they also led them politically. Everyone has an interest in running the affairs of this country. Mr.President, its not the man who goes to church every Sunday, or walks with a Bible under his arm that is a Christian, and we must remember one thing, that when we knock on those pearly gates in the Great Beyond, we're not going to be allowed in just because we can say "I went to Church last Sunday" - not everyone that knocks on the Kingdom of Heaven shall the door be opened".

Mr.President, I quite understand the problem of collective responsibility - it is something that we pointed out from years ago would happen. Some members are saying the public doesn't know what it means, I am saying the public knows what it means, because the public sees what is happening and its happening because of collective responsibility. I promised the Members of my constituency, the electorate, that I had no reason to want to change the constitution during the time that I was in here, but I will be frank with you in this House today and I will tell my people in Bodden Town, if I stand for election I will not tell them that this time, because the Constitution, as we have it under the collective vote, is not workable. It may work, Mr. President, in a country the size of Great Britain, or France or some place like that, but its not going to work in here with 12 members and I am saying that it is time to change it, because it is hurting this country. The people are realising it, they are not stupid, believe me, so don't worry, whether I stand for election or not, I am prepared to tell any man how I stand - just like I did in 1972. 1972 the bunch of you did everything you could to keep me out, that's a very expensive chair, but thank God I am still in it.

Mention was made about the petition being brought by Members of the House. Mr.President, I have to subscribe to what's in that petition because its the truth. If this petition had been brought by anyone on this side of the House, you wouldn't have been able to stand here today debating it, because you'd have never been able to present it. That's what we get .

One Member went on about the Suspension of Standing Orders and so forth, broken so many times. Mr. President, we have broken every rule in the book in this House when it suits some people. The last sitting of this House,

MR. JAMES M.BODDEN (CONTINUING) Government brought forth a Committee report which was going to be put into this House and the Committee report did not have a quorum, which the quorum was set by this Assembly, and the only person that caught it and spoke about it was my colleague and A, otherwise than that....

MR. JOHN D. JEFFERSON: Mr.President, on a point of order, that Committee Report was brought to this Assembly to ask for guidance, that Committee's report said that we had fallen short of a quorum and we have come to the Legislature to ask for directions. I wanted to get that absolutely straight in the record, Mr.President. Thank you very much.

MR.PRESIDENT: The reference to breaking rules is irrelevant in this connection. The procedure of the House is properly followed.

MR. JAMES M.BODDEN: Mr.President, what I am saying is that what we have done is in order and we have broken the regulations and the rules before and we were breaking them the last sitting of this House because it was going to be passed and accepted and we all know that today. We know it.

People have talked and one member has said about the Hospital - certain members wanted it torn down and abandoned. Mr.President, I still contend the Hospital is in the wrong location - I said that years ago and I'll say it today. But we have spent a lot of money there now, so it'll have to be good for several years yet to come, but as far as me changing my idea and believing that it is in the correct location, I am still saying it is in the wrong location, and Mr.President, we did not contend that it be broken down, and I don't want the Member to give the public at large that bit of information because it was not true. What we said was "use the present Hospital facilities for a new Police Station" - no, it couldn't be used for that. We said use it for a new Administration building, no, we love the glass house builder. So that was gone. We said use it for expatriate housing - no, we can't do that because the people wouldn't stay in because of the ghosts. Now, these were the three things we told them to use it for - we didn't tell them to break it down, Mr.President and we said, "use the money that you are going to use to build a Police Station and build a good hospital" -we would have had a good hospital three years ago if we had done that, but instead of that we built a Police Station. We said "alright, take the money for the administration building and build a good hospital, complete it, finish it - use that up there for the administration building" - no, we can't do that either, so we got the Administration building a year ago and we just the hospital now. So don't kid the people, don't tell them that we told you to abandon it and tear it down,because we did not say that.

Mr. President, I want to clear another point. I would like the Members on that side of the House to realise one thing and that is this - I have no envy of them - they don't have a thing over them: I want. If I had wanted to be there I could have probably been there in the last election - (I wouldn't have got yours - I don't with you) (MEMBERS LAUGHTER), but Mr. President, those four members over there, including the Member who had the attack yesterday,were put in there by this side of the House. That particular Member should be very happy - he got the full support of this House - he had 12 votes. Now, Mr. President, some more of them would not be sitting there if it had been left to my vote, I'll tell them that, so don't think there is anything over there I envy, because I don't. I've

MR. JAMES M.BODDEN (CONTINUING) got nearly everything, thank God in life that I want. Mr.President, but I want to make one thing plain - some of them, we would have still been in here voting for them if it hadn't been for your predecessor directing us to vote the wrong way by saying that we had to vote for all four members.....

MR.PRESIDENT: I can't allow that remark.

MR. JAMES M.BODDEN: Mention was made, Mr.President, about being appointed for life - I don't expect that, Sir, but I tell you one thing, we got two and a half Bodden's on this back seat, and I wish we had another one, because we'd keep you on your toes. We have you others there too, Miss Junior.

An expression was dropped in this House, Mr. President, yesterday in the debate. I feel certain it was aimed at me and I'd like to clear it up, about the Land Development Bill and the cadastral system and so forth, because of big land owners. Mr.President, I am a big Landowner, I am proud to admit it, but I'll tell you this, I didn't inherit one piece of it. And I'll tell you what, by God's help I am going to keep it too.

Mr.President, one Member said that all we did was criticise. We have given you a lot of suggestions. What have you done with them? A lot of them you have thrown out, you defeated us down, and then six months later you brought them back in. A lot of the things that we have accepted in this House in the last four years were suggestions that we given to you. We have given you a lot of them, try so take some more of them too, but I am submitting that the highest fees charged any place in the Caribbean, in a Government-run hospital is in this Island. We are not saying that that would apply to a private hospital - no, but it applies to a public hospital, Mr.President.

One more point, is the collective vote on the recent liquor laws. I am going to show, Mr.President, the danger again of that collective vote because we had certain members that were against lowering the age from 21 to 18 and by pushing and pushing the members were allowed to vote their conscience. When their conscience was voted on that, Mr.President it was increased back to 21: when your predecessor would not allow them the right to vote their conscience on the second vote, which was on lowering the age for serving behind the bar to 18 he would not allow it on that vote, and it went through. It went through because of the collective vote that they had to vote as a body. If they had had to vote their conscience it would have been in the Liquor Law as it is with the other one, 21 years of age and we wouldn't have had the word "apparently" in there, Mr.President -those are the dangers of the collective vote.

One member spoke about the manifesto. I really was looking for a copy of that this morning and I asked him to loan me his, Mr.President, not a thing in that manifesto that I am ashamed of and I want to clear it up because a lot of things in that manifesto have gone into the making of this Government in the last four years, and I'll stand by that manifesto, not a bit ashamed of it.

Another member mentioned about the 100% vote, Mr.President, we have had members in this House that have had 100% vote from their district. Here's a man sitting here right now - has been unopposed for several years in his district, so he has had 100% vote. So dont tell me it doesn't happen.

One Member, Mr.President, spoke and said that it was impossible to get 1800 people together to sign this petition. I know that's true, but I am going to ask that same member how many people in the United States were present when the Declaration of Independence was signed in 1776? Did it take

MR. JAMES H.BURTON (CONTINUING) the entire country assembled in one place to do it? No, they did it by delegation - that's how it was done.

One Member was speaking and casting aspersion on what/[illegible] at our public meeting - I am not ashamed, Mr. President, to tell anyone what I say at my public meetings, because I come in and I say the same thing and I will go on the street and say the same thing. What I say in my public meetings everybody knows because they are taped and you can have a good morning session with them.

I'll be through in just a second, Sir.

Mr.President, I am contending that we would probably not be in the position that we are in today and having the trouble that we are having if Government would stay out of private business such as the Radio, and the Marijuana deal. That is why we have to put on the additional taxation that the people are worried about, because we are supporting private business ventures and we should not be.

One Member mentioned something, I think, about the electricity and so forth - well, again, this is why people are worried when we find out that the glass house may cost nearly ten thousand dollars a month for electricity - when we find out the increases that have been granted to Cable and Wireless, Caribbean Utilities -who's going to pay for it if it isn't additional taxation on the people?

Mr.President, I am going to wind up now as I know most people are probably tired of listening to what I have been saying, but I began by saying, Mr.President, taking my text from St. John's gospel, chapter 11, verse 35 and in that chapter Jesus had wept but the bad thing about it is we are continuing to weep and I saying, Mr.President, that the use of force alone, even though it is temporary, it may subdue a country for a moment, but it does not remove the necessity of subduing again and a nation is not governed when it is perpetually to be conquered. Mr. President, it is time we woke up - it is time we woke up and realise that no man in this Government has a mandate to rule this country by force - a mandate to seclude himself in the glass house and only come out in election time. Our people are involved. I am not saying that I condone violence, because I do not, but Mr. President,it is time that something be done - people are taking notice of what is going on in the country and they are not going to allow themselves to be pushed in the background any longer and those who may care to listen - time is going to run out. Thank you.

AT 1.15 P.M.THE HOUSE WAS SUSPENDED

AT 2.30 p.m. THE HOUSE RESUMED

HON. W.W.CONOLLY: Mr.President and Members, I would like to add my contribution to this debate, the President's Message before the House.

Before I enter into the debate in full, I would like to say that I am a very great believer in the principles of parliamentary democracy and the rules and regulations controlling and governing parliament. Mr.President, I feel like we have orders governing this body here that are capable of bringing any matter before this House for a debate. I am a bit perturbed, however, that this particular message had to come in this form. Surely, Mr. President, there are under Standing Orders, provisions made for the presentation of petitions, and even, Mr.President, if the Standing Order says that there are two distinct ways for the Petition to be

MR. W.CONOLLY(CONTINUING) dealt with, surely , what was done in the end.in getting a debate on this particular subject, could have been done in that instance.

Now, Mr.President, we have here before us a precedent, because this, to my knowledge is a precedent of a petition, coming to a Legislative Assembly here through the President's Message. I believe I can say that I have been in this House From the inception of it, under this present Constitution, and to my knowledge, this is the first time that it has happened.

I am saying this, Mr.President, to continue to say that despite how individuals feel, or how worked up people are if we are going to continue in any degree of law and order in this country, I believe that this particular Assembly has to set a pace.

Mr.President, if I had spoken yesterday, I might have asked before I attempted to speak to seek the Suspension of Standing order 39. The debate became quite heated, there were quite a lot of aspersions flung around the House - even this morning. Nevertheless,Mr.President, as I said I feel very much the sense of responsibility and I would like to see debates in this House go on in every orderly, disciplined manner. I don't think today some of the debates here have added anything to the stature of our Islands' legislature. But, be that as it may, Mr. President, I will try, if I may, to answer some of the allegations that have been hurled at the actions of the Government, some of the allegations that have been made. These Members of Government are so irresponsible and they are so everything in the world. Mr. President, surely this is an election year and surely when certain Members have supporters in the Gallery, it forms a good basis for campaign. I am not going to do that, probably nothing I say will hit on any more that as fruitful - it may be like the proverbial that the sower had, nevertheless, for the records of this House I would like to make a few points.

Now the first speaker on this Debate, the Honourable Member fom North Side referred to certain employment in the Agricultural Department. I would like to make it clear that the Member has absolutely/nothing to do with the employment with persons working in any Department. I would like to make it clear that if the Director, the head of the Department, employs somebody, the Director must know, and must have the funds to pay that person. I am sure if that were not so, the Treasury would not pay the bill.

I would also/like to note, I think I mentioned this to him that the proposed hotel development that was referred to in the paper, as far as my knowledge serves me, is a development on the Great Bluff. Its right on the sea, on the big Bluff between Old Man Bay and Cullioe.

Getting these two out of the way. Mr. President,I would like to say , coming back to the Petition, I believe it was the Honourable Member from Bodden Town who said that the main point in this petition was the Cadastral Survey. I can quite agree with it, Mr.President, I believe that. I believe that what stirred this whole situation has been because certain people had some affect in the demarcation or in the cadastral survey. Now, Mr.President, I explained this in this House some months ago, but could I take a little time to explain this again.

The adjudication law is a law that has been enacted by this House, the policy of land adjudication is set down in the law. The adjudication, or cadastral system started in mid-George Town.- it worked its way westward, completed West Bay and then it went into the Midland section and then on to the Eastern section. Where it is active at this present moment. As far as I am concerned, there has been no change of policy. I read out in this House, the Hansard of this House the records of minutes

HON.W.W.CONNOLLY (CONTINUING) of judgements given by the Cadastral survey in the western end. What I am saying is this that the process, and it is a lawful process, where that if someone claims land, they have a right to make their claims known to the Cadastral body and I would go further in this case. If the Honourable Member for Bodden Town has all of those ancient documents, all of those grants of land, its unfortunate that he didn't make those things available to the owners of that land. But what I am doing, I am suggesting that the grants of land, and the description of where that land is, is so vague that probably it couldn't describe any particular area. But surely Government has nothing to do with that - that's a matter of the cadastral court. You have a cadastral tribunal, and if one has good claims to land, surely make it known to the right body. Coming into this House, trying to intimidate the actions of a judicial body outside is indications of trying to rule by mock, which I think should be discouraged in this territory. There is a process of law - let the full course of law take its place.

Mr.President, we have people who say they claim this land, they own this land - it is for those persons to show ownership, to show possession. If they have titles to the land, well and good - if they don't have titles, then they must show some physical possession. And this, today, has been more qualified by the law. But what bothers me, Mr.President, that this same issue was discussed in this House in December or November when the Budget was going through - it has come up again for a big battery and I daresay that it is improper for it to have come on the floor of this House at the same time when its going through a Judicial process - it is sub judice and it could very well, I don't know whether the respective Members own any property in that area or not, but this could very well, prejudice other people's claim to that land, at this particular time. As far as I see it, this can do nothing but harm the people who own there.

Mr.President, land has been always been and I guess will forever be, the subject of great controversial talks, disputes and what not.Wars have been caused by it, they say. And surely its a matter, I claim it, you claim it, the judge or somebody else must settle who this is for. We have , in this country, a judicial system which leds straight up to the Privy Council in London and I fail to see why people will try to come around in an underhanded manner you talking about socialism, the Member is talking about he is against socialism - this is the essence of socialism, when one would expect the Parliament to go against legislation dealing with land, legislation that is on the books and when you have a proper court to deal with them.

I was shown this morning, Mr.President, some paper bag containing some substance - I don't know what it was - the Member said it was rice. I dont know where it was grown, and I don't care to know, but my only advice to the Member is this, if he knows that that is a good place to grow rice, he should go up there and grow rice - may be that is where success is.

Mr.President, one remark worried me a little bit this morning. It worried me a little bit and that was this that some years ago the typical investor had faith in this Government, the typical investor had faith in this country. That is true, Mr.President. Its unfortunate that some of that faith has been lost and surely it will have been lost when we have companies, large estates in this Island, right at the present time, being investigated for improper sales of land. Surely this is a cause to lose faith, but who has caused that ? Who has caused that loss of faith? Surely when people are sold land and they don't see it, they can't find it.....

HON.M.W.KOWALLY (CONTINUING) I am saying, Mr.President, that we started off yesterday morning. I think we started in Joshua, we went to the Proverbs, this morning we go into Matthew, now I am not going, Mr.President, even though I know a little bit about the Scriptures, too, but I am not going, I am not going today to go to the scriptures but I am going to say this that it would be well if Members would only practice what they preach.

We found we had expertise this morning on financing, we had expertise on how to do everything - we even had a geologist in the middle of things , telling you the composition of soil, and what comes in and how it is formed. And what's beneath it, and what's on top of it. Th unfortunately ,Mr.President, that we have, at times, found ourselves lacking in so many other things.

Nevertheless, I guess this is people's privilege, within the limits of the privileges here to make explosive statements, to make derogatory statements, but I am sure, Mr. President, that if every person in this Island, every individual or every company in this islands was as successful as the operation of the Government,I don't think anybody would have any query, and, Mr.President, when I look at this petition, it was on many things on it, quite a number of things - there is a wide range of grievances, as they are called - there is a wide range of discontent - nevertheless, I believe, Mr.President, that when you pin it down, the main reason for this, as I said before, is swamp land issue and the proposed Development Plan.

Now, Mr.President, it has been said by Members, even members who signed this petition - to me this looks very irresponsible - when a member who knows that the Development Plan has not been brought to this Legislature, and then would sign a petition that we don't want the Development Plan - to be abandoned. It looks like it is blowing hot and cold. Surely we have heard members get up this morning and say we know there's no Development Plan before the House and if one studies the road which this Development Plan has to travel, people know what the Plan is. They know what will happen with the Plan, and then you find A Member of this House signing this petition to scrap it , something that hasn't come yet, doesn't that seem funny - doesn't it seem odd?

Mr.President, a lot of emphasis was placed on curtailment of essential projects. The Honourable Financial Secretary, I think has explained this as well as can be done. I believe, I think the Honourable Lady Member here, has been one who has emphasized that on several occasions - you should cut your garments according to your cloth - and this is what he said he has done - this is what has been done.. If you listened to his statements, which I fail to see why people will doubt the Honourable Financial Secretary, when he stands up there and he has his estimates - he gives the history of it and beyond that, let me say, Mr.President and Members, that while it is convenient for Members of the Executive Council to get slapped and to be accused and to be this and to be that, let me say that there is a Fiscal Committee and certainly there were members from that side of the House there - one - well, one member, who is on the Committee, that looks into these things. But surely it is no more than what is reasonable and right, I am not criticising the person for doing it, people investigate and go in the matter, and come up with a suggestion -well, until that is proven to the contrary, one has to accept it.

We talk about gratuities - it is true, Mr. President, that in our estimates at the present time gratuities take the form of a substantial sum, but one thing should not be lost sight of, and that is this, remember your Civil Service is growing older and while the gratuities will cut down, in a few years, your pensions and your gratuities are going to increase. I remember back in 1938 when we had one pensioner - this Island was paying one pensioner only, if one looks at the records today and sees some of

HON.W.W.CONOLLY (CONTINUING) the premium and such sums of the gratuities that have been paid to Caymanians in recent months, in recent years, have changed the figures completely and what I am saying that as people get older, you will find that you are going to have to pay these people, whatever they may be, so there's nothing strange about this. There's nothing unusual about this. This is part of their contracts, this is part of the terms of working that the Civil Servants have.

Surely when the salaries were down, the pension plan was less. As the salaries increased, the pension plan will increase.

Mr.President, I am not going to take these items down one by one, but I would mention luxury items, because this comes up every now and again and it does affect/portfolio for which I am responsible. We can cut out the luxury items, as far as I am concerned, it doesn't add very much to tourism - it adds quite a bit to local merchants, but as far as the tourists are concerned, it won't affect them very much. But when you take today that we do not manufacture anything in Cayman and all that people gain here is the profit on imported stuff, whatever that may be, plus the labour involved, one finds today that if we can compete with other destinations, the people who go into that particular trade, (and we have quite a number of people in that trade in Cayman now , into this duty free trade to the tourists), if Members want to/ask it out what you are doing is just automatically cancelling out some money from your economy. Because the tourist right on board his ship, if he comes on a ship, has, in nine times out of ten, a better store than what he finds ashore, and in every port that that ship goes, or in every airport that I've been, there is a duty-free store there where people can buy goods. So if they don't buy it in Cayman they will buy it someplace else. I think today that it has to be examined very carefully. We are not losing that much but people who are involved in the trade are making that much money. The money is going into the economy, the people who own these establishments are competing with other places, they are hiring people and that's the money goes round.

Mr.President, there was quite a bit about this collective responsibility. It seems to be a bad word - collective responsibility. Mr.President, I believe I had quite a bit to do with the development of the constitution that we have today - I believe today that I was on the Committee - I believe today that in the end I acted as Chairman of this Committee to finalise and Mr.President, this was one point that was stressed. This brought more argument with London than any other point in the constitution, in the draft constitution. It was suggested to us that we should have, that the Governor MAY delegate responsibility to Members if Members would have it not - they said they didn't want the word MAY in it - they wanted SHALL - they wanted Caymanians to be delegated authority - this brought weeks and weeks, telegrams after telegrams and finally it was agreed to add the word SHALL with certain reservations. Now, today Mr.President, I hear Members getting up saying "we don't want that". We don't want that - We don't want Members to be delegated responsibility." Mr.President, I dont believe that is so, you know - I believe Members still want that, but I believe today that Members want people who are not capable, who will do all kind of nonsense; because I am sure, Mr.President, despite the great oratory by those Members, the two Members from Bodden Town, and particularly the last Member that spoke, everything that has happened in this House in the last four years has been opposed they have opposed everything that Government has suggested in the last four years, so if we got anything outside or inside or upside or downside, it hadn't been by the efforts of those Members.

Contracts were opposed, one could write a contract - roads are opposed - Constitution opposed, the Legislature

HON.W.W.CONNOLLY (CONTINUING) opposed, everything opposed.

Now, Mr.President, let me say this, when you said in your Throne Speech about the self appointed Leaders of the people, we have the same situation as here - we have self appointed opposition. I think this is true - they have named themselves the opposition, which, as I am aware of our Constitution does not make provision for any official opposition, and I feel like from the time that started it was the upsetting, or it was a move to upset and Mr.President, despite all the opposition and despite what people may say outside or inside, I 've always heard it said that the proof of the pudding is the eating of it, and what I am saying is this, despite a good contract or a bad contract, look at the achievements of what has happened in Government today. Even though the Honourable Member responsible for Communications and Works has been taken to task - and you know a contract - this is something that bothers me - I don't deal with contracts - I have one contract, Mr.President, one contract under my portfolio, and regrettably that contract is lying down there now, unsigned. If I could get that contract signed and collect some of the public's money, collect some money that is the revenue of this country, I would be happy.

When the contracts are laid on the table, I'll produce the contract - I am not afraid to produce it. I am saying I inherited this, but as to my knowledge , it is still unsigned, as far as I am concerned, no royalty has been paid and this is the situation today. Yet we are taken to task. The Honourable Member for Communications and Works is such a hard man, despite the difficulties that he has had and everyone appreciates the difficulties he has had - difficulties over which he had no control, like weather. The contract I am talking about is no weather - that contract no weather stopped that.

Mr.President, this bothers me, as I said and I am sorry that I have to go into these matters to try to clear up some of the statements that have been made because when one sits here and hears some members speak one wonders whether we are in fairy land or where we are. One wonders statements that I hear,when there is enough evidence otherwise. People today who pretend everything is wrong - nothing right about it and yet these individuals can do nothing but criticise.

Mr.President, in the discussion when the Honourable Financial Secretary said that the North Sound could become a cesspool, some Member attacked that by saying that 1300 people could not make it a cesspool, I would like the attention of Members to the fact that in that particular area we have four large subdivisions, all of which could be dumping in that area. Its Omega Bay, its the Red Roy, Tropical Gardens and its Prospect Park. So we are not thinking about the number of people today, probably it is only about a couple of a hundred people living there today, but if all of those developments materialise there will be several thousand people living there. This was taken lightly, what the Honourable Financial Secretary was saying was correct he wasn't thinking of today and I think he was misquoted by saying that.

Mr.President, a remark was made and it has been emphasised that the swamp land is social security for old people. If its social security for old people why are people so anxious to sell it, why are people so anxious to buy it? I have known people who have sold their property they had, whether it was social security or pension plan or what, now today they don't have one penny left out of the money and they don't have one penny left out of anything else and don't have one foot of land. Emphasis was made on the inheritance - I don't know what the member was referring to, but I think that he was blowing hot and cold. One of his arguments

HON.W.W.CONOLLY (CONTINUING) is that this is our inheritance from our forefathers and he went on for that he went back to 1700 something to prove it. From the Reign of George the Second, and on the other hand he is saying now that inheritance is no good -"I bought my land - I bought all the land I have". Mr.President, I have inherited land, I am happy to have inherited land. I don't see anything wrong with inheritance. I have lands in my possession over 100 years in the family and I can trace it down and I have no fear of cadastral survey or any survey, Because I can prove where it has been in the family for upwards of 100 years. All I Am saying is that this whole cadastral survey is - he that is without sin let him fear not.

Some people believe they had lands, since this cadastral survey came here a lot of people have gone down into the bowels of the earth (I don't know what type of land it is, I shall have to ask the geologist), but some place out there and have cut trails across the land and have taken, but be that as it may, I am not saying that the land is not for the people - that is not for me to say. Mr.President, what I want to emphasize in this that in the building next door to us is the Court where it is/place that the decisions will be made who these lands are for. I am not a lawyer, I am not a judge, I know nothing. I am saying that if one has title to land, one has title and his land will be looked after in a very sensible and orderly manner. But, Mr.President, despite all that has been said about the Cadastral Survey, and I know it is pretty difficult, because I have heard this saying for the time I came into being - he that is convinced against his will is of the same opinion still . Despite all of the opposition and despite all of this argument, despite all of this going down to the archives and bringing up the grants and this and that, the majority of people in Grand Cayman, Little Cayman and Cayman Brac feel like its a good thing for these Islands. And I am saying , as a democratic body that's what we are here for - to legislate laws which we feel will be beneficial to the majority of the people of these Islands and I don't give anybody any guarantee and I am not going to give anyone in the future any guarantee that a decision or a law that has been passed here (a decision taken here) won't affect any individual - there's no guarantee - no one can do that. What I am prepared to say is that once a law comes on the floor of this House it goes through its process, and the majority of members today legislate in favour and the proof of the pudding is the eating of it. And today the cadastral survey is nearly over. Sure we gonna have our discontented or two discontented individuals - we have a couple of people who are laughing too, a couple of people ended up with some lands that they probably didn't realise they had. They are laughing - this happens.

Land, Mr.President, is going to bring us when it is properly on the books, registered, it will be then, then that land will/worth something to the developer, then the real estate man can go out and bargain and can sell his land - then he can put out his brochures and say "Land titles guaranteed by the Government" - not putting out a beautiful brochure there of land and when somebody asks him he has to depend on an abstract of title by some lawyer, who carries insurance to cover if he makes a mistake. Today this is something that will help us and I feel today instead of increasing land values it is going to increase land values and I feel strongly about this, that what is being told to the people, the Development Plan and the cadastral survey is what has stopped the sale of land.

HON.W.M.CONOLLY (CONTINUING) Mr.President, that is not so. There are people today who are still buying land. Mightn't be as much as they did couple of years ago but I tell you this, and this is a proof, there are more transactions with land that have been adjudicated and on the register than those that are not. There is quite a lot of dealings with land today in this Island, despite what people say, but it is made easier for people to deal and people are using it and they are more satisfied right away when it has passed through the process of law and they get a title, that that title is something!

Mr.President, we heard this morning the Member said that he went to sea, he was a seaman. I think he was referring something about those fellows up in a glass cage, well, I don't know, whether it is a glass cage or not, but I would like to inform the Member that I went to sea too and I believe a lot of us here, I don't think there is any disgrace in going to sea. I think a lot of us have gone to sea. I didn't sail any tankers but I sure didn't see Cayman for three years. So, I did a spell at sea myself.

Mr.President, I think this has been in a nut shell. It has been admitted by speakers here that we have no income tax, no sales tax, no federal tax, no state tax - well, then, this poses a question. I dont think anybody in the world wants taxation, I don't think any people in the world want taxation. There are people today spend all kinds of money to get away from it - they'll spend millions of dollars to try to get out of spending millions of dollars. But surely, in a place like Cayman, or a place like New York, or a place like any place you want to call, there has to be a certain amount of taxation if its going to go on. If its going to exist, not to go on, even if you stop the wheels of progress today, even if you stop it today, Mr.President, I am sure that taxation in the areas, at least, that we have today will have to continue. And I can't understand why it was pointed out, I don't know what was meant from it, I understood 50% of taxes; I am made to understand by some speakers who probably had more to deal with this than me, that that meant of the new taxes or taxes that were put on. Now this may be so, but it doesn't make sense to put on taxation that will not bring or produce a certain amount of revenue. There is no sense of just antagonising the people if the desired result is not there. And I was glad, Mr.President, when one member spoke this morning and said that what should have been the prayer in the petition said "And your petitioners as in duty bound will ever PAY".

Mr.President, when I first referred to our Standing Orders. When I first referred to them in my opening remarks this is why our Standing Orders are so written because this was a defect that if this had been presented by a Member of the Legislative Assembly he would have seen and corrected it. This is the responsibility of Members of this House to see that the petition is properly worded, properly before the House, and when one reads this, one starts to wonder. I don't know who wrote it, but I see some names down here and on looking through the names here I do find some names of people in my constituency and I don't know what was told to them, but I was made to understanding that a blank piece of paper came to them to sign - some signed it, they didnt know exactly what it was all about. This happens, this is nothing unusual, this happens in any petition. But the piece of paper that I saw, the original, didn't have anything but a list of names - the other papers had what the petition was about - this one had absolutely nothing on top. Now, I am going to take that to task,

HON.W.W.CROSLEY (CONTINUING) Mr.President ,because as I said these are people probably who were whipped up in a frenzy - these are people who are in my particular constituency were misled and have been misled. Because, you know, in all of the problems that we may have had, and in all of the years, people that I see coming up there to hold meetings. People I see coming up there to get petitions signed, no one can make me believe they are that interested in my constituency. Why is it that it is only after this cadastral survey, why is it? People come there, I know it is land and when I look after the crowd, I know land is a bad thing. Land, I am saying, property, we know what happened, I am not going to quote Scripture text for it, but from the beginning there was this.

Mr.President, when I saw some names here I said there is no wonder that there is this upheaval over land, because I don't forget very easily. I have a pretty good memory and I am sure the public knows, I am sure a lot of people here remember that there is mistery, right now, and has been surrounding the disappearance of a certain individual over land and property. And this will happen. These are things today, Mr. President that one has to look into and when we find that Members are going to come here and ridicule and criticise Members of this Legislative Assembly, I feel it is unjust.

Mr.President, I dont like to hit below the belt but sometimes I might have to.

Mr.President, I am sure and I can vouch for Members of the Executive Council. I worked with Members of this Executive Council and today I can vouch for Members of this Executive Council, yet, on the other hand, it is upsetting to hear people running on the street, people who are whipped up in a frenzy, by irresponsible remarks of Members made in this Chamber - Members who have taken this Chamber as a political arena when,Mr. President, this Chamber should be a Chamber for the settling down and doing business. If one wants to campaign, get out in a campaign meeting and campaign, but in this Chamber there should be dignity and honour ascribed to the movement and the actions of people. But here every attempt that could be made to discredit the Government, and I wonder how people, how irresponsible people can be, with the press, with the tapes of this House, with people going out and today we are trying to invite people to this country. And when a Member talks about a march in Washington, its alright, let people march in Washington, people march in Toronto, people march in London, but let me say this and I would like to put a warning, I would like to give a warning and I would like to put it on record say this, its my personal belief that with an economy like we have, dependent on two outside, two very sensitive dealings that is, off-shore banking and other financial dealings and tourism - I feel today that this Chamber should be the place where stability should be seen. I feel today that if we don't set the pace here,but when Members get up and irresponsibly tell people Government is stealing land - I mean, to me it is babyish - but because they are my friends, and my supporters and something in the gallery, it sounds good to their ears, they will say it.

Let me say, Mr.President and Members, I don't want to be included - I don't want to be included in that type of campaign and I would like to tell the Members, I have meetings in my constituency - I have meetings - sure I have meetings - I have some people who won't come - they dont come. The records show that the last election there were some people I believe it was conducted - some people who didn't vote for me and they are still living under that - they will probably still oppose me. I don't worry, Mr.President, I have been in this house for years unopposed and I was opposed, and I was unopposed

HON. W.W.CONOLLY (CONTINUING) that doesn't bother me. What I am saying is that and what I told them then, regardless of whether you vote or you don't vote for me, I have to represent the majority of people, and I have done this.

I see the petitioners - I don't know whose brilliant brain that was to get in there we want two representatives from East End - let me say this, it may be - I haven't been like some Members saying I am not going to run any more and I'm going to run and if I live to see it - I haven't made any statement, because election, as far as I am concerned, is some-where in the future. But that as it may, I really believe, Mr.President, that the people who put this up didn't mean that. I don't think they mean that, because what I hear out on the street now - that you got to get rid of Warren Conolly because he's the one, and I know if you get two from East End that that's it. So I know the members didn't want two - I think what they are trying to say that they might have to get two Members of the kind that wrote this to fill in for me - that may be so, well, I don't know. But I say this I live in East End. I am in that constituency - and I am saying this that I feel that my district, my constituency, Mr. President, needs better representation that what I have seen people who are proposing to represent it, and as long as I am alive, as long as I can talk, (and Mr.President I like to do that) I will continue to tell people that, and I don't think I have to tell East End people that: I believe my constituency is well alright, and I tell you this, we don't mind people coming from the outer districts to listen to us, or to talk to us - we don't mind that - but when you find today that members coming in, coming in, "sign this piece of paper" - boy sitting down in the bar and having a drink - don't know what happen "Sign this, boy" - he might say "What's this?" " I don't know - sign it". They won't get any headway like that.

Tell the people the truth - tell them what you are after - tell them that it is swamp land in Bodden Town that some people have affected - tell them the truth.

Mr.President, this is what I like to say - tell them the truth. When it comes to swamp lands in East End or cliff in East End, if people have their lands there, they are capable of coming up and getting representation for it, and I am capable of submitting any petition - I am not afraid. If my people come to me with a petition from East End I don't matter whether it is my opposition or not, I will bring it, but I am not going to bring foolishness. I am not going to bring a petition that says you always pay and then ask you to cut down the pay - I am not going to bring them kind of petitions. I wouldn't do that. So, Mr.President, this whole thing, as far as I am concerned, is something that is a scheme in a back-room and you have a lot of people who are believing that Cover men here and myself do anything - yeah, I know - this is it. (Strangers, Mr.President).

We have people in this Island - we have people here, unfortunately, some people believe that life was going on in a continual stream, was not going to change and suddenly the tide has shifted. This happens. People in this Island didn't make the best of the financial opportunity - you can't blame people for that - everybody has his own decision, but dont complain. Today, don't blame people - remember the parable of the talent - the man who had ten, he doubled his, the one who had five- the one that had one he came back and said "I know you are a hard man, I know you are a bad government, I didn't want nothing to do with you, you do this and you do that, and that's why I did that". This is what is happening in this place, but let me say this that I have had a lot of experience in this House, in this particular building, in the Legislature before that, and in the Assembly of Justices and Vestry before that and I will agree that the foundation

HON.W.W.CONOLLY(CONTINUING) of parliamentary democracy was laid by our forefathers. I will agree to that but I will say this, Mr. President, if we are not careful we can destroy that and if this is the type of behaviour that is going to continue I am afraid that it is going to happen.

If people today feel that the present incumbent - people who have been delegated responsibility and are responsible for subjects have not produced, if they feel they haven't done what they were supposed to have done, that's another question. But Mr.President, I would like to point out one fact that is very glaring, and this, I don't think today has been brought to the attention of this House, and that is this, we have members getting up "Mr.President, I know" and this petition bears it out - "I know you are a good man - I know this would happen but so and so"..... We must remember, and it should be remembered by everybody that His Excellency the Governor holds this or that or that portfolio - he is the man ultimately responsible - he is the man under his pen who has extended or delegated that responsibility to an individual and a reflection, made of those reflection on each member, is a direct reflection on him. I don't matter how you figure it out - this is the only thing it could be - because, remember our constitution does not name the Member for Works, it does not name the Member for Communications, it does not name the Member for Medical Services, it does not name the Member for Tourism. It says that the Governor shall delegate responsibility - he is the responsible person and if anything goes wrong in any portfolio that we hold he is the man ultimately responsible to Her Majesty/the conduct of this administration in this territory. So when people are coming up with this noise and saying 'Loud - " I know the Governor is a good man and I know you will do everything, but they are wicked people and this and that and the other thing" - people dont know what they are talking about. It is a direct reflection on His Excellency the Governor and I would like people today to refrain from making such statements, because what I am saying is this, if His Excellency the Governor,who has been in the territory now for eighteen' months and Mr.President,you have happened to have been that particular person, in your working, in your dealing with your present Executive Council, I am sure that you are knowledgeable enough to know and you are capable then, if in your opinion, these Members were like how the Members say that you would have suspended that delegation - I am sure of that. And this is the thing that is lightly thrown around the Hither - which is a reflection on the Government - rulingation on the head of State, and, Mr.President, I would like to say, Sir, that it is regrettable that this situation has arisen, but it has arisen through statements made in this House. I blame nowhere else but here and it has been, as the Member said yesterday, he was saying something from Proverbs that you fan coals - and I believe that is where it went - it is by fanning something. I don't know whether it was coal or wood or what, but somebody fanned things till they got it going.

I would hope that people mind the constitution and what the constitution says, see how it affects the individual, and see what authority people have. Naturally, Mr.President, the Island is at the cross-roads of its development. Despite what Members say about sale of lands, I would like to say this that in the next few months I believe it is going to be some dramatic development here - people have gotten flustered - people have gotten all upset - and this happens anywhere! If everybody was working every day out of every week out of every year there wouldn't be any time for vacation. We know that there are people here who are out of work, this happens, and when the people start to howl about this, we were conscious of this before. This is the reason why and it has been.

HON.W.W.CONOLLY (CONTINUING) in the Message and it has also been explained by the Honourable Financial Secretary that this is the reason why the Government embarked on a large capital expenditure in 1975 to cushion this particular thing.

I feel like someone said there is a lot of misunderstanding, lack of communication - Mr.President, I can agree with that. I can agree there is some lack of communication. But whose fault? If you put it out in paper, if you put it out in print , the press tries to carry it, as well as they can, and its misinterpreted - it is misquoted. People know the source where they can get their information - they will not go to the source . so whose fault is it? Is it a matter, as was stated this war-like secrecy that the Member spoke about - what war-like secrecy is it? I have never seen any war-like secrecy here. I am telling you this, if those countries involved in war didn't have any more secrecy than this Government they wouldn't win any. Because a lot of things I hear on the street long before before I knew anything about it, so let me say this that it appears to me like all this war-time secrecy - it must be only known to certain people. Because surely matters of the Executive Council are confidential and this is not today, why make a furore about it today? The Executive Council of this country has been in the being from 1959. In 1959 our constitution provided for an Executive Council and the same provisions on confidentiality and secrecy, or whatever you want to call it, has been enshrined in that. The only difference that we have had is the matter of more members, and this was your decision, - you decided you wanted it - instead of two members you wanted four and I am quite aware, Mr.President, that as the Member said that he didn't vote for some members over here - I am sure he didn't vote for me. I am sure of that, nevertheless, I have to thank him. I wouldn't like people to take personality, if there is such a thing; I don't know, looks to me like there is personality - I don't go for that.

Don't destroy a system don't destroy your Government because you don't like an individual. This is a bad thing to do, but I tell you this when I hear supposedly intelligent people, some of the arguments adduced, some of the propaganda going around, it makes me shudder, because if I hadn't been in Cayman I might have thought I was in Vietnam or some place like that.

Mr.President, this particular issue, and my submission has generated some heat - it was deliberately done this way in order to form a platform for a campaign. That's alright, I mean this is my opinion, MR.President and while I have certain privileges here, I mustn't ask questions that will ask for an opinion, I think I am entitled to make a personal opinion of the situation. I feel its my opinion that it was used as the stepping-board or platform for campaign. I feel like this is wrong because I fail to see, at this stage of the game, how Members, after all of this debate, how Members can sit down and intelligently and comprehensively study this document. And I am sure, Mr.President and Members, that the main reason for bringing it to the House was to have a solution to this. Been through, and I must say this, that I felt that you have been more than generous to this request, because you informed, according to the papers, and according to this Petition, informed the leaders of this demonstration the right and proper way of bringing a petition to this House.

I feel, Sir, that despite what Members say, all the confidence they have expressed that yet they felt otherwise. I feel that people yes discussed it with the leaders,in and my opinion, they should have hearkened to your words.

In summing up, Mr.President, I may say that this Message, even though its a precedent, will get the treatment that is due to it. I feel it will be considered, I feel like now that it has come to the house, it is in the right channel and the democratic process of dealing with this will go through. Despite my remarks that

HON. W.W.CONOLLY (CONTINUING) might have been close to the line, Mr.President, I feel like it was a good thing for Members to get this off of their chests. Some of the debates have been repetitious - budget speech, the throne speech here again and there's no doubt that every member here has had a full opportunity of debating on it. When it goes to the Committee, I will use, as I have always done, my best judgment on behalf of the majority of people. Thank you, Mr.President.

MR.PRESIDENT: Are there are other speakers? If not I shall ask the Mover of the Motion if he wishes to exercise his rights of reply. I remind him that no new matter may be injected at this stage - if that is possible after such a wide range of debate.

MR.CRADDOCK EVANS: Thank you , Mr.President. I can honestly and conscientiously assure you that I won't be long on this. If I was to reply to it as I feel that I could, well we would spend some of tomorrow here as well. But, we have had a full sitting so I am going to make the notes that I have jotted down here very brief so that we might be able to close the sitting this evening by having time to deal with the other bills that are on the Agenda.

Mr.President and Honourable Members, when in fact two Members particularly from Executive Council mentioned the Standing Orders as being the guide of the Assembly, I agree, Mr.President. The last speaker said that for the first time the suspension of Standing Orders for such as what was suspended for happened in this sitting. Well there are other provisions, Mr.President, in the Standing Orders, that if necessary that the suspension of Standing Orders could be asked for that have not been nor have applied to the House, to the best of my knowledge since being an elected member over the years so the first time has to be the first time, and that's why this provision was made, so in the light if such things or matters should arise, then you know where to turn to find the method and the system to deal with it.

The Standing Orders of the Assembly are like the compass to the ship. Most times if the compass goes bad, if we didn't have a good helmsman to do rough navigating, then he wouldn't find his way after the compass started to give the wrong course. And that happens sometimes, Mr.President, at sea. So just for that I would hope that we would be able to go on and not have to use the Standing Orders for anything that we feel is sort of unreasonable or for things that probably haven't arisen for over generations - that doesn't mean that it cannot be used.

The First Elected Member of Executive Council mentioned yesterday that we had to have something to complain about because I guess that was directed to me, because we can't complain anymore about the roads. Well, I'm not going to go into that either, Mr.President, but I know we would have gotten more roads before now, we should be getting more roads if they could find a system to save a lot of the money that is wasted on the roads. So I can still criticise as far as that goes.

Mr.President, as to the Hospital Fees where a lot of the alarm came out from was when patients went to the hospital and were told this is the new rate - that is what you got to pay, this is what we are expecting you to pay - that is the first time they were knowing anything about it, so that was where it started. It wasn't by Members of this House taking it out and conveying it to people, to the public. The Member responsible made some reference to news and a woman going to the Hospital, wasn't admitted and wouldn't be accepted and this and that and when he asked

MR.CRADDOCK EBANKS (CONTINUING) "It was a woman, it was a woman, it was a woman" - well, it was brought to me too. I told the individuals that mentioned to me " I will investigate it". I made my investigation through the Hospital and the particular woman that was on the street, I mean the rumour, the talk, was a woman from West Bay - she made delivery at her home, which it wasn't her first child, there or four others -- something didn't seem to go quite so well with this last one. She was taken to the hospital, she was accepted, she was admitted. She and the child were treated. A number of people said to me after that about the same thing - I said I have investigated this and its not true. Now, I mean, I don't uphold rumours when they come to me, I try to find the reason for them, where they originated, what caused it. Well, I don't know, nobody came back to me for quite awhile for that matter. So I am sure that for awhile that if these rates should remain in effect there will be a bit of grievance along these lines and I know a lot of comparisons have been made - private Hospitals - hospitals overseas and whatnot, no comparisons in rate. Let it be that as it may we are a people in our own country. We don't have to try to measure ourselves by no other country in the world.

I did mention when I was speaking yesterday that from what I had heard, not the complaint to me, where a woman said she paid $50 for a 4-year old child in the Hospital, the Member in reply he said "Well, a lot of these cases the Mother is admitted with the child and it is considered then reasonable that it should apply". I don't say that I would dispute that, Mr.President, but I don't believe that there are many cases with a child being admitted to the Hospital that the mother is asked to stay with the child, or is privileged to stay with the child.

A mother, just a few days ago, less than a week ago I think, spent about half a night in the Hospital with a 6-weeks old child - about half the night, she went in nine or ten o'clock that night--she paid $25.00 next morning - she didnt get any services, she didn't eat anything, she didn't drink any coffee. But, as I said, Mr.President, these things will creep up and we have to go along with them, as far as possible, and reasonable.

The First Elected Member to Executive Council, I don't know, he seemed to have hit the spot somewhere yesterday or something hit him, I don't know what, but in his remarks he made mention that it wasn't anything but an envious feeling of Members towards Executive Council Members for wanting to be in Executive Council or whatnot. Mr.President, I have held great respect for all Elected Members in Executive Council right along - while I disagree with a lot of things that they may say or do, and as long as I am here, whether it is this Executive Council or any other Executive Council, it will still be my policy. But I can assure Government, I can assure this Assembly, I can assure Executive Council that if I had my life to live over as a boy and start in politics, the Executive Bench don't hold a seat for me - don't want it. Because I wouldnt have any time to talk to my electorate on the outside, like the Executive Members now - they don't have time to step to the corner and talk to them the way I can talk to them; so that's why I don't want a seat in Executive Council. I know intend for it; I never will, so there's no enmity, no hard feelings - I respect the Members.

It seems, Mr.President, quoting the Scriptures yesterday it caused other ones to read their Bibles after, because I am positive the Member responsible for Health and Education and what not he didn't bring the scriptures with him when he came to reply to me, not knowing that I had a verse of scripture to bear out my Motion. So the verse of scripture that he quoted very well suits his behaviour and not mine.

MR.CRUDDOCK EBANKS (CONTINUING) One Member mentioned it was a back-door petition and that's just the way the petitioners were looked upon. I understood that when the first march took place in December, at least some of the Members of the Executive Council got a lot of kick out of it by looking out the window upstairs down on them having a big laugh. But it the old proverb, Mr.President, is true "he who laughs last laughs best" and those that were laughed after they will get an opportunity sometime to laugh too.

I said yesterday, Mr.President, how I felt about going to the backdoor and I am not going into it today, but I am proud that those that were then involved into this march, demonstration or whatever you may call it, conducted themselves and proved to the world that even though they were told to go to the backdoor they could behave themselves to reach where they wanted.

The ambulance and taxi service, I didn't try to mix them up, Mr.President, and I didn't try to say that the taxis were to be used taking people to the Hospital against not using the ambulance - I wasn't thinking of the sick. Some well person in town might want to go into the Hospital to do a bit of business of some kind or see the doctor or see a nurse, or see somebody, see the patients and if the taxi driver had told the customer its $25.00, then as I said, I repeat, the taxi fellow is liable to end up in court and be disqualified for such ridiculous rates.

I was glad to hear, Mr.President, for the first time, if my memory serves me right that what we've planned to have done about the Hospital,as far as we have gone, I have understood before now, that there would be further extensions to the Hospital at some other time, but I didn't know that it was planned that by 1990 we would have 70 rooms. Well, I'm glad to hear that and I hope that those that live to see it the health of these islands might be up that we might't even need that amount of rooms. But nevertheless, it wasn't any use of the Member saying that we are aware of this, because I wasn't aware of it at all.

Mr.President, much has been said from time to time about the block vote and this and what not. It was brought out by the First Elected Member for Bodden Town in one instance where conscience vote was given or allowed for members to vote according to the dictates of their minds, and three voted in one direction and one stood firm. Well, if we hadn't had that, or if they hadn't got that privilege granted to them, then all four would have had to vote together. So I'm glad, even in that light, where we can see then that its no use saying that what comes to the Executive Council and they decide unanimously on is what they come to the House with - no.

The Honourable Financial Secretary said, Mr.President, in his few remarks that the major big development that we have gone through, this development was provided so that our people could have jobs at home, to be with their families, and to restrict, as far as possible, men having to leave home and go to sea or go other places to work, that's quite true. Mr. President, and while it has declined down to a lower ebb that employment is not at the peak that it used to be a few years ago, a number of people, undoubtedly have been laid off jobs but one thing, Mr.President, the public is taking a close look at, at lot of the people that are being laid off the jobs, such as Public Works Department and other areas around, Caymanians are laid off while expatriates remain on the job. And there have been some grievances in that direction. I am not suggesting, Mr.President, that because you have people from all the neighbouring islands some of them working on some of the jobs that if you have to lay off some that they should all be laid off either, but it should be looked into and the surrounding circumstances of the individual. In other words, if you have a national with a wife and two or three children and you have an expatriate that is single, why should the

MR.CRADDOCK EBANKS (CONTINUING) national be laid off and the expatriate remain on the job? And some of that is happening, Mr.President, and I do trust that the Department and the Labour Officer that we have just established will soon get to the roots of these things and see that, as far as possible, everybody be treated reasonable,but we must give consideration as far as possible to the local people first.

I know we all want, most of us, overseas but when one Caymanian got a job in another country out of a population of 2, 10, or 100 million people its not easily seen - its not visualised - but when you have a small population, a small amount of jobs, and a number of people, then its quick to be seen.

The Financial Secretary, he made his statement as to what way the people of the Islands, were contributing to the upkeep or to the running of this country. Mr.President, I think we are doing what we did all over the years. Everybody bears their part of it, whether he doesn't feel it is right percentage or not, he can't deny the fact that not because the last five or ten years there have been other sources of revenue that might have over-lapped the contribution of the local people, but if we hadn't contributed to what was imposed upon us in the way of taxes and revenue, however, we got it, then we wouldn't have run the country and brought it to the place where it seemed to be, as it were, the envy of other Islands around us, for the way we run our country, the standard of living we have, and this and what not why it became then a Tax haven? So we must have taken care of our problems - we must have recognised and contributed to the Government what we were bound by law to do, and I don't think we did this murmuringly - I think we did it out of clean conscientious heart - this is our duty. We know the more we grow, the bigger we grow the bigger we get, the more it will take - we realise that. Its much easier for a parent without child to run a home cheaper than a parent with eight or ten children - there's a lot of difference in it, but I feel ,Mr.President, that we have a lot of investment in the private sector doing business in our country that Government should be getting more from them towards the running of this Government, the revenue than what they are getting.

I don't see or hear about little or anything that they are prepared to contribute to the economy or to the welfare or to anything to the people in this Island.

They are trying to make their big dollar gains and take it out of the country as fast as they can - we have nothing to get out of it. Mr.President, you take like a motor insurance company, we have agents here that they cater to who they want to cater to yet they have been granted a license to operate as a motor insurance; certain categories of vehicles they refuse to insure - that's not good policy, Mr.President. When a man takes out a licence or is granted a licence to operate in whatever field he wants to operate, then it should be operated without fear or favour. How would the supermarkets get along if certain sector of the people couldn't go in and buy? If they were just going to cater for those in the middle bracket and upwards, how would they get along? But they are anxious to see the 10 customer come in as well as the $100 customer.

Some of these things, Mr.President, I trust that sooner or later will be looked into.

The Development Plan - it has been pretty well battered around. Members have been accused of hitting this way and the next way and the other way, but I never yet misunderstood anything as to what the financing would be towards this Plan and when we start planning to do things we have to think about the cost as well. If we plan any of us to buy a next car next year, we have to plan the cost. If we plan to build a home this year, we have to tie the cost in, in other words there wouldn't be a plan without the cost, and I haven't heard little or anything from this, on this side of it, as to what Government would do about the cost.

MR.CEADDUCK EBANKS (CONTINUING) It says without a plan we couldn't do anything or couldn't do what we ought to do, I agree to an extent, because that is planning, as I just said, but we have to be careful as how we go into this and I am sure that this plan that has been brought out, I have a copy of it, that hasn't been dealt with yet in the House. If some of those that were responsible for the setting up, the building of this plan, had visited the various districts and had consultation with people, they could have learned a lot more about the way that they could have dealt with a plan than flying up and down in a helicopter and looking down and say "We will zone this for a housing area and the other side here for agriculture area" and what not. They could have gotten a lot closer to it if they had made some visits around the islands and got in contact with the people to know just the sort of lay-out of the land, where the best might be for what and what could be done. But no, this was just taken on a few people. "This is the way we will do it, this is the way we will propose it".

The Honourable Financial Secretary pointed out in his debate something as the background of this plan why it hadn't been brought to the House when it was expected or hoped to have been presented to the House. After a motion was brought to the house asking for a time for this plan to have been presented, I am saying this, Mr.President, subject to correct, but my knowledge don't remind me of it don't think it was mentioned then, but I feel that if the Financial Secretary had pointed out the things, the reasons for it not coming to the House when the motion was brought, as he so well pointed out today, I feel that the motion would have been withdrawn and we would have waited til Government got it prepared and presented it to the House. So right there again, Mr. President, its lack of communication. I suppose they couldn't trust to tell us that and that's why they didn't do it.

Mr.President, Members of the Executive Council have attempted that we don't have any confidence in them, in what they do and what they say. If we ask questions, we don't believe the answers and what not. Mr.President, when an answer is given by the Member that is responsible that Member didn't provide the answer, the answer was from the Department to that member to be passed on, and certainly, Mr.President, every member has a conscience, they have common sense of thinking and they can well value whether the answer is correct all the way or not, what the Member has presented as the Answer to him. It's right because that is what has been given to him.

Mr.President, the last speaker, which other members have made similar remarks, and its not only in this sitting, Mr.President, it was in sittings right on back as one were from time to time - whatever some members got up to debate, other than Executive Council Members - its a political move, its politics. Who else than would be involved in politics except a politician? Whether he is in the House or he is outside the House, if he is dealing with the affairs of the country and the people, then it has to be politics. Whether you want to think of it as a campaign or not is a different thing.

The Member went on to say and express that he feels it is most disgraceful and disrespectful for the way the behaviour is carried out here at times, and its all against, more or less, Executive Council Members, Mr.President, I wonder if I can draw the Fourth Elected Member of Executive Council's attention to the time, not too many years ago, when he had such disrespect for the Members in Executive Council that he went along with a vote of no confidence against Members of Executive Council, but now he is in Executive Council and tries to push other Members on the floor to trample them with disrespect, bad behaviour, not good conduct, not what, because he is in Executive Council and he now, I say, has forgotten that time when he disassociated himself with a vote of no

MR.CRADDOCK BRANCE (CONTINUING) confidence against other elected Members of Executive Council. So what is good for one is good for all. When you are going to talk about "behave yourself", see that you leave home clean, then you won't get in dirt after you get out.

To close, Mr.President, I think that of every Member that has spoken on the Message that you brought no Member has taken it for a bigger political campaign than the last Member of Executive Council, he has had a full swing of a campaign, a political issue - if anyone has made a political issue out of it, it has been the Fourth Elected Member of Executive Council and I hope he'll sleep good tonight with the ground that he has covered, into that field.

Last, Mr.President, when the Member responsible for Health and Education, he didn't say this in the House he said it in the coffee room....

MR.PRESIDENT: Well, it can't be discussed here.

MR.CRADDOCK BRANCE: Yes, Sir. He'll be ready for me when I get the file off my stomach. I hope he has gotten it off of his end it has been strained because if it was strained what would be left wouldn't be usable. I thank you, Sir.

HON.BENSON BRANCE: I hope the Member took note of your remarks, Sir, and I would just like, for the records, to say that I still have a lot in reserve for him.

MR.PRESIDENT: Well, I shall put the question, the question is that the message delivered by the Governor on Friday the 12th of March, be referred to a special Select Committee of the Whole House. Will those in favour please say aye?

MEMBERS: Aye.

MR.PRESIDENT: Those against, No... The ayes have it.

THE GOVERNOR'S MESSAGE AND ANNEXURES WERE REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

MR.PRESIDENT: It remains for the Assembly itself to suggest a quorum.

MR. JOHN D. JEFFERSON: I move, Mr.President, a Committee including all Members of the Legislative Assembly.

MR.PRESIDENT: That's has already been passed. What we want to know is the quorum for the Committee.

MISS ANNIE H.BODDEN: Mr.President, I would suggest that at least 8 members out of the 12 - I am not sure if the Official Members will be a part to this Select Committee, or is it only elected members.

MR. PRESIDENT: Well, the motion was for a Select Committee of the WHOLE House, and that means all fifteen Members.

MISS ANNIE H.BODDEN: Well, I would suggest, Sir, that at least we should have a quorum of ten.

MR.JOHN D. JEFFERSON: I second that Motion.

MR.PRESIDENT: Well, the proposal is that the quorum for the Special Select Committee should be ten members. Are there any dissenting voices? Then we shall take it that the Assembly is agreed that the quorum for the Special Select Committee should be 10 members

MR.PRESIDENT (CONTINUING) It now remains for me, as President, to nominate a Chairman, if I so wish under Standing Order 62. As the Honourable Chief Secretary will be Acting Governor for at least part of the Select Committee's deliberations, and as many of the points made in the Message have a financial content, I appoint the Honourable the Financial Secretary as Chairman of this Special Select Committee.

QUORUM: 10 MEMBERS

CHAIRMAN: HON. V. G. JOHNSON THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY.

THE HOTELS AID BILL,1975

COMMITTEE THEREON

HON. W.W.CONOLLY: Mr.President, I move that the House resolve itself into Committee of the Whole House to study the Hotels Aid Bill clause by clause and to amend it as may be deemed necessary.

HON.D.V.WATLER: Second.

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: CLAUSE 1. Short Title.

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2 : Interpretation.

HON.W.W.CONOLLY: Mr.Chairman, I would just like to make an amendment in the definition of the word "hotel" - its next to the last line. It says "and all other buildings and structures" you see written in your copies "with" - it is "within". It should read "and all other buildings and structures within such precincts, not being a strata lot or an apartment house". I would like to move that amendment, Sir.

MR.PRESIDENT: This is a typographical error which, if there is no objection we can consider clause 2 with that amendment.

QUESTION PUT: AGREED: CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 3; Licensing Board.

HON.W.W.CONOLLY: Mr.Chairman, before we go on, there was another amendment there on clause 2 - before we get to that on the other page, between the "(a) and (b)" for (c), instead of an "or" it should have been an "and" and in the definition of the word "license" - "license means a license granted under section 4". I apologize for this, Sir, but I considering what had just come to me. (c) would read "any purpose directly ancillary or the purposes specified in paragraphs (a) and (b)" and then in the definition of the word "license" "license means a license granted under section 4".

MR.PRESIDENT: I think I had better put the question again on Clause 2 with these three amendments, the word "within" in the second last line of the definition of "hotel" replacing the word "with"; the word "and" replacing the word "or" between small (a) and (b) in section 2 (c) and the word "granted" being inserted between "license" and "under" in the definition of the word "license". So I shall put the question again that Clause 2 with these amendments do stand part of the Bill.

QUESTION PUT: AGREED: CLAUSE 2 WITH THREE AMENDMENTS PASSED

QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4:Grant of Import Licenses.

QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: CLAUSE 5 : Procedure on Application for grant of License.

QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6:Entry of Building Material And Equipment.

MR.JOHN D. JEFFERSON: Mr.Chairman, I stand to be guided by you but I want to propose in addition to be consistent with the statements made or put forward by me; and those are that the position in relation to the Brac and Little Cayman, there would be a period of five years with the commencement of this law for materials of hotels to be imported duty-free. I am not sure whether I would do that under section 6 (2) or whether that could be made at the end of the Second Schedule.

MR.PRESIDENT: Subject to the Attorney-General's advice, I should have thought that any amendment to be made to the rates payable by licensees in Cayman Brac or Little Cayman that it would be made in the Second Schedule.

MR.JOHN D. JEFFERSON: Because the other thought was, Mr.Chairman, giving him food for thought; is that I was sort of contemplating which way, but I thought that under section 6 (2) added would be a colon and then -

> "Provided that in the case of the Islands of Cayman Brac and Little Cayman for a period of five years from the date of the commencement of this Law all building materials would be duty free".

So I am not sure whether it would be the Schedule or under section 6 (2).

MR.PRESIDENT: I accept the Attorney-General's guidance on this, whether it should be in clause 6 or in the Second Schedule.

HON.G.E.WADDINGTON: I am afraid I don't quite understand the amendment which is being suggested by the Member - I wish he would repeat it.

MR.PRESIDENT: I wonder if the Honourable Member could give it in writing to the Clerk so that it can be read out from the Table?

CLERK: Proposal under clause 6, sub clause (2) the full stop to be replaced by a colon and the following proviso -

> "Provided that in the case of the Island of Cayman Brac and Little Cayman for a period of five years from the date of the commencement of this Law all building materials or articles of hotel equipment being imported under a license no duty shall be paid thereon".

HON.G.E.WADDINGTON: I can see no objection to an amendment such as suggested, Mr.Chairman, if that meets the wishes of the Members.

MR.PRESIDENT: Well, we can take that as a proposal for an amendment to clause 6 (2).

MISS ANNIE H.HOOPER: Mr.Chairman, I would like to know what about the Eastern Districts - is it the consensus of opinion of Members that they should be allowed to import any hotel materials duty free or will the two and a half per cent as in the Second Schedule apply? I am asking what is the consensus because perhaps we should have to include that in this section (3) if the Eastern Districts get the same concession or same concession.

MR.CRADDOCK EBANKS: Mr.Chairman, I think I made that movement or motion verbally when we were dealing with this the first day that I felt that if we wanted to give the Eastern Districts, including Little Cayman and Cayman Brac we should make them then duty free, to see what attraction it would appeal to investors...So if it is considered for Cayman Brac and Little Cayman, I feel them, because I had suggested this when we were first dealing with this.

HON.V.G.JOHNSON: Mr.Chairman, personally, I don't feel that two and a half per cent import duty on building materials will be a deterrent to investors in the hotel construction is concerned in either the Eastern Districts or Cayman Brac, but I personally would not wish to draw a red-herring across this proposal, if, in fact it can attract investors to those areas, because I know that in the case of Cayman Brac, as well as the Eastern Districts, that there is a great need for a bit of activity in the economy, and if this could assist, I would say yes, but at the same time we must realize too that all these administrative arrangements within Government costs, and two and a half per cent import duty is so small, yet, it could assist in the cost of the administration in dealing with these matters. But, as I said, if the House wishes to go along with this to grant complete exemption of import duty as far as those areas are concerned, then I will be willing to go along with it as well.

HON.ARNSON D.EBANKS: Mr.Chairman, I subscribe to the views of the last speaker. I feel that the two and a half per cent would not be a deterrent and in view of the fact that there is considerable administrative expense involved in this, I would think that this would be not unreasonable, but if the majority of the House feels otherwise, I won't argue strongly on that. There is only one point I would like to make and hearing a lot of talk about Cayman Brac and Little Cayman and the Eastern Districts... I don't want anybody to be under any illusions about what the Second Schedule says. When it refers to the West Bay area it doesn't refer to the district of West Bay - its referring to what we know as the seven mile beach - as described here and there are also areas of West Bay that will be included in this two and a half per cent section, areas west and north of the junction of the George Town North West Point Road - that is areas in North-West Point Bodden-Bay, Barkers area - that is what the old law included - that is what this law is saying and I would argue strenuously if it was suggested that those areas of West Bay, be treated differently from other undeveloped and less desirable areas, so I don't want the House to be under any misapprehension that certain areas of West Bay are included in this two and a half per cent tax.

MR.JOHN D. JEFFERSON: The point that I think I would like to make, Mr.Chairman, is that the two and a half per cent, other parts of the Island, and as the last Member rightly said, that included other parts on the West Bay Beach, but since Grand Cayman has always had in the last several years, more development, even

MR.JOHN D. JEFFERSON:(CONTINUING) though people had to travel out of the other districts to come to, may be, George Town, or to the beach, I think the Brac is in a completely different category altogether. I'll go along with Members in whatever they say about the two and a half percent, but that, I think, would no doubt, as the Financial Secretary said, wouldn't be a deterrent and yet it would help to defray the operating costs, but I would definitely like to see the Brac left for a period of five years with no ad valorem duty, period.

HON.A.H.BUSH: Mr.Chairman,I would much prefer, Sir, that we leave it at the two and a half per cent and that it remains as it is in the Second Schedule of this bill, two and a half per cent for all other parts of the Islands, and that will include Little Cayman and Cayman Brac as well. And all other parts of Grand Cayman, except what is specifically mentioned which will include the West Bay beach.

HON.W.W.CONOLLY: Mr.Chairman, speaking on the whole object of this bill, it is to produce an incentive for those who wish to go into the Hotel development. On the other hand, it must be remembered that there is a limit to the amount of hotel development that any area can have. I mean, it is something that is not unlimited, and thinking of Cayman Brac/As Cayman Brac is, we have a plant there, they have just added ten additional rooms and I don't think that regardless of what incentive we would give in this particular area, I don't think that this would be anything that would bring a rush of hotel - I believe this would come normally, depending on your airline services and what not, because if there was no body coming into Cayman Brac to build up forty or fifty room hotel if transportation services were not there to fill that hotel.

Now in the hotel business, what we find Mr.Chairman, is this, that most of the developments today carry a hotel and with this hotel it carries condominiums and apartments. To the average investor it is more lucrative in the condominiums and apartments, because while the hotel provides services that we can't do without, yet no apartment can go into long term rental or can be sold as the case may be. Now, this law would not affect an apartment and condominium complex. I am referring to the development that is planned for the Easter end on each, as far as I am aware there is a 75 room hotel which probably would come under this, but then associated with this, there is quite a lot of detached houses and condominium complex and what not, apartments and what not and we would have to be very careful in just saying duty free on a certain area if it could be properly controlled.

I would like, if possible, not to get over-ambitious on this - what I feel would be if there were ways and means of attracting probably any kind of development to Cayman Brac - I feel like Government would be well advised to consider it and this goes for other parts of Grand Cayman that are not as developed as the beach. But as the Honourable Member said I would be a bit reluctant to write it in a law saying that Cayman Brac or Little Cayman or any particular area of Cayman would be exempted for five years, because no one knows what next year's development might bring. If success comes to Little Cayman as it is anticipated with an oil terminal it could be that within a year or two it wouldn't be necessary, as far as that is concerned, so as far as I am concerned, anything written in here, I would prefer seeing it in the schedule, whether it is duty free or two and a half per cent. If the majority of the House wants to put it duty free I will go along with it, if they say two and a half per cent I would go Along - I don't have any strong feelings as far as this

HON.M.W.CONOLLY:(CONTINUED) is concerned, but I would prefer seeing it written in the schedule rather than making it specific in the paragraphs of the Law.

MISS ANNIE H.BODDEN: Mr.Chairman, since even our good Friend here is not getting the support, I say let everybody pay the two and a half per cent and when it comes to the Schedule, the Second Schedule, we'll see about that.

MR.G. BAIG BODDEN: Mr.Chairman, I have to agree with Executive Council and I would further state that any change in those percentages should be upwards,if any change is made. The two and a half per cent for all other parts of the Island, which, incidentally, would also include Bodden Town, would just barely cover, as the Third Official Member has pointed out, the administrative costs. I had some experience with these duty free items for hotels, and I can tell you, that as far as the Customs Department is concerned, there is nothing that gives them as much trouble as these duty free things. One of the reasons is that the items do not all come in at one time like how a merchant would bring in his supply of goods. For a large hotel they would be coming in over a period of years and there is a tremendous amount of back and forth work and I said in my debate on this, and I have tabled an amendment which would increase the duties charged for hotels (although I did not interfere with the two and a half per cent for other parts of the Island, other than the West Bay Beach), and I fully agree with Executive Council that we should not come on amendment to section 6, but we leave this section 6 as it is and when we come to the Schedule then we can make whatever changes we want to make.

It is my firm opinion that waiving the duty is not a deterrent nor an incentive any more. I made this point in the debate and I fully support the Executive Council Members who want to keep this as it is now, perhaps I make history, but nevertheless I support it.

HON. TREVOR MOSES: Mr.Chairman, Government has previously offered incentives to the outer districts and the outer islands, although it has never materialized anyone evidently, our own local hotel has benefitted by it recently and other people have built small cottages. I would most certainly wholeheartedly support the Member from West Bay - this was the whole idea in my mind, before, but after seeing the amendment suggested by the Bodden Town Member I thought it would be a wise idea to play this thing by ear hoping at least not to get it above the two and a half per cent because that quite easily could happen, as I see it this evening. At least I wouldn't want it increased any more than two and a half and of course if it could be duty free, well, I don't know if it would be that much of an incentive because two and a half per cent when you think of it is really not that much. However, we'll see how the House goes, and go along.

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, I think that two and a half per cent is as little as Government can afford to give in on this matter - I don't think anything below that would help Cayman Brac or Little Cayman too much, nor will it help Government.

MR.CADDOCK EBANKS: Mr.Chairman, I wasn't attempting to exercise any strong opposition to this, as it were. If the majority of Members feel that it should remain as is or a slight increase, I wouldn't have any strong feelings of objection . May be the two and a half per cent as has been said, is not even very much of an incentive. As the Financial Secretary pointed out this morning in his address that the merchant that couldn't sell his pens for four shillings, he churned them out and sold them right off for ten shillings, so may be our incentive still is a little bit low.

MR.CHAIRMAN: Well, we are really dealing with an amendment to clause 6, solely in respect of Cayman Brac and Little Cayman and for a five year period with no duty. I think the feeling of the House seems to be against this, that we should consider the rates in the schedule. I can put it to the vote if the Honourable Member wishes.

MR.JOHN D. JEFFERSON: I'd like that, Sir, and I would also ask for a division.

MR JAMES M.BODDEN: You running for Cayman Brac this time.

MR.JOHN D.JEFFERSON: Well, since you went in West Bay there is no reason why I can't...

Mr. G. HAIG BODDEN: On a point of order, Mr.Chairman, I don't think he can ask for a division until after the results have been announced.(MEMBERS LAUGHTER)

MR. JOHN D. JEFFERSON: Mr.Chairman, I don't think I need the Second Member from Bodden Town to tell me the procedure in the House. I think he is just being rude. I suggest that...

MR.CHAIRMAN: I'm going to put the question. I think, that clause 6 (2) be amended as proposed by the Honourable Member from West Bay. It would read - clause 6 (2) to be amended by replacing the full-stop after "located" by a colon and adding the words "Provided that in the case of the Islands of Cayman Brac and Little Cayman for a period of five years from the date of the commencement of this Law, all building materials or articles of hotel equipment being imported under a licence no duty shall be paid thereon". Do those in favour of that amendment please say aye.

MR.JOHN D. JEFFERSON: Aye.

MR.CHAIRMAN: Those against, nay.

MEMBERS: No.

MR.CHAIRMAN: I think the noes have it.

MR.JOHN D.JEFFERSON: Can I have a division, Mr.Chairman?

HON.V.G.JOHNSON: No, John.

HON.A.B.BUSH: No need for that.

DIVISION

NOES	AYES
Hon.D.V.Wheeler	Mr.John D.Jefferson
Hon.V.G.Johnson	
Hon.A.B.Bush	
Hon.Trevor Foster	
Hon.Benson O.Banks	
Hon.W.W.Conolly	
Miss Annie H.Bodden	
Mr.Charlie Hill	
Mr.James M.Bodden	
Mr. G.Haig Bodden	
Capt. Charles Kirkconnell	
Mr.Craddock Eldon	
12	1

Hon.C.B.Waddington Abstension.

MR.CHAIRMAN: Well, I will now put the question that clause 6 as stated in the bill do stand part of the bill.

QUESTION PUT: AGREED: CLAUSE 6 PASSED

CLERK: Clause 7 Building materials and hotel equipment not to be used for any purpose other than that for which imported.

HON.W.W.CONNOLLY: Mr.Chairman, I would just like a slight amendment here in sub-clause (2), in the third line, the word "section" is written with a big S, capital S, its a typographical error - it should be written with a small "s".

MR.CHAIRMAN: I think I might mention there was a reference in the Caymanian Compass to this method of of correcting typographical errors - it is quite permissible in moving the third reading simply to draw attention to these without necessarily complicating the business in committee. We've noticed this amendment.

MR. G. HAIG BODDEN: Mr.Chairman, there is a tabled amendment to section 7 to remove the words "within ten years" appearing in the third line. The way the bill is framed if a hotel building was used after ten years for other purposes, duty would not be required to be paid. In the old law the period was five years; this would extend it to ten, but I think it should be removed altogether, because the life of one of these buildings is probably 50,60, 70 years and I feel that if material was admitted free of duty for the purpose of a hotel and that hotel building was converted say after ten years to a cinema or something like that, I feel the full duty should then be paid and I would like to see the words "within ten years" removed so that if the hotel building was ever used for any other purposes the full duty would have to be paid..

MR.CHAIRMAN: Well, that amendment has been moved ....

HON.BENSON O.EBANKS: Mr.Chairman, I would like to make a comment on that proposed amendment, and it is this that I think the clause is not quite as simple as it was made them by the last speaker. If it's a hotel in toto it would fall under the proviso part of the clause. What section 7 ,sub-section (2) is talking about is where any building which would form part of a hotel complex, if a hotel comprised of one building only and it was used for another purpose, I think it would fall under the proviso section. And I think what we are talking here is that there might be, after ten years, in the course of the running of a hotel, the necessity might arise to do some re-vamping with the use of a particular building, for example, it might be necessary to turn it into Manager's quarters. If it was turned into a cinema, for example, for use by the guests of the hotel only, I don't think that would remove it from the privilege that is intended to be granted at the moment.

HON.W.W.CONNOLLY: I think that is the explanation , Mr. Chairman. In fact, originally this was not in the law - this amendment was made to this law for ten years in 1967 - it was originally five years, but it was considered that after ten years that these duties should have been waived. And as the Member said the proviso takes care of somebody transforming the use of the building completely. I don't see this being abused - I think that we could live with it as it is.

HON.A.B.BUSH: Mr.Chairman, I must say this that I agree that the ten years should remain as it is - I don't think it should be debated.

MR.CHAIRMAN: I think I shall put the question. I shall put that the clause in question part of the bill, that is Members will be voting for the clause without the amendment. If that is defeated then we shall consider the clause as amended by the proposed amendment. So Members are voting on the clause as written in the bill without the amendment and the first question.

QUESTION PUT: AYES & NO.

MR.CHAIRMAN: I think the ayes have it - that means that the amendment falls aside.

CLERK: CLAUSE 9 Collector of Customs may permit disposal of materials,etc.

MR.F.HAMILTON: Mr.Chairman, there is a tabled amendment to section 9 which would remove the words "or has given security to the satisfaction of the Collector Customs that he will so pay". As the bill stands, if goods imported for a hotel were being sold, not having been required for the building of a hotel, the clause says that the person shall pay to the Collector or give security to the satisfaction of the Collector. I know inthe Customs Law we have this same clause appearing that the importer will pay or give security to the satisfaction of the Collector of Customs, but this is at the time of the original importation. Now here we might have something being sold many months after it has been brought into the Island and I think that at that time the Collector should collect the money - he shouldn't accept a bond or just by giving security I think we should take that out and we should make the clause very firm, that if these goods are being sold, for example, I can think of say building materials - suppose there was too much roofing brought in and rather than sending it out the roofing was being sold, well, I think the person selling it should pay the duties, they shouldn't be given the option to pay or give security. Accept security in this matter might mean just a bond that mightn't be very effective and I think we should make the clause very firm by taking out the words "or has given security", and leave it that the person must pay.

HON.V.G.JOHNSON: Mr.Chairman, I think this follows what is practised now in the Customs Department that there are circumstances when it is necessary for the Collector of Customs to take a bond or some form of security to release goods until a decision is made as to whether it will be granted certain concessions, whether it is under the Hotels Aid Law or whether it is under a section of the Customs Law under which the Governor in Council may grant exemption. This is perfectly legitimate - the Collector of Customs takes a bond or takes the security, releases the goods and when a decision is made then he calls upon the importer to make settlement of whatever duty is owing.

MISS ANNIE M.DONOVAN: Mr.Chairman, I agree that is what is going on now, but in most instances it is barely a piece of paper signing a bond "I guarantee this" - is there ever a cash bond deposited - that is what I would like to know.

HON.V.G.JOHNSON: The bond can be in any form, including a cash bond. In many instances a cash deposit is made.

HON.BENSON O.EBANKS: Mr.Chairman, I am positive that many cash deposits are made. We see this when the Government accounts come before the House, there are sums held on deposit for importers and this is what it is for.

HON.BENSON O.FRANKS (CONTINUING): Now, in speaking on the actual section in this bill that is sought to be amended, I can see every reason why the section should be as it is written. If material has been brought in for the construction of a hotel and portion of that material has been used, its in a stockroom, and a person agreed to purchase it, according to Section 1 the person who imported the goods has to get a permit from the Collector of Customs to dispose of the goods, and certainly the prospective purchaser or the person who imported it in the first instance, will not pay the full duty until it has been finally established, the quantity of goods that remains to be sold. I know from experience of a contract that I was just associated with that we had to physically go in and check what was left and nobody is going to pay - it would cause complication all around, but nobody was going to pay on X lengths of steel unless he knew that X lengths of steel actually existed. And proper inventory would have to be made and I don't see people going to this expense until they knew that the deal was on. So I think that once the Collector of Customs takes an adequate survey it should be alright.

HON.W.W.CONOLLY: There has been, I would say, some difficulty with the implimentation of this particular law in the past. The Board has had quite a bit of problem and our problem is the fact that people go ahead and order material before a permit is granted and it is not properly marked and all this type of thing. I don't think that there is any problem about putting up the bond or putting up the cash - I think as far as this is written here once the articles are marked properly, they come in under a permit and the Collector of Customs has in his possession the import license, he knows then what has come in. Well, even in the first instance if he has taken a bond and he is trying to get the thing finalised, this, as in most cases, is a cash bond, so obviously Government has been using somebody's money, might be their own money, on interest, so I don't see too much wrong with that. And I feel like to take that out, because how could you pay without you've known definitely what you are paying on. I think this is the whole crux of the matter - one has to be certain of what material that is going to be disposed of under the license that the Collector of Customs is going to grant to this importer to dispose of goods. He knows what has come in under a license, but what has been used in a hotel and what has been left now to be re-disposed of, which the duty will be paid on and this is where, I think, his trouble is.

I believe if we remove that item out, that section that is suggested, it will give the Customs Department quite a bit of trouble. I would suggest that this has been what was in the law in the past and I feel like the Third Official Member, who is responsible for the Customs Department, if he is satisfied that it is in order, and suitable to the collection of Government revenue, I feel we should leave it.

MISS ANNNIE H.HODDEN: Mr.Chairman, When I read the Compass last week and saw at the bottom of the editorial that an outside man had given some instruction which led to the amendment of the Succession Bill, I said "Well, after all outsiders get more attention than Members of the Legislative Assembly", because if we make any suggestion whatsoever its always over-ridden and a member of the public can come to this Department, whoever it is, I am not quoting any names and said "Well, your Succession Bill or this bill or the other one is wrong , correct it," and they are heard, but we are never.

HON.V.G.JOHNSON: Mr.Chairman, it can be struck out, I mean it would be simpler for the Customs to say to the importer "Well, pay before the goods are delivered" - this is only a matter of providing a facility and convenience for the hotelier importing goods, to deal with it in this respect, but.....

HON.A.B.BUSH: Mr.Chairman, it seems to me like the fear of members is that somehow or other someone may get across the Customs without paying duty on the materials which are imported. I don't think there is a chance in this at all. I feel sure that,as I understand it, they always give a list of materials important for the hotel and whatever is left off that they don't use within the time they pay the duty on it and I feel sure that the Customs can take care of this. I don't think its necessary to go any further with it than what we have it here in this Law.

MR.G.HAIG BODDEN: Mr.Chairman, this section is referring to goods that have already been imported - this is referring to goods that are already in the Island....

HON.A.B.BUSH: I know that.....

MR.G.HAIG BODDEN: Of course, if the Members want to leave it, I am only one vote.

MR.CHAIRMAN: I think Members probably know their minds on which way they want to vote. I shall put the question again for the clause as printed, if that is defeated then we shall pass on to the amendment.

QUESTION PUT: AYES & NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLAUSE 9 PASSED WITHOUT AMENDMENT.

CLERK: CLAUSE 9; Articles of hotel equipment to be marked.

QUESTION PUT: AGREED: CLAUSE 9 PASSED.

CLERK: CLAUSE 10: Inventory of hotel equipment to be kept.

QUESTION PUT: AGREED: CLAUSE 10 PASSED.

CLERK: CLAUSE 11: Power to revoke licenses.

QUESTION PUT: AGREED: CLAUSE 11 PASSED.

CLERK: CLAUSE 12: Regulations.

HON.W.W.CONOLLY: Mr.Chairman, there are a few typographical errors that I would like to amendment to and as you said I can do it in - may I do it now, or.....?

In (b) I would like to say "prescribing the form in which the terms subject to which a license may be granted" and in (c) "Prescribing the type of mark to be affixed to articles " and in (d) "prescribing the form of inventories" - you have the plural of that, (b), (c) and (d).

MR.CHAIRMAN: If there is no objection, we can take those typographical errors as included, under clause 12.

QUESTION PUT: AGREED: CLAUSE 12 PASSED AS AMENDED.

CLERK: Clause 13. Schedule.

MISS ANNIE ADAMSON: Mr.Chairman, I would like to move that this section 13 be eliminated, this says "The Governor may by order vary the schedules to this Law", now the First Schedule I would say, more or less is what was in the old Law. Now I am not too well acquainted with

MISS ANNIE R.BODDEN (CONTINUING) all these maps and so on,etc. but the schedules may be varied,not even "schedule" and I do not think that it is right and fair for us to come here as Legislators and pass a law which gives the Governor in Council the authority to vary the schedules. When we give that permission in this Law, this law is non-effective, as far as legislature and concerned, because somebody may come up, some investor or hotelier,etc. come and say "I want this schedule varied" and they can put up such a good case because - let us be very realistic about it - people who come here, they are some of them very silvered-tongued and sometimes they can talk people into believing anything, including myself; I have been hood-winked to the extent that a certain company now owes me over seven thousand dollars - I have been hood-winked and I consider I am a pretty smart woman (both pretty and smart), but I am telling you, Sir, that these would-be investors, hoteliers, rich people, can come here and the Governor (meaning, Sir, in Council), may, by order vary the Schedules to this Law. Now when this law is varied in the Second Schedule it could mean that we wouldn't get this percentage which would be changed, and I feel, Sir, that with all due respect to you, Sir, (who I greatly respect and the Members of the Executive Council, of whom I am not envious) that they should not be given that authority to vary these schedules and we won't know anything about it and, as usual, we will be blamed.

HON.W.W.CONOLLY: Mr.Chairman, I would just like to draw the Member's attention to the Law of 1967 which is 9 years old and that says exactly the same words "Administrator" (then)"in Council may by order vary the schedules to this Law". This is nothing new, this is the law exactly like what we have it now - the thing is this that we have had a section added to the law, an amendment of 1967 and this particular section was added then as section 12, which was section 13 in the amendment of 1967. It is true, Mr.Chairman, that when the original law was enacted there was not a second schedule, because all hotel buildings were duty free. In 1967 it was thought that there should be some duty collected and the Second Schedule then was added to the law to provide for the West Bay Beach area of seven and a half per cent duty and for the remainder of the Island of Grand Cayman two and a half per cent and the Islands of Cayman Brac and Little Cayman two and a half percent. Sometime later this area of the West Bay Beach was extended to include the same area in the North Sound, stretching across the beach to the North Sound, so the point is this that this is the exact wording of the law that we have had on the statute books for 9 years.

MISS ANNIE R.BODDEN: Mr.Chairman, I am not contradicting that, but I am saying that when we come up against a problem, that we should solve it and without all this bickering, this quarrelling, this finding fault, this attack on each other - I don't go for that sort of stuff. We are childish I am saying that I personally feel, as a representative of the people, that this section 13 should come out, and I stand by that.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, just over the week-end, Sir, there was a question arising on item 13 and the question would not exist if there was no clause whereby the schedule could be varied. I am respectfully suggesting, Sir, as to be clearly this position to all future investors that there is one rate and that the rate will not be varied from one hotel to another.

HON.W.W.CONOLLY: Mr.Chairman, I don't think the variation here is from one property to the other. The variation here is in the second schedule is the area, the variation is when you are within a certain area, the rate of duty is one, when you are in another area its different. It is not varying from one hotel to the other. If you

HON.W.W.CONOLLY (CONTINUING) have a hotel in the area as defined on the map here, that is from the North West Point Road with the West Bay Road and George Town Road, then due East to the North Sound, thence Southerly following the coastline, except that creeks are included in the area to Welch Point, then Southerly following the coastline to a point North of the Sound Road thence due West passing through the junction of the West Bay/George Town Road, with School Road to the sea, thence Northerly and North-Westerly following the coast-line to a point South of the junction of the North West Point road with the West Bay Road/George Town Road, thence due North to the starting point - this is somewhere in the area of the Cemetery I think, just below the Cemetery in George Town and I think it goes out to the Junction of the North West Point Road: whatever falls within that, regardless of which hotel, who it is for, it is one rate of duty. If it is anywhere else then there is another rate. This varying, I think, is varying, the rates in the areas - it wouldn't be what was done for one and what is done for the other.

MISS MYRTE BODDEN: Mr.Chairman, section 13 says "The Governor may by order vary the Schedules to the Law" - it doesn't say the location, which hotel must pay what - "vary the schedules" is a very broad statement - It means, I take it, that you could vary the rates or you could add or subtract from this first Schedule and the Second one - it could be varied - it says "vary the Schedules" period, and why the Schedules mean to change, as I understand it.

I am not exactly a student of law and this and that but I believe that I have a bit of common-sense and I think that is extending the power too far when we, as legislators, are accused every minute that we go here and pass laws and then we don't know what we are passing, we give broad powers, we do this, we do the other thing - its one of two things - legislators must have some say or get out.

MR.GILBERT BONNICK: Mr.Chairman, I agree with the Lady Member and with the Member from Cayman Brac. In fact, I had tabled an amendment to delete section 13. And it is not no one Member piloting this bill has explained - section 13 says that the Governor may vary the Schedules, which means that it can be varied for an individual here, if somebody wanted to discriminate. It can be varied, if we leave the clause so broad. He made much of the statement that section 13 is being repeated here exactly as it was in the old law - that might be true, but the purpose for re-writing this law is to vary some of the other sections and if we can vary some of the other sections, why can't we vary section 13 or do away with it altogether?

And, furthermore, if we repeal section 13 to remain in this law we would be making a farce, a complete farce of these tabulated items here in the Schedule, because tomorrow morning they might come out and you might see "fruit cocktail" and "butter" or anything else put into it, and you might see the ten per cent changed to one per cent or the two and a half per cent changed to one hundred per cent - anything can happen and the power is too wide, we already have section 12 which is bad enough that the Governor may make Regulations and so on. We must take out section 13. We had a similar section in the Liquor Law which gives the Chairman of the Licensing Board or some member or somebody the power to change what has been done by the Board or the Licensing Authority or whatever it is - he can vary the license and that's wrong, but let us not commit another felony here by giving the Executive Council the power to vary these Schedules. Why put in the Schedules - why not just say the Executive Council can do as they like?

MR.CHARLTON TRAPP: Mr.Chairman, the reason for re-writing this bill is because Government felt it was time to change some of what was in the old bill, or law and if Members see in their wisdom that 13 doesn't do what it might be intended to do, then I can't see then why

MR.CRADDOCK EBANKS (CONTINUING) it should be so upsetting to change this. While the Member piloting the bill is saying that some of this is just the way it is in the old law that has been in operating for the past 9 years. But even though in the nine years space it is found that certain changes are necessary and this Schedule then, as has been pointed out by Members they feel it shouldn't exist or be a part of the bill before us to become law in whatever way it is passed. I can only see myself and go along with asking that they give consideration to this amendment.

HON.W.W.CUNDALL: Mr.Chairman, just to reply, I think the main reason for bringing this bill is to co-ordinate these fourteen different pieces of documents, fifteen, I think it is , right now,with amendments, every year, We had to amend - we have fifteen pieces of documents what are included in this. And this is the problem - I dont think it is what is actually worked - this is the same wording as in the 1967 Law but since the bill was being re-written it is exactly the same. And what I am trying to say is this that there is no surprise to me that Members feel this way about the Governor in Council, because they have expressed it, but lets face it, we had a situation here when not too long ago, in 1967 this area in West Bay Beach was only on the beach part of west bay, it did not include the swamp section of West Bay and in order to have that included (and we will have lots,) because the other side of the Road, the right hand side of the road going to West Bay was two and a half per cent and in order to get the benefit of a hotel the Executive Council changed this and added that area to it, they varied the order to add that area. If the Executive Council didn't have that then you would have to come back and amend the law, and it could have been three months. People, knowing that, could have brought in their materials. If you want to tie it up where it has to come back here and you have revenue, fine with me. But if only shown, despite the words the people say they have confidence, it shows to me that they don't have confidence.

MISS ANNIE H.BODDEN: Mr.Chairman,with all due respect, these four Members there will not be there forever - that is a sure and certain thing and while I am not doubting their integrity, they doubt ours, but I do not doubt theirs, I am saying this that we must make our laws specific and this thing is not specific. I am sick and tired. I have almost made up my mind today that I think Members on this side, as we are termed, we are fighting a losing battle, and I wouldn't blame the constituency of George Town not to come out and give one vote, because the Members here are just barely rubber-stamps. We can't express anything, everything we say is wrong,..now I will stay here til Gabriel blows his trumpet and I will never agree for section 13 to remain in this law, because we cannot guarantee these four members and as for you, Sir, I wish you would stay here forever, because I feel, and I am not flattering you, because flattery is food for fools and I am very sure you are a very wise man. I am saying this, I am not doubting the interrity of you, Sir, there is no reflection whatsoever, but if we are put here as legislators to legislate laws and we get a lot of criticism I feel that our suggestions, or recommendations or amendments, call them anything you want to call them, should at least be listened to.

HON. V.G.JOHNSON: As far as the First Schedule is concerned, it contains nothing other than furniture and equipment which would be used in a Hotel. I can see the need there for authority to be given to the Governor in Council to vary this Schedule because very often things change, their names, because of advance in technology, new items of equipment are brought into use and perhaps suddenly Hoteliers can find themselves importing something of equipment which is not on the schedule and in such cases it would be expedient for the matter to be dealt with in Executive Council rather than to wait for a meeting of the Legislative Assembly to vary this because I think it is a formality

HON.V.G.JOHNSON (CONTINUING) conclusion that all items of furniture and equipment for a hotel should be listed under the Schedule. However, the Second Schedule is somewhat questionable, because we are setting there limits within which certain concessions will be given to Hotels, and quite honestly if it is not a permanent fixture in the law and it is subject to change at short notice, it could bother Members and I can see the Second Schedule really in a different light from the First Schedule. I don't know whether this is the view of other members, there is certainly a subtle difference between the First and Second Schedule.

MISS ANNIE H.BOWDEN: Mr.Chairman, I quite agree with the Third Official Member. This here, that is nothing, it is in that all the ball playing stuff, I dont know all the games and so on, etc. all the household effects and utensils and stuff that go in this Hotels, I don't know because I don't visit them very frequently. I do not disagree with the First Schedule the Governor in Council to vary that, but when it comes on the Second Schedule, I cannot, I will not agree to it.

MR.CHAIRMAN: I must ask for two minutes silence at this stage because we have run out of tape.

(PAUSE — MASTER TAPE BEING CHANGED)

MR.CHAIRMAN: We are on the air again. I think the F.S.'s proposal is that instead of the amendment that clause 13 be deleted that it be varied by saying the Governor may by order vary the First Schedule to this Law.

HON. BENSON O.EBANKS: Mr.Chairman I am happy that the F.S. made that suggestion because the motion or amendment to delete section 13 had me worried, because we would be deleting the Schedules according to the marginal note and you would be defeating the whole purpose of the law. Certainly the amendment that's being sought is not to delete section 13 and I don't believe that Members would have any strong feeling if that were changed to say that the Governor may by order vary the First Schedule or the items appearing in the First Schedule to this Law, or whatever the case may be. But this would preserve section 13 and the schedules that come under it.

MR.CRANSTON EBANKS: Mr.Chairman, that's something of what I was going to point out or mention when I attempted to speak a minute ago that if the Governor in Council feels like making minor variations to the First Schedule then we could leave that as is.

MR.G.HAIG BODDEN: Mr.Chairman, I don't agree that if we deleted section 13 we would be deleting the schedules because the previous sections have established the Schedules, the Schedules are not a part of section 13.

MR.CHAIRMAN: The marginal note here doesn't, if we abolish clause 13, the first and second schedules would still stand. The marginal note simply refers to the clause as drafted - if the clause disappeared, the marginal note would disappear but the Schedules one and two would still stand.

HON.BENSON O.EBANKS: Yes, Sir, I wasn't clear on that point because the reference to the schedule is rather vague, as I see them.

MR.CHAIRMAN: I think the marginal note really to be explicit should read "Power to vary schedules". That's what is causing the confusion.

HON.BENSON O.EBANKS: That's what was misleading me, Sir.

MR.CHAIRMAN: Well, I wonder is we were to be reaching agreement in discussion that instead of having the amendment as moved that clause 13 would stand part of the bill with the words "Power to vary schedules" as the marginal note and clause 13 reading "The Governor may by order vary the First Schedule to this Law".

HON.C.E.WADDINGTON: The marginal note would have to be "Power to vary First Schedule.".

HON.W.W.CONOLLY: Mr.Chairman, I was going to suggest an amendment instead of saying "in this Law" because this is the inference anyway, "the Governor may by order vary the First Schedule". It was suggested by the Legal Draftsman that I should move that."

MR.CHAIRMAN: Very well, if that commends itself to the House we can take the question that clause 13 as "The Governor may by order vary the First Schedule".

HON.A.D.EUGH: Alright.

MR.CHAIRMAN: If there is no further debate on that I shall simply put the question that clause 13 as amended do stand part of the bill.

MEMBERS: Aye.

MR.CHAIRMAN: The ayes have it.

CLAUSE 13 as AMENDED PASSED

CLERK: FIRST SCHEDULE

HON.W.W.CONOLLY: Mr.Chairman, in the brackets there 1 First schedule, sections 1 and 13 should be corrected to "2 and 13".) And further down "chest of drawers", should be plural = "chests of drawers".

MR.C.CRAIG BODDEN: Mr.Chairman, there is also a tabled amendment that the words "billiard and pool tables and connected equipment" be qualified by "other than coin operated equipment". In other words, we would not allow in, free of duty, or at a preferential rate of duty any item that would be coin operated, that would be a money-making something, because if we do this , the list could be endless, we could add juke boxes and all sorts of things to it and I know this is reported on it was in the Old law but at the same time I think we shouldn't allow in coin operated pool tables, billiard tables, juke boxes and that sort of thing.

CAPT.CHARLES KIRKCONNELL: Mr.Chairman, I have seen this taken advantage of in Jamaica, a little loop-hole like this I think we should qualify it and it would remove all doubt from its meant.

HON.A.B.ROSE: Mr.Chairman, wouldnt this come under the gambling law . I know we do have a gambling law and surely this would be prohibited to be imported, coin operated machines.

MR.C.CRAIG BODDEN. No, something like a slot machine would come under the Gambling law but not this.

HON.V.G.JOHNSON: Coin operated machines are used in many places. I agree with the Member that there should be stipulation here that if people want to import this and use it in the hotels they should pay the full duty on it.

HON.A.B.BUSH: What I meant, Sir, in connection with billiard tables - this is what I was talking about. As far as the coin operated billiard table is concerned, isn't it a form of gambling?

HON.V.G.JOHNSON: Yes, but it doesnt come under the gambling law.

HON.W.W.CONNOLLY: Mr.Chairman, I wouldn't have any objection to that providing we can get it worded properly, I don't know if the Second Official Member will help us to do this.

MR.CHAIRMAN: Well, I think the proposed amendment is after the words "billiard and pool tables and connected equipment" the words be added "other than coin operated equipment". If that is acceptable to the Honourable Attorney-General.

HON.G.E.WADDINGTON: Yes, that will be alright.

HON.W.W.CONNOLLY: Would "other than"...

MR.CHAIRMAN: Other than coin operated equipment....

HON.W.W.CONNOLLY: That would be referring to the equipment, not to the...I don't know - billiard and pool tables and connected equipment other than coin operated equipment.....

MR.G.HAIG BODDEN: Mr. Chairman, you can, if the Member wants it, although this wording has been approved by the Legal Authority here, he could repeat the whole phrase - billiard and pool tables and connected equipment other than billiard and pool tables and coin operated equipment, if he wants to be verbose.

HON.W.W.CONNOLLY: The point I was bringing I believe that you should say billiard and pool tables other than coin operated ones, and connected equipment, because I was thinking that it was referring only to the equipment, I don't know what the equipment is.

MR.G. HAIG BODDEN: yes, that's a better wording - I thought he wanted a multiplicity of words.

MR.CHAIRMAN: Its now "billiard and pool tables other than coin operated and connected equipment"....

HON.G.E.WADDINGTON: Should be in brackets....

HON.V.G.JOHNSON: Bracketed..

HON.G.E.WADDINGTON: Bracketed - "other than coin operated"

MR.CHAIRMAN: And connected equipment. Well, I will put the question that the Schedule as amended do stand part of the Bill.

MEMBERS: AYE.

FIRST SCHEDULE PASSED AS AMENDED

CLERK: Second Schedule

MISS ANNIE M.BODDEN: Mr.Chairman...../ Mike not on / (inaudible)

HON.BENSON O.EBANKS: Mr.Chairman I would respectfully submit that if such an amendment were entertained we have wasted our time in dealing with the rest of this Law! (HON.A.B.BUSH: Hear.).because no incentive would be offered under the law. (HON.A.B.BUSH: Right). This is an incentive

HON. BENSON O.EBANKS (CONTINUING) law, Hotels Aid Law, and I think that what we move from the 10% that is suggested here now we would have to say that we are going to charge full duty. I don't think that 12½% as opposed to the normal 20%, and, in fact I would think that some of the items of building material under this, I think subject to correct but as far as I know there are already some items of building materials that come in at 15% import duty, and I would suggest that Members give a lot of consideration before suggesting any change to these two figures, if we are indeed attempting to give incentive to Hotels to come in.

MISS ANNIE H.BODDEN: Mr.Chairman, I am very much in sympathy with hotels coming in here, in fact I have heard it repeated in this Chamber that on the last occasion when a hotel was being introduced at the Planning Authority, there were only two of our Members who then stood up, everybody seemed to have been against it and I am very much in favour of development in my day in this Grand Cayman. I am not doing anything to hinder progress, but I feel that as has been stated so very often in this House, we need money to run our Government and I do not think that 10% is out of any reason, but I will compromise for twelve and half then...

HON.V.G.JOHNSON: Mr.Chairman, I supported this Bill as an Incentive to Hotels Aid and if it is going to be an incentive law then it has got to grant reasonable low import duty or a reduction, reasonable reduction in import duty. I am of the opinion that we must continue to offer encouragement for hotel development in the Island and, as I said previously, investors who are coming here are posing as their first question what is the incentive which Government has to offer.

If we take this over 10% I can't agree that it is any longer an incentive, because it will place the obligation on hoteliers to find the additional financial implication and this could be to the detriment of the country rather than to the good.I think the proposal which is made here is, in my opinion, a fair and reasonable compromise as an incentive and I am afraid that if we vary it beyond this, as I said before, it would not be an incentive. And I would have to agree with the recommendations put forward here.

HON.W.W.CONOLLY: Mr.Chairman, I would like to say that I agree with the Member in saying that despite the incentive it is pretty difficult to get a hotel complex going as we know. There has been approval of a hotel, 100 and odd room, hotel in spotts for about 10 months now and that's two and a half per cent access on the books up until December 31st and no move has been made to implement that scheme, so I don't think that we are at a stage anywhere we can stop our incentive - I believe that we have to look after this real good, because the real estate in Cayman is very high. I know of a project that was slated on the West Bay Beach, but owing to high cost of property, that was shelved and there's no doubt that we will have to offer some type of incentive to attract, at least, the desired number of hotel rooms that we want and I believe, Mr.Chairman, that we must look at this thing in a real realistic manner. We must look after hotel development as the initial money that it puts into the economy by building and in the sale of the property and then the recurrent expenditure as work and employment which is something that is recurrent and forms quite a bit of the labour and we had it seven and a half per cent - we did not attract very many people, now we have raised it two and a half per cent to ten - I am doubtful myself whether this in in truth and in fact what it is. We are not putting a lot of control on hotels - this law here is to form or give an incentive and personally, I would have liked to have seen a greater incentive to get the number of rooms that we desire and then put a cut-off on it. This is something that we will have to study for the future.

HON.W.W.CONOLLY (CONTINUING): I would go along with what had been proposed here because I really feel that the advent of a hotel in excess of one hundred and fifty bed-rooms is something that we really need now. There's no doubt that our occupancy is not all that great throughout the year, but there are certain seasons here where our hotel rooms now cannot supply the demand, and I feel that we should have hotels, because these hotels larger than 150 rooms they bring with them a lot of experience, they bring a lot of advertising , they bring a lot of other facilities that are needed. And that smaller hotels just can't do.

As I said it, I feel like we should leave it as it is and it is not something that we are going to give way every day. I don't think that this is going to be the concept of it. If we do get a hotel on that beach, a big hotel on that beach within the next few months (and I am looking forward to this), I would think this would be the last for some time, until the arrivals increase to warrant it. So it is not something that is going to be abused daily and I feel like we have to offer the incentives.

MR.CHADDOCK EVANS: Mr.Chairman, if I may ask the Member, provided he feels free to divulge this question, the hotel that he just mentioned that approval had been given for about ten months ago, and it happened to be in the two and a half per cent area, would he say then what seems to be the set-back or the delay in this not going into operation?

HON.W.W.CONOLLY: Mr.Chairman, as far as I am aware, it is financing - this is a hotel up at Spotts - it included hotel of 109 rooms, plus condominiums and apartments. Its quite a complex. I think the whole thing there has been approved from May last year.

Now, as I said; the complex that has been approved up in the Bluff Bay area is a 76-room hotel, plus some condominiums, which wouldn't come under this - full duty would be paid on those.

MR.CHADDOCK EVANS: It was the one in the Spotts area that you mentioned that I asked them what seemed to have delayed construction...

HON.W.W.CONOLLY: As far as I know it is financing - they can't raise the money. But approval has been given.

MR.S.HAIG BODDEN: Mr.Chairman, I had an amendment tabled to this Schedule which I am quite willing to let fall by the way-side because I know it won't have any support, but I would go along with the Lady Member that at least the 10% should be increased to twelve and a half and since the purpose of this bill is just to co-ordinate the amendments and to repeat in the original form, I would say that all the hotels should at least be as they were in the original form. All the hotels on the West Bay beach, regardless of size was seven and a half per cent. In this new bill we are reducing the larger hotels to 5% and I don't think we should be doing that. We should, at least, repeat it as it was in the original form. We've had these incentives here for the last 22 years and its getting time that we stop them - we shouldn't be reducing them. We shouldn't be reducing the rate of duty so I would go along with the Lady Member about the twelve and a half per cent where we have ten per cent and may at least seven and a half where we have five, because if we put it five we have actually reduced the tariff we were getting. Of course, I know we have now created two catagories, but I hardly see how that could have come in since we are just repeating this thing in its original form.

HON.W.W.CONOLLY: Mr.Chairman, I think how it is worded here we are not going to lose any money because it is very unlikely that we are going to get more than one. I don't think we will get more than one in the five per cent and we have upped the smaller grades - if we get more hotels it will be in the ten per cent, so instead of getting a seven and a

HON.W.W.CONOLLY: (CONTINUING) half per cent that we get now we will get ten per cent on those, even though we have reduced it to two and a half on the large ones. As I see it, I don't think the Government will lose any revenue.

HON.BENSON O.EBANKS: Even if the case is, Mr.Chairman, that 150 bed-room hotel is at a reduced rate, the Member pointed out that we have had the law on the statute books for 22 years - we haven't attracted one, so we want to get it. We want the big hotel. I think there is one that might be, with the addition exceeding this at the moment but it would only be one if that is the case, but it wasn't even built in one shot, so I don't know what rate would have applied. But I agree with the Member piloting the bill that we do need a large hotel, because a lot of the traffic , as I understand it, requires, for example, that unless it has been amended, many of the charters, for example, require that persons stay at the same hotel and all of this, so if we are going to really get into the business we need a hotel of 200 or more rooms, in my opinion, and the duty that that would provide at 5%, plus the employment that it would offer, I think would be well worth it, if we can induce one to come in.

MISS ANNIE M.BODDEN: Mr.Chairman, I would like to..... (turned off mike - inaudible)

HON.W.W.CONOLLY: I couldn't say - I know there is a prospect of a large hotel, I think the negotiations are going on presently and result could be that there will be the development of a large hotel on the West Bay Beach. I know of smaller developments on the West Bay Beach - I think there is a development to Grand Cayman Hotels, Ltd. in the form of their doing some extensions and I think there are a couple of other places that are doing extensions, so as far as I know in the smaller properties there are going to be extensions - one hotel I think now that is 30 rooms will be extended to 60 rooms and there is a complex that I have just recently seen that is for 20 apartments. I know there is movement, as far as I am concerned, but a lot of these, you know, never materialise. We have to wait and see, but in the form of a large hotel, there is the prospect of a large hotel coming into being in the near future.

HON.A.B.ECHE: Mr.Chairman, I think the incentive is small enough and if we reduce it further, it is just what was said by a Member before, if we reduce it further, I think we will lose the purpose of the whole law - we just as well throw the law away. I think we are offering little enough and I am sure will agree that it remains as it is - ten per cent, five per cent for the bigger hotels, and two and a half per cent for other parts of the Island.

HON.V.G.JOHNSON: Mr.Chairman, I think the hotel business is like the airline business, when traffic increases then the airlines will find their way here. Likewise, when business increases the hotels will come here, but the danger is that business or traffic to the Island is not growing all that rapidly and what we need to insure is the immediate future - how we can attract people here. I, as I said before, I wouldnt agree to increasing the first category beyond ten per cent. It is a matter of whether Members want to consider a third category of five per cent, if we increase that to the original seven and a half per cent, but certainly I don't agree that we should exceed the ten per cent on the first category.

MISS ANNIE M.BODDEN: Mr.Chairman, I am very sure my words do not go very far. But I will agree to this, the category with ten per cent, say ten per cent, but the five per cent, be increased to seven and a half per cent. I will agree to that.

MR. HAIG BODDEN: Mr.Chairman, I would like to associate myself with those remarks, because it was formerly seven and a half per cent and I don't think that after 22 years that we need to reduce it.

HON.A.B.DUKE: Quibbling at pennies now.

MR.CHAIRMAN: Well, we have moved form 15, to twelve and a half to ten and now we think there is general agreement on ten per cent for the first one, now negotiable between five per cent and seven and a half, as far as I can see.

MTSS ANNIE A.BODDEN: Mr.Chairman, I don't want it ever to be said that I, in any way, contributed, to the down-fall of the Cayman Islands -- I want to get it up as high as possible during my life-time.

HON.A.B.DUKE: So let's agree to the law as it is.

HON.BENSON O.FRANKS: Mr.Chairman, I don't want to prolong the argument, but still again,on the question of incentive, there is not much between seven and a half and ten per cent and I think what is sought by this differential here is to get someone to carry the hotel beyond the 150 room stage, and if a carrot is not dangled for that I don't see where we are, again, fulfilling the object that we're setting out to do. You see, we've split this because we want to attract, at least, as the Member said, for the time being, a large hotel, and I think we need to give reasonable incentive for this. All of the smaller enterprises are going to fall under the first category and I think, as for me, I am prepared to support the law as it is because it appears to me to give that incentive between the two size establishments.

HON.J.B.DYER: Right.

MR.CRADDOCK BARNES: Mr.Chairman, if those are the two figures that are used, feeling that it will be the incentive for getting this large hotel, let us get this large hotel and then we will amend the law then to go from that on, or whatever percentage we want, whether it is up or down, but since its being stressed seemingly, if we change this then whether we make it less or whether we make it more it will serve no purpose. Well, let us hope then that the 10 and ½ will prove the argument and then within reasonable time, I don't mean next week or next month, but in a reasonable time I hope then we will be told that we have 150 or 200 room hotel ready to start development.

MR.G.HAIG BODDEN: Mr.Chairman,I believe that the law of supply and demand will give us the big hotels. When we get it here that we really need a big one it will come -- investors will see to that. I would prefer to see the five per cent, seven and a half per cent - of course at least one Member on the other side seems to think the same way - the Third Official Member would have no strong objections to it being seven and a half per cent and I think we should consider his views on this matter since he is in charge of the finances.

HON.A.S.HUSE: I didn't understand him to say that.

HON.V.G.JOHNSON: I said the Members may wish to consider it if they went.

MR.CHAIRMAN: I think most members have said what they feel ought to be said and I will put the thing to the vote on clause as drafted, if that is negatived, then we will consider what seems to be the final amendment proposed which is 10%, seven and a half per cent

MR.CHAIRMAN: (CONTINUING) and two and a half per cent. So I'll put the first question on the clause as drafted, that means if you vote against that you are voting for the amendment to be brought forward later. So I will put the question that the second schedule do stand part of the bill. Those in favour please say Aye.

MEMBERS: Aye.

MR.CHAIRMAN: Those against, no.

MISS ANNIE M.BODDEN AND)
MR. G. MAIA BODDEN) No.

MR.CHAIRMAN: I think the Ayes have it.

HON A.E.BUSH: Now you must say the Noes harder than that.

CLERK: THE HOTELS AID LAW.

QUESTION PUT: AGREED: THE TITLE WAS PASSED

THE HOUSE RESUMED

REPORT THEREON

HON.W.W.CONOLLY: Mr.President, I beg to report, Sir, that a bill entitled the Hotels Aid Law was taken through a Committee of this Whole House and the following amendments were made -

In the 2nd section in the definition of the word "Hotel" next to the last line the word "with" was replaced by the word "within"
In the same section 2, sub-section (c) the word "or" was deleted and replaced by the word "and" and in the definition of "license" the word "granted" was inserted between the words "license" and "under"
In section 7 sub-section (2) the word written "Section 4" with a capital "S" that has been replaced by a common "s"
In section 12 sub-section (b), "any" was replaced by the word "a" and in (c) the word "any" was deleted and "s" added to "article" and in (d) "Any inventory" was deleted and replaced by the word "inventories".
Section 13 in the marginal note was amended to read "Power to vary First Schedule" and the section was amended to read "The Governor may by order vary the First Schedule".
In the First Schedule in brackets under the heading (section 2) was replaced by(section 3) and in the list "billiard and pool tables", the words were added "other than coin operated equipment" was added thereto
"s" was added to the word "Chant" it is now "chants of Arawaks".

Mr.President, that was all the amendments.

THIRD READING

CLERK: THE HOTELS AID BILL

HON.W.W.CONOLLY: I now move the third Reading of the Bill.

HON.D.V.WATLER: Second.

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

ADJOURNMENT

HON.D.V.WATTAR: Mr.President and Honourable Members, I beg to move that the House stands adjourned sine die.

HON. G E.WADDINGTON: I beg to second that motion.

MR.PRESIDENT: The question is that this House do now adjourn, before putting the question I'd like as usual to pay tribute to the Clerk and Staff and the Serjeant-at-Arms for their usual services to the House.

QUESTION PUT: Agreed.

MR.PRESIDENT: The ayes have it. The Assembly stands adjourned sine die.

AT 6.45 THE HOUSE ADJOURNED SINE DIE.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY
FRIDAY, 18th June, 1976 at 10 a.m.
(SECOND DAY)

PRESENT WERE:

GOVERNMENT MEMBERS

Hon. D.J.Watler,CBE.,JP	First Official Member and Leader of Govt.Business
Hon.G.E.Haddington,CBE.,QC.	Second Official Member, Attorney-General
Hon. V.G.Johnson,OBE.	Third Official Member Financial Secretary
Hon.R.B.Bush,J.P.	Member for Works, Communications and Public Transport
Hon. Trevor Foster	Member for Co-ordinations and Information.
Hon.W.W.Conolly, OBE.,JP	Member for Tourism, Lands and Natural Resources.

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie R.Dobden	Second Electoral District, George Town
Mr.Claude Hill	Second Electoral District, George Town
Capt. Charles E. Kirkconnell	Third Electoral District, Cayman Islands
Mr. James M.Dobden	Fourth Electoral District, Bodden Town
Mr.G.Haig Bodden	Fourth Electoral District. Bodden Town
Mr.Craddock Ebanks	Fifth Electoral District, North Side

ABSENT

Hon. D.O.Ebanks	Overseas for Medical Attention
Mr. T.W.Farrington,CBE.,JP	Absent with permission

ORDER OF THE DAY

SECOND DAY

FRIDAY, 18th JUNE, 1976

1. QUESTIONS:

THE FIRST ELECTED LEGISLATIVE MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER

(a) What is the amount of Revenue collected from January, 1976 to 31st May, 1976?

What is the amount of expenditure for the same period?

(c) Is there any outstanding Revenue to be collected?
If the answer is "yes", will steps be taken to ensure collection?

(d) When will the report of the Land Development Tribunal be submitted to the Legislature?

THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES BEING ANSWERED BY THE FIRST OFFICIAL MEMBER IN VIEW OF THE RESPONSIBLE MEMBER'S ABSENCE ON ACCOUNT OF ILL -HEALTH)

(a) Who gives final approval on the teachers from Britain selected to serve here, the Cayman Islands Government or Great Britain?

(b) How many students are abroad on Government scholarships, what fields of study are they pursuing and what is Government's contribution to each one?

(c) How many teachers are employed now,how many local and how many from abroad and how many of them are graduates of colleges or universities?

(d) Can local teachers opt to go on gratuity basis and if so, what benefits do they receive?

THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

Has the gratuity system been changed not to allow local persons to opt for the Gratuity system and if changed who permitted it to be done?

THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES.

What amount of turtle meat has been exported from the Cayman Islands by Mariculture in 1975 and by Cayman Turtle Farm up to the 31st of March, 1976 and to where?

2. GOVERNMENT BUSINESS

BILLS

(i)	The Matrimonial Causes Law	FIRST AND SECOND READINGS
(ii)	The Public Loans Law	FIRST AND SECOND READINGS
(iii)	The Travel Tax Law, 1976	FIRST AND SECOND READINGS
(iv)	The Juveniles (Joint Trial with Adults) Law	FIRST AND SECOND READINGS

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
THE MATRIMONIAL CAUSES LAW, FIRST AND SECOND READINGS	7
THE PUBLIC LANDS LAW, FIRST AND SECOND READINGS	20
ADJOURNMENT	34

FRIDAY 18th JUNE, 1976

10 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed - proceed with questions.

QUESTIONS

1. THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER.

(a) What is the amount of Revenue collected from January, 1976 to 31st May, 1976?

(b) What is the amount of expenditure for the same period?

ANSWER:

(a) Revenue $5,190,670

(b) Expenditure $4,348,619

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

(c) Is there any outstanding Revenue to be collected? If the answer is "yes", will steps be taken to ensure collection?

ANSWER:

Yes, Steps have always been taken to ensure collection of outstanding revenue.

MISS ANNIE H. BODDEN: Mr. President, I'm not sure that the answer says whether there is outstanding revenue or not. I understand steps are always taken, but I do not understand if there's outstanding revenue or not, I would like to know that please.

HON. V.G. JOHNSON: The answer is "yes", Mr. President, there is outstanding revenue.

MR. G. HAIG BODDEN: A supplementary question Mr. President. Is this outstanding revenue ordinary revenue that would be outstanding, or is it a special case. What I mean is, there is always some outstanding revenue, for example, we have perishables come in by air, it might take some time before they're cleared, while the consignee will pick up the stuff right away. So is it revenue of this nature, or is there something for which special exemption has been made?

HON. V.G. JOHNSON: The answer to that Mr. President, is ordinary revenue which is outstanding, items such has taxes which are due on the 1st of January each year, sometimes these are not collected until action through the Court is taken against members of the public. A second item is garbage collection fee, the same thing applies, we have to serve notice and perhaps take action to ensure collection. There are cases in the Customs Department where perishable consignments are delivered and certain time is given for payment of the import duty thereon. These are the revenues which I referred to.

MISS ANNIE H. BODDEN: Mr. President, if I'm may be permitted to ask the Third Official Member - Is there any Custom duty outstanding?

HON. V.G. JOHNSON: Mr. President, I take it that there are Custom duties outstanding, at all time there is some Custom duty outstanding, we're not able to collect all the Custom duty all at one time.

MR. PRESIDENT: Proceed to the next question.

2. THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER.

When will the Report of the Land Development Tribunal be submitted to the Legislators?

ANSWER:

When the Central Planning Authority have completed their comments on the Appeals Tribunal's Report into public objections regarding the Draft Development Plan the whole package consisting of the Draft Plan, the Appeals Tribunal's Report and the Central Planning Authority's comments will be forwarded to the Legislative Assembly in accordance with the provisions of sub-section 3 (a) of Section 8 of the Development and Planning Law, 1971.

MR. G. HAIG BODDEN: Mr. President, a supplementary question. Will Government be prepared to hold a Special Meeting of the Legislative Assembly to deal with this matter before the forth coming election?

HON. V.G. JOHNSON: Mr. President, I'm not able to answer that question Sir.

MR. G. HAIG BODDEN: Will Government ask the Central Planning Authority to make every effort to complete their Report and submit it at a specified time prior to the forthcoming election?

HON. V.G. JOHNSON: This was the understanding Mr. President, when the Appeals Tribunal Report was presented to the Central Planning Authority's comments. It takes some time to intelligently examine the Tribunal's Report and to comment thereon, and this the Authority is doing just now. I imagine that the exercise will be completed sometime in the near future, when the package will be put together for presentation to the Legislative Assembly at an appropriate date.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask another supplementary question. Did not I understand that some Report had gone to Government several weeks ago, of this subject matter?

HON. V.G. JOHNSON: The Report was the Report of the Appeals Tribunal. It was presented to the Government of the Cayman Islands, and the Government passed it on to the Central Planning Authority for examination. This was in accordance with the Development and Planning Law, 1971.

MR. G. HAIG BODDEN: Is the Central Authority giving Government any good reason why they're so slow in preparing their Report, since the Tribunal's Report has been presented so long ago?

HON. V.G. JOHNSON: I think they have had something like four meetings already, and they are endeavouring to complete the exercise as early as possible.

MR. PRESIDENT: Proceed to the next question.

3. THE ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER.

Has the gratuity system been changed not to allow local persons to opt for the gratuity system and if changed who permitted it to be done?

ANSWER:

The answer is no. Local persons may still opt for the gratuity system, but they are encouraged to go on permanent and pensionable terms.

MR. JAMES M. BODDEN: Supplementary. How many people employed by Government under local contract at the present time has opted to go on the gratuity system.

HON. D.V. WATLER: I took it for granted when the term "gratuity system" was mentioned in the question that it meant local contracts, because if they're on permanent and pensionable terms then they'll get the pensionable.

MR. JAMES M. BODDEN: The question still is, how many people that are employed by Government under local contracts at the present time have opted to go on the gratuity system?

HON. D.V. WATLER: All that are on contract will receive a gratuity.

MR. JAMES M. BODDEN: How many do we have?

HON. D.V. WATLER: I am not sure of the exact number, but there are a few, you find some of those in the Police in particular.

MR. JAMES M. BODDEN: Has any employee who was under gratuity system last year for instance been refused it this year?

HON. D.V. WATLER: Is it refused the gratuity? No, if they were on the system then they would get the gratuity at the end of their period.

MR. JAMES M. BODDEN: But how many that is at the end of the period has been able to renew?

HON. D.V. WATLER: That again I'm not sure of, I'm not sure of the number that are on the contract term.

MR. PRESIDENT: Proceed to the next question.

HON. W.W. CONOLLY: Mr. President, before I attempt to answer the question, I would like to point out to the House that the original question that came to the office was a bit I would say difficult to answer, and it is a little bit different from the question that is written down on the Order Paper of the Day. As a result of such Members will notice that the first part of my answer was in relation to the original question. But I'll now take the privilege of answering the question as it is on the Order Paper today.

4. THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES.

What amount of turtle meat has been exported from the Cayman Islands by Mariculture in 1975, and by Cayman Turtle Farm up to the 31st of March, 1976 and to where?

ANSWER:

(a) In 1975 the export of turtle meat amounted to 125,400 lbs.
In 1976 (to 31st March), 140,400 lbs. have been exported.

(b) The chief export market is the United States of America. There have also been some exports to Puerto Rico and the United Kingdom.

MR. JAMES M. HODDER: Supplementary. What accounts for the rapid increase in '76 over '75, is it because of Government's involvement or is it because of good management or what?

HON. W.W. CONNOLLY: Mr. President, I would take it that the turtle grew bigger in a year's time.

MR. JAMES M. HODDER: I'm sorry. I missed that one, would you repeat it please?

HON. W.W. CONNOLLY: I said I would take it that the turtles grew large in a year's time.

MR. G. ERIC BOWDEN: What would account for this more that four fold increase in the size of the turtles?

HON. W.W. CONNOLLY: Well, it's not altogether four fold increase in size of a respective turtle, but the farm naturally grows, it's something that has been expanding, because if they have fifty thousand turtles, and surely from year to year the turtles that would become marketable would be more. It's just an expanding process.

MR. CHESLEY CRIL: Mr. President, with your permission sir, I would like to ask a supplementary question, and that is, are these figures given to Government by the Farm?

HON. W.W. CONNOLLY: Would you repeat that please? I'm sorry.

MR. CHESLEY CRIL: Are these figures that you're mostly here given to Government by the Farm?

HON. W.W. CONNOLLY: Yes, these are figures of the company.

MR. JAMES M. HODDER: Supplementary. Has Government's involvement helped to increase the export?

HON. W.W. CONNOLLY: Mr. President, that's a matter of opinion, and I would crave indulgence not to offer one.

MR. JAMES M. HODDER: Is these figures then we're safe to assume that we'll get a dividend this year, right.

HON. W.W. CONNOLLY: That again is opinion, I can't answer that.

MR. CHESLEY CRANE: Mr. President, one supplementary. Since we have a vast increase in export over '75 and '76, I wonder if the Member can say what percentage or what increase in labour has been employed in the farm?

MR. PARSONS: It's getting a bit far away from cost of meat I guess, but if the Member wants to reply, he may.

MR. JAMES M. HODDER: Supplementary. Under number 3 in the reply, has the Government's involvement help to clear up the impasse in regards to importation in the foreign countries?

HON. W.W. CONNOLLY: No, I'm afraid not.

MR. JAMES M. HODDER: Supplementary. Are we exploring other markets other than those that you listed in reply number 3?

HON. W.W. CONNOLLY: Would you please say that again?

MR. JAMES M. HODDER: Are you exploring other markets other than those listed in your reply in number 3?

HON. W.W. CONOLLY: I am personally not exploring any place, as I don't have any involvement with the exportation as far as the company is concerned.

MR. JAMES M. BODDEN: But aren't you the Member who represents Government in agriculture? Aren't you the Minister who went to Washington and helped us to get this legislation through to allow us to export?

HON. W.W. CONOLLY: I think I am the Member responsible for Agriculture. But I didn't go to Washington to do anything about any legislation. I went to Washington to explain the benefits of the company to the economy of the Cayman Islands Government. What impact that made on Washington will be left to be seen.

MR. JAMES M. BODDEN: We haven't got the results of the impact yet.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, could it be Sir, that last year when Mariculture was in difficulty and the turtles were not many to be slaughtered, would this not account for the difference in the quantity exported in the first quarter, than that exported for the entire 1987

HON. W.W. CONOLLY: That could very well be Sir.

MR. PRESIDENT: Pass on to the next question.

5. THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES,

To Cayman Turtle Farm still allowed a retail display stall at the cruise ship landing dock, and will permission be given to other foreign and local commercial firms?

ANSWER:

The Department of Tourism, Lands and Natural Resources does not deal with the issuing of business licenses. This is the business of the Caymanian Protection Board.

MR. JAMES M. BODDEN: Supplementary. In your capacity as Member for Agriculture, aren't you aware that this is the only company that so far has a retail stall at the cruise ship dock.

HON. W.W. CONOLLY: I am aware that this is the only company that has a stall at the dock, I'm very much aware of that.

MR. JAMES M. BODDEN: Supplementary. Why has that priority been allowed?

HON. W.W. CONOLLY: I thought the answer of my question said that I had nothing to do with the priority, because I am not responsible for the issuing of licenses, or permission.

MR. G. HALY BODDEN: Since the Member is not responsible, can he tell us the reason why he's answering the question?

HON. W.W. CONOLLY: I'm answering the question because it was directed to the Member responsible for agriculture and natural resources, that's the only reason I'm answering it.

MR. JAMES M. BODDEN: Is it because Government is involved as a shareholder?

HON. W.W. CONOLLY: I don't know why the question was asked, and I don't know personally why it was asked to me.

MR. G. HAIG BODDEN: Can the Member say what has caused the break down in communication between the Member for Tourism, Lands and Natural Resources, and whoever is responsible for the Caymanian Protection Board?

HON. W.W. CONOLLY: I don't know if there's any break down of communications. I'm not aware of that.

MR. JAMES M. BODDEN: Couldn't this be considered unfair competition to the other persons who are involved in this trade too?

MR. PRESIDENT: Calls for a statement of opinion.

MR. JAMES M. BODDEN: Is it usual to allow companies of this nature to have stalls at this particular area?

HON. W.W. CONOLLY: Mr. President, I'm again - I can't answer that, because as I said we have no control over this. This is another body that controls this particular aspect of development in the island.

MR. JAMES M. BODDEN: But in your capacity certainly as Member of the Agricultural Board it would appear that it would be to your advantage to check into this thing, wouldn't it to see whether it is benefitting agriculture by having Mariculture sell their products at the ship landing dock?

HON. W.W. CONOLLY: I don't think this is benefitting agriculture, you may bring it in as one of the spin-offs from agriculture and fisheries, the sale of these artifacts, these souvenirs, but I don't see that it's being an agricultural venture to sell rings and T shirts and other stuff down there, shell and what not.

MR. CLAUDE HILL: Mr. President, with your permission Sir, I would like to ask a question. Is the turtle farm under your jurisdiction?

HON. W.W. CONOLLY: Mr. President, this is a pretty difficult one. I don't know what he means by jurisdiction.

MR. CLAUDE HILL: Mr. President, with your permission Sir, with anything that the farm may do.

HON. W.W. CONOLLY: No, not exactly, Cayman Turtle Farm Company is a limited liability company incorporated under the laws of the Cayman Island, and they have come within the ambits of those legislations. The rearing of turtles is a fisheries which is just part of the agricultural development.

MR. CLAUDE HILL: Mr. President, with your permission, another question then Sir. Well, as he stated that these things from the Farm are under his jurisdiction, I wonder why he has no prerogative over a stall being placed and displayed at the port.

HON. W.W. CONOLLY: I think we should get our wires straight, while I am the Member responsible for the over all development of agriculture and fisheries in Cayman, yet Mariculture and like other private enterprises are commercial ventures run on private basis, profit making exercises. Their day to day operation I have absolutely nothing to do about.

MR. G. HAIG BODDEN: Mr. President, a supplementary. Is it correct to say that your approval of this display has been granted because of your responsibility for tourism rather than your responsibility for agriculture.

HON. W.W. CONOLLY: Mr. President, I granted no permission, as the Member for tourism, I have no authority to grant permission for someone to set up a business in Cayman, that falls under the ambits of the Caymanian Protection Board.

MR. G. HAIG BODDEN: Mr. President, a supplementary. Is it correct to say that you do not approve of this display?

HON. W.W. CONOLLY: If I had any disapproval of the display I would have made representation to the Caymanian Protection Board.

MR. G. HAIG BODDEN: Mr. President, I do not understand the answer, can he say yes or no.

HON. W.W. CONOLLY: I answered it.

MR. JAMES M. BODDEN: Following on that, another supplementary. Did you give your blessings?

HON. W.W. CONOLLY: Mr. President, it all depends on what the Member means by 'blessings'. I give my blessings to everything.

MR. JAMES M. BODDEN: Well, being that I know that you're so religious, I thought I would put blessings, I'll use the word approval. Did you give your approval?

MR. PRESIDENT: I think perhaps we should say "amen" to this question and proceed with Government Business.

Mr. Leader Government Business, the first Bill.

THE MATRIMONIAL CAUSES LAW

CLERK: THE MATRIMONIAL CAUSES LAW - INTRODUCTION AND FIRST READING

MOVED BY HON. C.B. WADDINGTON
SECONDED BY HON. D.V. WALLER

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

SECOND READING

CLERK: THE MATRIMONIAL CAUSES LAW - SECOND READING

HON. C.B. WADDINGTON: Mr. President and Honourable Members of this House, our present Divorce Law which is on our statute books as Chapter 41 dates back to the year 1879, and it is based in part on the United Kingdom Matrimonial Causes Act of 1857.

The antiquity and the anachronism of the present law Mr. President and Members, becomes vividly apparent if we look at one section, Section 6 of that law which sets out the principles which guide the Court in certain suits under the Law. And I should just like to quote from Section 6, which is in the following terms. In suits and proceedings for nullity of marriage, restitution of conjugal rights, and judicial separation, the Court shall act and give relief in accordance with the principles and rules which, in the opinion of the Court, shall be as nearly as may be conformable to the principles and rules on which the Ecclesiastical Courts in England acted and gave relief before the passing of the Imperial Act 20 and 21 Victoria, chapter 85. That Mr. President and Members, was the Matrimonial Causes Act of 1857, so that in this day and age in the year of grace 1976, the Courts are still acting in a manner as nearly conformable as possible as existed in the Ecclesiastical Courts in England, before the year 1857.

Now, before that year Mr. President

HON. A.E. WADDINGTON (CONT'D): and Members, a christian marriage was indissoluble, but the Ecclesiastical Courts permitted a form of divorce which was called divorce a mensa et toro, which meant a divorce from bed and board, and which was in the nature of the present day judicial separation, that is to say a divorce without the right thereafter of the parties to the marriage to re-marry any other person while the former spouse was still alive. If they did that they committed the very serious criminal offence known as bigamy.

Now this as it was to be expected proved to be most unsatisfactory, and so they have developed in the course of time a method of divorce called divorce a vinculo matrimonii, that is to say a divorce in which the knot of matrimony were severed, and that is in the current meaning of a dissolution of marriage today. That is to say with the right thereafter of a party to the marriage to re-marry during the life of a former spouse. There was one snag to that method however, that was, that it could only be obtained by a private act of Parliament, it meant that if a lady required to divorce her husband or vise versa, she would have to have a Member of Parliament introduce a private bill giving the right for the divorce, and it proved to be a very strict, cumbersome and expensive procedure, which was only available to the very rich. Mr. President and Members, it was in that state of the law that the Matrimonial Causes Act of 1857 was passed, which for the first time provided the means whereby their marriages could be generally dissolved by the courts, with the right thereafter of the parties to the marriage to re-marry during the life-time of a former spouse. Unfortunately however, Mr. President and Members, that Act perpetuated much of the old Ecclesiastical Law and practice with regard to nullity of marriage and judicial separation, and so from time to time they were amending legislation passed which were designed to remove these restrictions, and to bring the law and practice with regard to matrimonial matters in step with modern trends and modern developments in society.

The present Law of divorce in England is based on the Divorce Reform Act of 1969, and that is now incorporated in the Matrimonial Causes Act of 1973. The 1969 Act was passed with a view to implementing the recommendations which were made by a Law Commission, which was set up in England in 1965 for the purpose of proposing reforms in the Law. The Act of 1969 and that of 1973 were very well received in religious, social and legal circles in the United Kingdom at the time, as being a great advance and improvement on the past legislation, and as removing as they did certain artificial concepts which tended to bring the law of divorce and the practice of the law into disrepute.

Mr. President and Members, it was in the context of this historical background that it was considered that reform in our own Law of divorce was much overdue, and I am sure that the Honourable Members of this House will agree with me, that this Bill is a welcome approach to this branch of the law, and that the bill merits serious consideration.

The Bill is designed to modernise the Law with respect to matrimonial matters, and to make it a more realistic and fulfilling vehicle to meet the needs of present day society. It is based in large measure on the United Kingdom Matrimonial Causes Act of 1973, to which I have already referred, and abandons the old principle that a single act of adultery shall be an absolute ground for divorce, and instead it places the emphasis rather on the question as to whether or not the marriage has irretrievably broken down wholly or partly as a result of such an act, and that is the basic principle and the basic question which the court will have to settle and ask itself before granting a decree of divorce under the Bill.

The archaic remedy of a decree of restitution of conjugal rights, which I don't know if Members are familiar with the term. The decree of restitution of conjugal rights is a decree which today at the present time in our law is available to a wife or husband whose spouse has for one reason or another left the matrimonial home. It'

HON. G.E. WADDINGTON (CONT'D): is an order made by the Court to solemnly order the other party to return to the home, and there to live as cats and dogs during the rest of their lives. It is no longer available under this Bill Mr. President, and another thing that the Bill renders impossible, is, the astounding situation that an aggrieved husband according to our present law, while allowing his marriage to subsist is able to sue for and recover damages from his wife's adulterer.

The Bill Mr. President, makes no distinction between sexes for the purpose of financial provisions and periodic payments, and so on; but of course the Court would be guided by the financial resources, responsibilities and earning capacities and/deserts of the parties. Now the ladies might not be very happy about this provision, but there's no reason why if a husband is in a good financial position and a decree of divorce is against him, and he has to make periodic payments to support the wife, that the converse should not be true; and so I hope that that particular provision will not be frowned or too much by the female members of our community.

A matter Mr. President and Members, which has been a source of great difficulty in the past with regard to matrimonial matters is the recognition by the courts of a country of marriages celebrated outside of the jurisdiction, and also of decrees of divorce granted in foreign jurisdictions. In January of 1971 there was an international convention held in the Hague in respect of this difficulty, and as a result of that Convention certain agreements were reached to tackle this knotty problem, and those provisions have been effectively provided for/the new Bill by Clauses 6 and 7 which give effect to the agreements reached at that convention.

Another important feature of the Bill Mr. President and Members, is that there are provisions in Sub-section (5) of Section 12 and Section 21, which will ensure that before pronouncing decrees the Court must make such ancillary orders as may be appropriate, with respect to the custody, care and control of the children of the marriage, the disposition of matrimonial property and the making of financial provisions and periodic payments etc. To obtain words Mr. President and Members, the prime consideration of the Court in dealing with these matters will be the interest of any children of the marriage.

Mr. President and Members, I know that it is natural for any new provision, particularly where perhaps they might not be properly understood to be regarded with a certain amount of suspicion, but I should like to mention that this Bill has been in the course of preparation for a very long while, and it has been the subject of lengthy correspondence with and examination by the Legal Advisers and Experts on these matters in the Foreign and Commonwealth Office. The Bill has in fact received the approval of the Foreign and Commonwealth Office, and it is hoped Mr. President and Honourable Members that Members will not find it controversial but will accept it as a much needed reform to our present ancient and out-moded matrimonial procedures. And with this Mr. President I would commend the Bill for the favourable serious consideration of Members of this House.

SECONDED BY HON. D.V. BUTLER.

QUESTION PROPOSED: DEBATE ENSUED.

MR. JOHN CARRUTHERS: Mr. President, I rise to speak on the Matrimonial Causes Bill, which is before us today.

It has never been my policy thank God and it shall never be to stand up and continuously criticise or lay down anybody because we've all be victims of circumstances at one time or another no doubt. But for me to stand up today and give my blessings to any law on the statute books that gives one party or another a way out of what I believe God has instituted to be a totally and sacred trust. One thing that I have never been able to understand and up until today I still do not, is what gives man the authority to separate what God has given his blessings to, and God himself has joined. It is no doubt true that there are marriages to which God has never given his blessings, and there are very many unfortunate cases arising.

MR. JOHN JEFFERSON (CONT'D) of marriage. There are many cases when either the wife or the husband find themselves in a very embarrassing and a very awkward, hurtful and painful situation, but Mr. President, the moment the human race finds that there is a way out it goes without saying that they are going to seek for the easiest way to get out of anything, and in all honesty and sincerity, I for one cannot and will not, and do not sanction the Matrimonial Causes Law. May be it goes without saying that this is an important piece of legislation, when we think of the Second Official Member speaking of the awkward and cumbersome legislation that has been before the Court these past years. But the point I would like to make very forcibly Mr. President, that in my short life time of forty nine years, I can remember within this territory when as a boy I was told that there were two cases of divorces in the entire Islands, today our court is flooded with cases of divorces. The moment one realises that if they get into a bad bargain there's a way out, it keeps them from stopping to think and seriously consider the pros and cons, and they do not stop seriously in a lot of instances to weigh fully the implications, the seriousness of marriage.

The fact that there is a law on our status books, that only goes back [illegible] as far as 1963, tells us just like the Capital Punishment Law. I believe there is something like less than a dozen cases of murder in the history of the Cayman Islands. That tells you and I, as far as I'm concerned Mr. President, that people stop to reckon, stop to bargain with the consequences when they are about to commit an offence.

Mr. President when I think of the number of youngsters, the number of boys and girls that within the shores of these islands today whose love is shared between father and mother, and when I think of the consequences, the problems that are going to be reaped and that are already being reaped by these islands I think it is very alarming. I think it is so alarming that we need to sit down with God's help and ask ourselves the question, is it making easier for somebody to get out of a marriage, the solution. Years ago, and it has always been true, and I said I know there are extreme cases, and they have my sincere sympathy. But I know it has always been true that husband and wife, there've never been a time that husband and wife don't have some kind of disagreement, may be there is some misunderstanding, something they don't may be see eye to eye on, but they can sit down and talk out their problems, they can sit down and try to solve them, why, because they can't go to a divorce court, and in a very short span of time they are separated, and after a long time after they have gone through this exercise, there's no question in my mind, a lot of times they wish, and I've heard people say that, I wish it wasn't so easy to get a divorce.

It is regrettable to me that this piece of legislation is before me, in all sincerity Mr. President, When I look at the Memorandum of Objects and Reasons, I've never seen a Bill I believe with a larger amount of Objects and Reasons laid down for explanation to legislators than this one. It might be true that this legislation was well received by religious, social and legal circles as a great advance improvement on past legislation, but Mr. President anything that breathes mistrust, anything that sanctions the dissolution of a sincere love affair as husband and wife, anything that dissolves the sacred covenant that one has taken, as far as I'm concerned could never recieve my blessings.

The new law abandons that a single act of adultry shall be an absolute ground for divorce, though it may in fact be grounds if in the opinion of the Court the marriage has irretrievably broken down wholly or partly as a result thereof. Now Mr. President, the fact that the old Law said that a man could go to court and sue for damages to the adulterer (his wife) and cause him to pay - there're two lines of thought. In the United States today it is frightening, a man can be well up in society, he can be quite a wealthy man, a divorce might cost him just about everything he has got. I'm glad that's not really true in that sense in the British Law. But the fact that you take that away, say that I cannot, or that I'm not fully able to sue the adulterer and collect charges, it encourages a man to say well, I can go along and fool with that man's wife, if I get caught, so, he can't really do me anything. All it does Mr.

MR. JOHN JOHNSON (CONT'D): President, slowly we break down one barrier and then another, and soon we're out there, the winds are blowing and the storms are howling, and we have no defence.

Mr. President, even though an Act of Parliament was a cumbersome, long, expensive ordeal, I would more agree to that than I would to this piece of legislation here today, because as far as I'm concerned when people know that the door is not open, they can sit down and try to settle and dissolve some of their problems.

The Second Official Member, in speaking of the legislation regarding to what we've had to what we have, I believe said this legislation is much over due, to me it's not. As awkwardly and cumbersome as it has been our courts have still been flooded. Mr. President, there have been some very serious and there have been many heart rending cases brought before the Courts. Cases of clean, honest, loving wives that have been placed on their backs with some dreadful diseases given to them by their husbands, many of them have had to pay a life of suffering because of that. Many children have been deserted because of an unfaithful husband, of course it goes without saying, but are also has suffered because of this. But Mr. President, what this law tells me today, it tells me the moral standards in our world, in our society, in our land today, our morals are crumbling. Mr. President, is there something else that we can do? Is there some other bill that we can bring before this House? Is there some other legislation that we can bring that could ask, or that could help people to stop and think? I know we can't legislate laws for people sometimes, but it's not within my conscience to be able to relieve people of the responsibility that I think is rightly theirs.

Mr. President, it is very regrettable to me that this piece of legislation is on my desk. It is regrettable to me that as a legislator I have to sit here today or stand here and deal with this Bill before me. I cannot agree with it, I shall vote against it, I cannot in all sincerity give any blessings to this Bill that is before me, I will oppose when it comes to voting. Thank you very much.

MISS K. M. ROBINS: Mr. President, although unfortunately I am a single lady, I am opposing this divorce bill. Mr. President, I will agree that any man who attaches himself on to, and is loud mouth and disagreeable woman he can certainly get rid of her but, I'm saying Sir, be very sure that when you get rid of her you don't get one just as bad or perhaps worse, because by the tendency of most people, women in particular, if the man is a little bit weak, well, the women are going to take charge, and it is glorious to a woman to be sure if she can boss a man, but it is no man who is not to be bossed by his wife.

Mr. President, I am opposing this Bill, my religion is that when you go before a minister or a judge, be it who he may, and make those vows, until death do us part, it must stand. In my humble practice, I would not take a divorce case if a person paid me a million dollars, because I do not believe in interfering with people's hearts, and that is exactly what a divorce is. I don't care how unattached you may be, there is hurt, and I do not and will not agree to hurt any particular human being. Women are supposed to be the weaker, and if we would just think of the women who have suffered with broken hearts, because after all they're the sufferers, and just through, I don't know what misunderstanding, misconduct, mis something, but there's a lot of suffering due to this thing you call a divorce.

In olden days - I'm sixty eight years of age, and when I heard first there were two divorces in the Cayman Islands, and those two men they were working in Nicaragua in gold mines, that's where they got the money from to go learning to get divorced. Nowadays if you get, I suppose two or three hundred dollars, and you can get a lawyer to take a case, you can go and get a divorce like that. I have known people who got divorces and as far as I understand the law says and six weeks after that you get the absolute divorce. I've known people who have gotten married to another woman and never waited even those six

MISS ANNIE M. BODDEN (CONT'D) weeks, in fact I don't think they waited but one day. Now I am saying Mr. President, the Divorce Law as we have it now is bad enough, and this here makes it so easy that it is pathetic, and I will never agree to it. Jesus said, Moses (you can groan Mr. Bush, but it is the truth) - Moses in his law says, but Him give her a bill of divorcement; but Jesus said it was not so in the beginning, those whom God hath joined together, let man put asunder. Well, I will agree that I don't think God has joined too many people in this island together, there have been circumstances out of which matrimony was forced, and God had nothing to do with that. They're not joined as far as I'm concerned together.

Well, I feel Mr. President that this matter of matrimony is a very serious thing, to me the most sacred thing in the whole world today is family life, and anytime that divorce creeps in, there will be suffering. I read only this week gone, of the Mellon family, the second richest family in America. The son or grandson of the founder of this outfit, he was married to a woman, not up to scratch, not up to their class, their distinction, and produced two little children, one seven and one eight years old. The Court dissolved the marriage, and custody was given to the father. Those little children now are being taken from pillar to post, from one State to the other, in an attempt to keep their mother from seeing them. The little children are crying, "we want to see our mother", but that divorce court is such that those children are deprived that privilege. The mother on one occasion stole them back, she was hounded, and the Court ordered that they be returned to the father. That is something, that is what divorce brings, the same things happens in this island.

I have seen people in the Court House that the father is supposed to give the children ten or fifteen dollars a week and the ignorant woman, I can't call here anything else, because if a man didn't want me, I sure wouldn't want his ten dollars a week, I'd get out and work for myself. I've seen them in the Court House trying to get support, and that is a disgrace, when a man and woman produce children in the world, because it happens that they cannot agree, the little children have to suffer, and that is what divorce brings. Now there's only one man in the world that I admire for his honesty, and that is the deceased Prince of Wales, Edward VIII. He could have kept the Throne, he could have had his own n' sides, married to somebody, but his honesty makes me admire him more than any man in the world.

Now if God didn't provide me with a husband, and if he had, I am telling you, I've said it, I'll repeat that if I married a man I'd taken my youthful days and assisted him to get on in life, when I got what I am/sixty eight years of age, and he sees a toonoser, a twenty one year old girl, who's only fooling around him to get what he has, and he tries to double cross me, I would be jamming chipping blocks, and he'd be in the hospital, that's Annie Bodden. Well, God never gave me any husband, and consequently, I haven't got to do anything with divorce, but I'm opposing one hundred percent, this thing here which says, the new law abandons the principle that a single act of adultry shall be an absolute ground for divorce. After all, any man or woman that has one man or one woman, what do they want with anymore. I am telling you it's a disgrace how lightly marriage is thought of now, go to the Court House, and you'll see there - I've seen on one occasion in the old Town Hall a woman with her gloves on getting a divorce from a man. To me that is a pathetic thing, nothing to dress up to go to Court about to show off their good clothes. To me it is terrible, it is the destruction of a human life one way or the other. I have never been married, I tell you God didn't provide me with a husband, and I don't know if I'm sorry or sad about it. I'm very sorry that I'm a lone woman living without any family, but as for as supporting, which most women marry men for, to get support, and that MRS. before their name, it that is all there is to it, it's not much, and I would beseech you gentlemen in this Parliament today, not to consider making it any easier for either man or woman to escape their responsibility.

MISS THEIE H. BODDEN [CONT'D] On one occasion it was a doctor here, he came to the office where my sister and I were working, and he said what happened, two beautiful women like you never got married? Well, I said as far as I'm concerned, I had a standard set to the man I wanted to marry, and I never bucked him up yet, so I'm still single. I would not marry a divorce man, because it is against my religion. Now I'm not saying those who are convinced otherwise, it is any sin to them, but to me it would be a sin if I married a divorced man, and I wouldn't like to marry one that his wife was dead, because he would always be telling me, well, my wife was this and that and the other thing, which I'm not, and I couldn't stand that.

Well, Mr. President, I disagree with this Bill. I disagree that divorce should be made any easier, because it's easy enough now, and for us as legislators to countenance such a Bill, we would be aiding and abetting what is already going on. Our morals are fast going to the four winds. Before generations they respected their body, now it's nothing like that, you hear about exchange of husband and wives, I hear about it, I don't know anything about it, because I'm not in that category, but I'm saying this, that it is a disgrace for either woman or man to be such hypocrites, as to pledge their love, if there's such a thing as love between man and woman, that to pledge their affection and to destroy it because they can escape through this thing you call divorce.

Now, another thing I'm against, if I was in favour of the Bill, would be that the Court will recognize a marriage celebrated outside the lands upon being satisfied that the marriage was in fact celebrated in accordance with the law of the place of such celebration. In our Court now, I know there was one instance where a man was lawfully married in Grand Cayman, he went to Florida, he got his divorce, he came back here and wanted to marry a woman here, and our law says, by judgment that he could not marry her, he took here Miami or somewhere and married here, and as of now, when his ex-wife wanted to get married again, she had to go through the divorce proceedings, because our Court did not recognize this foreign divorce business, and I feel that is quite correct. We should not as legislators make sin easy, and that's what this law is doing as far as I'm concerned.

About this two years, I disagree with that one hundred percent, it should be at least six, because as the Law says now, as I believe, there are three years. Got to make it easy, that is not going to help the situation, if we are to get anywhere we want good family life sustained, and it cannot be sustained if divorces are made very easy, and I agree that's all this law is doing. It is making bad worse. We had a divorce law now, which if you go to Court, sometimes there're six and seven cases, that the people get divorced, what you think now with this, and unfaithfulness of the majority, especially these young people who haven't got the sense to realize that family life, as I said to me is a most sacred thing in this whole world, and if that can be destroyed easily then we are not doing our duty as legislators. I can't help what Parliament says or does. We know an instance where lately, I personally was very embarrassed to read an account of a lady who should have known better, who should have upheld the principles of her high calling to be fooling around with a twenty eight year old hippie, his hair down, who was just milking here, I'm sure to get what he could get and for prestige. And we in the Cayman Islands should not in any way assist anything that will destroy family life.

In olden days, people had illegitimate children, no doubt about that, but those unfortunate women, I call them unfortunate, who had an illegitimate child, they were not even allowed in society. I remember one occasion, when I was working out in the Parson's office, one unfortunate girl, who had a little baby girl. All her friends had deserted her, she would come to my office, and sit down and cry with me. The only song I ever learnt in my life was, Born to Lose, and I learnt that from her, I know all the hymns, but I don't know any songs. And I feel Mr.

MISS ANNIE H. BODDEN (CONT'D): President, that we as legislators should not make family life to be destroyed as family. We haven't got anything to do with what they're doing elsewhere, our life here was something, where the people were poor, couldn't get much quarrel, the men were gone years on top of years, you never heard when they were gone their wives had new men in the house. nothing like that existed. We were a good moral, God fearing out of people. I was raised without a father, I was three years old when my father went away, I have never seen him, and I bet no man came into our house and lived or stayed. They were the kind of women we had then, and we still have some good ones now, but we must not make it easy for weaklings, people who are enthused with what you hear going on in Jamaica, American, Cuba, where you can exchange your husbands over night. If you want a divorce go to Court and pay somebody to give false evidence, and get a divorce. We don't want that, we want family life to remain as it should be. The household should be the place where problems are discussed, where children are in subjection, and the husband and wife get together, smoothen out their differences, and try to patch up what could destroy their lives. I oppose this Bill one hundred percent, and I hope these men here will do the same. Thank you Sir.

MR. G. HAIG BODDEN: Mr. President, I have to depart from my normal role, and give support to this Bill. Certain sections of the Bill are bad undoubtedly, and in the Committee stage I will seek certain amendments, but we have to be reasonable people, we have to read both sides of the Bible if we're going to deal with this in religious or in a sentimental manner, and my Bible teaches me that when a man has married a wife that he cannot get along with he should give her a bill of divorcement, and further that if you can't get along with them, you should come out and be separate. Sir, while marriage is perhaps one of the oldest institutions, and while marriage is a great institution, we have to remember that marriage brings with it the human factor, two people who may not be able to get along together. George Bernard Shaw once said that marriage would always be popular, because it combines the maximum of temptation with the maximum of opportunity. But despite the popularity of marriage, there are some marriages that do not work, and there must be a provision for divorce. Now, I agree with the two former speakers, in - I don't know if they said those exact words, but, they seem to be thinking that this Bill makes divorce much easier, and I believe they have a good point there.

The idea of divorce is not accepted by Catholics in particular, but I have always been glad that this is not a Catholic country, because they have been in my opinion so wrong in so many of the Bible teachings, that it is time that we as christians do not follow in the footsteps of Catholism. It is true that divorces are more prevalent now than some years ago, it is true that there are more cases before the Court, but if one looks at the statistics prepared by our Government, you will see that there is good reason for this. In 1961 we had a total of forty eight marriages, while in 1973 the number had increased to one hundred and twenty three, and in 1974 it had gone up to one hundred and twenty four. In other words we had three times as many marriages in 1974 as we had in 1961, so it is not surprising that the rate of divorce would also have increased, or at least the number of divorces would have increased. And we also must remember, (if you want the percentages on it), that in 1961 only 5.52% of the population were married in that year, the percentage had increased in 1974, and these are not my percentages, I don't think they're accurate, these are Government's, it had increased to 10.9%, of course the population had increased, in 1974 to eleven thousand three hundred and sixty three, while in 1961 it was only eight thousand six hundred and eighty nine. But whether the figures are correct or not, there is a clear indication that there has been an increase in the number of marriages over the last thirteen years.

Now I have always said that whenever I receive a Bill with a full page Memorandum attached to it, that that Bill must have very good scrutiny, and I noticed that in this Session most of the

MR. G. HAIG BODDEN (CONT'D): Bills appear to have very long Memorandums. The Memorandum of Objects and Reasons says that the Matrimonial Causes Act in England, which we are apparently adopting in part has been well received in religious, social and legal circles as a great advance. But saying that that Bill has been well received in the United Kingdom is not good ground for giving us the same Bill, because there is a big difference in the social customs, the religious customs, and even in the legal circles here. It is my belief that the form of marriage, or the form of the Divorce Law has nothing at all to do with how many divorces there are, this has to do with the moral fabric of society, it has to do perhaps with the trend towards permissiveness, and promiscuity, it is perhaps one of the signs of the times, and it really has nothing to do with the law on the books. If people can't get along they're going to separate, whether there's a divorce or not, or if they stay together, they'll probably kill one another, there will be some separation.

There were several things mentioned by the Second Official Member that were in the old Law which should be removed, and I agree with him one hundred percent. He mentioned about the restitution of conjugal rights where if a husband or wife had left home, the Court could force that husband or wife to go back. Well, I think that is wrong, that is an invasion of the rights of the individual, and that should be removed as this Law is removing it. If a husband had to leave home or a wife had to leave home, I don't think the Court should force that husband or wife to go back. Also under the old Law, the Second Official Member pointed out that a couple while living together could collect damages from the wife's adulterer, and that too should be removed, otherwise they might make a business out of it, and the wife might have several adulterers and they would soon have a very good source of income, and a very profitable business. So this law will not prevent people from claiming damages from adulterers, but it will prevent them from claiming the damages while the husband and wife are living together, and would enjoy the fruits of that adultery.

This new law makes no distinction between the sexes, this is totally wrong. It is true that we live in an age known as woman's lib, we live in an age of unisex, we live in an age when it is hard to tell male from female, unless you undress them. But it is wrong for a divorced husband to expect his former wife to support him, and this is what this new law would do. It says in the new law no distinction is made between the sexes for the purpose of financial provisions, simply means, that where in former times a husband might be liable to pay alimony to the wife, it appears now that the wife, if she had the means would be called upon to make a payment. I don't know what the terminology for that would be. But the question I want to pose is, where are all those new concepts coming from? Who is introducing all of these socialistic and communistic concepts into every Bill that comes before this House? You only have to read the Bill one time, and you can pick out that socialism, you can pick out that trend towards the equalization. Who's doing it? I wonder how many females in this Island are aware that tomorrow they may be compelled by Law to support their former husband. I cannot support something like that in this Bill, and it amazes me, I never cease to wonder how an otherwise good Bill can be spoilt by the interjection of totally new concepts, total new ideas, ideas that are strange, ideas that are foreign to us, ideas that are unacceptable, ideas that may be well received in the United Kingdom, may be well received in Cuba, may be well received in Jamaica, but would be unacceptable here. I'm alarmed at this trend in our legislation.

This Bill has fallen down in many other areas. In the interpretation section the word "domicil" is not defined. In the definition given here it says that "domicil" has the meaning ascribed to it from time to time in English Law. What does that mean? Would any Judge know what that means? The same interpretation is used for the words "ordinary residence", the interpretation says "ordinary residence" has the

MR. G. HAIG BODDEN (CONT'D): meaning ascribed to it from time to time in English Law. NOw, we know that there are not any other two phrases which give more trouble than "Ordinary residence" and "domicil" in our Court. I understand that since about six weeks ago a new interpretation has been given to the word "ordinary residence" in our Election Law. I understand further, that it won't now be possible for Cayman Brac people who come down here temporarily to get their children to school to vote in Cayman Brac. Because in our Election Law the words "ordinary residence" are not defined, and what works well up until six weeks ago is now being turned around to suit the whims and fancies of a special interest group, and that is because the definition in that law was not properly done, and here we are writing a new Law, a very important Law, a Law in which the residence of a person and his domicil will be of paramount importance in helping the Judge to determine the issue of such a case, and yet we fail to properly define it. I'm wondering why we go through the useless exercise of having an Interpretation section in this Law, when the Interpretation Section only says, look it up in another dictionary. And if you read this Bill, you will find that the words domiciled in the Island, ordinarily resident in the Island for at least two years, run throughout the Bill, yet nobody knows what is ordinary residence. What are you going to to find out? Are you going to the Election Law, which has been on the Books for umpteen years? and which its interpretation has just been changed, is that what you are going to? Are you going to the Caymanian Protection Law, where the Judge of the Grand Court, in fact even the High Court Judges in Jamaica did not know the meaning of "domicil". What sort of legislation is this?

In Section 8 of the Bill, giving the reasons for a decree of nullity, I read sub-section (3) (a). That a decree of nullity may be pronounced on several grounds, one of them being if the respondent was at the time of the marriage suffering from venereal disease in a communicable form. And that's quite alright, I have nothing to say against that, but how can you put that in when you have left out the application of a blood test before the marriage. So how can you put that in the Bill? How would you know? How would you know that the respondent did not receive the venereal disease or was not the petitioner? How do you know which one was really the responsible person. So I don't see how you can put that in, unless you also make provisions for a blood test. Now in the United States I understand this is a common procedure. The point I'm trying to make, why go so far out to do these things, if you're not going to do them properly, why not just leave it out?

My favourite grouse against Bills that have to deal with children appears in Clause 22. I noticed that provision is made for benefits of children and so on until the death of the child, or until such child attains the age of sixteen, provided that in case of payments they will continue until the child has completed his education. But what about the retarded child? What about the child that is unable to take care of itself, will the payments cease at sixteen? I know we were unable to get this properly embedded in Bills since I've been here, no provision is made in many of our laws for taking care of the illegitimate child, the retarded child, the child after a certain age. Of course I'm well aware in this instance there would be no illegitimate children, but Clause 22 must be amended to make provision that where a child is retarded or mentally incapacitated, or is in such a condition the child is not able to care of itself, that payments to that child should continue until the death of the child, and not stop at age sixteen. Because a mentally retarded child at age sixteen, might have the brain of a one year old child, so we must make this amendment.

Another trend in our fancying up of these Bills, is to change the name of a Law to such an extent that it is impossible to know what the Law covers. The old Law of divorce was simply the Divorce Law, this new one is the Matrimonial Causes Law, I can't see how we can arrive at such a title, you would really have to be an expert to find out how matrimonial causes would be the same as divorce. If the simple words, Divorce Law was not sufficient, I would think they would have put the divorce

MR. G. MAIN BODDEN (CONT'D): Causes Law, if somebody has a fancy to that.

One final word of praise for this Bill is that nothing seems to be left to Regulations.

MR. CRADDOCK THANKS: Mr. President, just for a few minutes, I don't know whether I can agree or disagree with this Bill before us, but for sometime we've been getting new Bills coming before us, whether they copy laws from other territories, and it seems like more or less it's expected that we should agree and go along with these as they come before us.

I remember a few years ago when a Bill was brought to the House that was copied from what was taking place in other countries, and particularly if it was good for our mother country, it would be unreasonable for us to say that it wasn't good for us. But I disagree with it, I argued against it, and Mr. President, the country like most countries all over the world is suffering a lot today through that. When we exempted corporal punishment, we couldn't chastise anymore, I don't know how many retrogress that wasn't, and we're paying for it today. The death penalty was the same, the world generally has gone on a slaughter spree, nothing means anything anymore to anybody to live, they just innocently walk up to you and shorten your days, finish your days. I think it was India, I saw in the papers a few days ago making a plea to London that this be reinstated, brought back into effect, the death penalty. I know it's pretty hard, particularly if we should grow some, but when one can be innocently wiped off of the face of the earth, that the accused should go free.

This is not a new Law, when I say it's not a new Law, if it's passed it will be built from our old Law. But I wonder if any of us, or if it's possible to find a solution to a man and woman, to whether they should agree or disagree. As to their morals and what not, which it's impossible to legislate for the morals of people. We have laws here that teenagers under age shouldn't drink, but that doesn't stop them from drinking. We have the laws here that deals with speed limits, maximum is fifty miles, particularly [illegible], say well, ninety to a hundred and twenty five should be the maximum. I believe it's pretty hard to live with a miserable woman, I believe the easiest way to do that is to agree with everything she says, go along with whatever she wants to do, and I don't believe you'll have very many problems then, if you can stand to do that.

During my last sea days, I had a very close old friend in the port of Miami who used to sail in as the watchman on the dock, and he told me of an incident [illegible] he said this wasn't fairy tale. I know the chap as good as I know you, and his wife was getting around, she was going out on him. Finally when he thought he had put up with enough of it, I'm using this name, I don't know if that was her name, he said Susie being the guy home, and we won't have anymore problems. After a few weeks she had enough nerves, she brought him home. He said good, you take that in the house, I'll take this one. After a few months the man she brought home she kicked him outside. They went back together as man and wife again, and he said the reason for that, it was easier for him to do that, than face the court of divorce and maintenance and alimony and what not. What I'm trying to say, probably if some of us can put up with some things, and try to reason out some things, rather than coming to a quick conclusion, that a divorce is the only thing, then we may eliminate ending up in court sometimes.

I know years back a young man said he was going to look for his girl friend, he'd better be sure to leave the house eight thirty or quarter to nine in the night. But now they go out at eleven o'clock and say they're going to look for their girl friend, twelve o'clock, that be it as it may, perfectly alright because the world is changing - time. But I think one of the great stumbling blocks in the marriage life of two people, whether they be young, middle age, old age, or what, or other sectors of people and family interfering with them. If a boy wants to marry a girl, and she's from the lowest slums, and he has enough respect for his parents, to tell his parents, this is who I'm interested in marrying, the parents should

MR. CRADDOCK EDANKA (CONT'D) tell the boy how they feel about the matter, and forget about it. If they live good, they live good, if they live bad it was their choice. But trying to break it up, you can't marry her, she can't marry him, you're kindling fire to problems. After they get married, born like any of us they're going to have problems sometimes, parents should be out of it, uncles should be out of it, grandparents should be out of it. Leave them and let them solve their problems, if they can't iron them out, how can I. I think that would reduce some of the cases ending up in Court. If we can't help somebody to try to reconcile themselves and look at thing in a little different picture, don't try to lead them to break up what they started. As I've said I know. I've seen some miserable women, I've seen some miserable men too, because the one good thing I like about a woman, she must have the last say. To make the argument short, let her have that last say, then it's finished, but if you try to have one other word...

Mr. President, to say that I disagree with this Bill wouldn't be the best interest, if I say I disagree with it wouldn't be the best interest, I don't know then where you'd find yourself; because regardless of whether it's done in the Courts or whether it's done out of the Court, it's no law that can compel two people to live together, you're going to separate, you're going to walk apart, and while you don't find from the foundation, from the beginning of the world any good reason why we should have daily courts or people appearing in the Courts for divorce, and then like how been man is burdened with maintenance, he doesn't have a job, he doesn't have a big income, he doesn't have a bank reserve. When he divorces then the Court says well you must pay this woman twenty dollars, forty dollars, fifty dollars a week, she goes off and marries another man or lives with another man, and still nagging for her maintenance. It's just too much to think about and try to think we'll be able to solve it. It would be good if we had some councellors dealing with married people, to try to bring them together and talk to them, help them to try to start anew. It's very, very upsetting when children are brought into the world, and at a very youthful age when they experience and see and hear things that would tend to ruin their future as boys and girls. A lot of our young people today it's on account of this why they have wandered and gone and got into problems and troubles and what not - lack of proper parental protection, teaching guidance and what not.

Mr. President, when we go to the Committee stage to deal with this Bill, I will go into some sections and further question and give my views. But I still say that it's a problem, but I don't know how - I mean I understand if the law says they can give you a divorce decree, well that's it, but how much good does that give to our country, and the families and what not. So with those few remarks Mr. President, I will leave the other part of my thinking on this until we go as I said to the Committee stage. Thank you.

MR. PRESIDENT: I shall suspend proceedings until two thirty this afternoon.

HOUSE SUSPENDED AT 12.37 P.M.

HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT: Proceedings are resumed.

Continue debate on the Second Reading of the Matrimonial Causes Law. Are there any other Members who wish to speak on this Motion? If not I shall ask the Honourable Mover if he wishes the privilege of replying.

HON. C.V. WADDINGTON: Mr. President and Honourable Members, there's not very much that I can say in reply and in addition to what I said in moving the introduction of this Bill. I would like to say however, that , I'm happy to see that apart from two Members who are definitely opposed to the Bill, that it has received the general approval of Members of this

HON. G.B. WADDINGTON (CONT'D): Mr. Speaker.

There're one or two comments I would like to make in respect of some criticisms which were raised to the Bill. The first one was by the Member for West Bay, he's not here, I think the Second Member for West Bay. I'm sorry he's not here at the moment, but he seemed to have misunderstood what I said in my introduction About the recovery of damages from an adulterer. What I said was that the Bill makes it impossible for husbands to obtain damages from an adulterer whilst his marriage is subsisting, that is the position at present under Section 34 of our present Divorce Law, which gives a petitioner the right to bring a petition solely in respect of damages, and not combined with or concerned with a petition for divorce. Well Section 17 of the Bill provides that damages against an adulterer can only be recovered as part of a prayer for such damages contained in a petition for divorce. So that avoids restitution of a husband having his marriage subsisting, and taking proceedings to recover damages against his wife's adulterer.

Another point was made by the Lady Member for George Town, criticism in respect of the recognition by the Court of foreign marriages, and foreign decrees. Well, in that respect Mr. President and Members, we haven't got much choice, because the United Kingdom was a party to the Hague Convention at which that was settled and as such the Cayman Islands would be bound by the Convention, and therefore had to make the necessary provisions for the recognition of such foreign marriages and foreign decrees.

The Second Elected Member for Bodden Town made a criticism with respect to the ease with which the Court can now grant a Decree of divorce, to use his words. In fact Mr. President, I think the the position is not quite like that, and it would seem to me that the position under the new Bill might make it a little more difficult for a petitioner to obtain a decree of divorce, because whereas under the old law, a single act of adultery or even a single act of cruelty could result in a decree for divorce, under the Bill that the Court will have to be satisfied in addition to these matrimonial offences have been proved, the Court will have to be satisfied that the marriage has broken down irretrievely, and unless a petitioner can so satisfy the Court, it might well be that the decree could be refused.

Another point made by the Second Elected Member for Bodden Town, was with respect to the distinction between the sexes, that there was no distinction between the sexes, he thought that was quite wrong, and that this was introducing a socialistic and communistic principle. On the contrary Mr. President and Members, I think that this is introducing a democratic principle; and in keeping with the present trend towards equality of the sexes, and woman's lib. The Member thought it was wrong for a divorced husband to expect support from his wife under the provisions of the Law which provides for periodic payments which may be granted either against a wife or a husband, but he used the words divorced husband. Now a divorced husband presumably would be a husband who was guilty of a matrimonial offence and had been divorced by his wife; and the provisions in the Bill in respect of periodic payments are entirely within the discretion of the Court, and in accordance with judicial precedent, it is very rare that a periodic payment is ever made in favour of a guilty party, a guilty spouse, whether it be a male of a female. So I don't think that the Second Elected Member from Bodden Town need have much fears, that an order for periodic payments would be made by the Court in favour of a guilty husband.

The same Member was critical of the present definition of "domicil". He said it was not defined, it is in fact defined as having the same meaning ascribed to it in English Law; and he also coupled that criticism with the term "ordinary residence" which is also based on the meaning in English Law. Well, lawyers will tell you Mr. President and Members, that it is extremely difficult to define these terms, "domicil", and "ordinary

HON. G.E. WADDINGTON (CONT'D) residence", and so it is left to the Courts to interpret those terms in accordance with judicial precedent established over the years. And it has been found to work quite well, the Courts are quite cognisant of the various concepts of "domicil", and "ordinary residence", and not really much difficulty is presented in a party establishing either.

The Member from Bodden Town made an aside by stating that even the Judges of the Court of Appeal in Jamaica did not know the meaning of "domicil" in the Caymanian Protection Law, but that of course is an incorrect statement, for which I forgive my friend, because I don't think he has read or if he has read, he has not really quite understood the judgements of the majority of the Judges of the Court of Appeal who dealt with the subject. The majority of the Judges have laid it down quite clearly what the "domicil" in the Caymanian Protection Law means. Four Judges dealt with the subject, and three were unanimous as to that meaning.

The other criticism by the Second Elected Member for Bodden Town was the provision with regard to a marriage being voidable on the grounds of that the respondent was suffering from venereal disease in a communicable form at the time of the marriage, and he made the point that it would be impossible to establish this, and that there should be some provision for a blood test. Well, that provision is at present in the English Law, there's no provision for blood test, and I should imagine Mr. President and Members, that a party to the marriage who after the joys of the honeymoon had worn off had found themselves suffering from venereal disease, would not have that that party was an innocent party very much difficulty in satisfying a court that the respondent had been suffering from such a disease in a communicable form. So I don't think that there's very much in that criticism.

The Member commented on the absence of provision for maintenance of a retarded child. I think there is much force in that suggestion, and I have no doubt that when we come to the Committee stage that a very simple amendment can be made to extend the provision of a periodic payment to a child after it has attained the age of sixteen years, if that child was retarded in any way and unable to support itself.

And as regards to the final criticism as to the name of the Law, that is to say the change from be Divorce Law to the Matrimonial Causes Law, I must point out that this Bill deals not only with divorces, but with several other matters which can very conveniently and aptly be described in a Law termed The Matrimonial Causes Law. It deals not only with petitions for divorce, but with petitions for judicial separation, petitions for nullity, for presumption of death, declarations of legitimacy etc. And so it would be my submission that the name of the Law, Matrimonial Causes Law is an apt description, and in fact more descriptive than just the words Divorce Law. And so Mr. President, there's nothing more that I can say, as I've said I'm glad to see that Members are in the main supporting the Bill, and I have nothing more to say, but to move the Second Reading.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

THE PUBLIC LOANS LAW.

CLERK: THE PUBLIC LOANS LAW - INTRODUCTION AND FIRST READING

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED BILL INTRODUCED AND GIVEN A FIRST READING

CLERK: THE PUBLIC LOANS LAW - SECOND READING

HON. V.G. JOHNSON: Mr. President, Honourable Members, in the Second Reading of another Bill this morning, a Member observed that many of these Bills before the House in this Meeting carry a very long Memorandum of Objects and Reasons, and that the longer they were the more

HON. V.G. JOHNSON (CONT'D): scrutiny had to be done to the Bill itself. Well, I think this one beats them all, so I imagine that we will have to do a good bit of scrutiny to the sixteen sections of this small Bill.

Mr. President, Honourable Members, the Public Loans Law is a new form of loan which is being introduced by Government. It is new to the Cayman Islands Government, but it is certainly not new in other countries. I think the reason why the Legal Department has set out in much detail the Memorandum of Objects and Reasons, is to give Members some idea of what the Bill is all about.

The Bill is introducing two forms of loans, first is the Treasury Bill, and the second is Bonds. The Treasury Bill is a short term loan, and you will see from the provisions of the Public Loans Law that the maximum period is one hundred and eighty days. The Bonds on the other hand is a longer term loan which can extend to a term of twenty years. The Treasury Bill is used as a convenient form of raising funds in Government to supplement short-fall in revenue or to do bridge financing during a period in which revenue intake is either slow or not as in other periods of the year. It is used in cases where the Government is obliged to operate at an overdraft in the bank, and rather than paying the usual overdraft rate of interest, it decides to do a Treasury Bill issue for any period up to one hundred and eighty days. The interest which is paid on a Treasury Bill is at the current market rate of such loan, and it is usually much below the interest rate on an overdraft account in the bank, and so Members can see the logic in doing a Treasury Bill issue. It is economical, it is convenient, and it is a handy instrument to have in Government. Perhaps at the beginning of any year, there are projects of an urgent nature which the Government would want to implement, but because the flow of revenue is spread over the twelve months of the year, it is perhaps not convenient to undertake these projects until sufficient revenue can be generated for the purpose. But with the system of Treasury Bill, a decision can be made to do an issue for the particular purpose, until such time that revenue can repay the loan.

You might say that interest has got to be paid on the Treasury Bill, but again we know that at times and especially the experience which we've had over the last four or five years, that within a period of five, six months, the escalation in prices, which material has been so rapid, that it could be that a Treasury Bill issue to do a certain project or projects could again be justifiable, even having to pay interest on the loan. But on the whole Mr. President, Honourable Members it is a good thing, I think it's something which Government should be able to do, and especially in this day and age we're no longer able to build up a reserve, and maintain a reserve in cash, when things have changed a great deal because of this it is now an instrument to raise short-term loan to bridge the gap, and to assist the situation.

We come to the other form of loans, which is the Bond Issue. This as I said before can be for a term up to twenty years. This form of loan is used for a different purpose, it is used instead for specific projects. It is used more or less for capital projects, projects perhaps like the Port Project, Road Project, Administration Building Project, Airport Development Project, any form of capital projects being undertaken by Government can be done by a bond issue. In the case of projects now under implementation, you will recall that Government had to negotiate loans from Caribbean Development Bank, well that wasn't bad, because the bulk of the money coming from Caribbean Development Bank is at a soft rate of interest, four percent, payable over twenty years, which is to the advantage of the Cayman Islands. But we had to also raise a loan from a consortium of six banks in the Cayman Islands. This was for the Administration Building and the Roads Project. Now the interest rate on the loan would be I should say much or somewhat above the rate which would normally be paid on bonds. Again, it would be more convenient if we were able to issue bonds instead of raising loans from consortium of banks or from local commercial banks, or by raising loans on a commercial basis, either inside the island or from external sources. This is another very important arrangement, and something which I think Government should be able to do. The time is coming perhaps when the Cayman Islands might have to embark on another project or projects, and may be at that time, if it is feasible and reasonable, a bond issue might be the answer.

HON. V.G. JOHNSON (CONT'D): So we see that the Treasury Bill is a form of short-term loan to bridge financing arrangement in the Treasury during the currency of a year. Whereas the bond issue is of a longer term and used for specific capital projects. Now a limit has been placed on each of these loans. You will see that the Treasury Bill's limit is placed, this is under Section 4 of the Law, The Treasury Bill limit is placed at a figure based upon twenty five percent of the average annual Government revenue receipts over the past three completed financial years prior to the issue thereof upon the security of treasury bills. Which means that, in no year or in no particular issue can the Government issue treasury bills in excess of twenty five percent of the average revenue collection over the past three years.

In the case of bonds, the limit has been placed at ten million dollars. Now it is quite a sizeable limit, but it was been recommended at that figure for the simple reason that rather than having at time to come and amend the Law to increase the maximum capacity of the loan, that it is already built into the Law, and in any case no project can be undertaken or financed without the approval of the legislative assembly. It was thought that ten million dollars was a convenient maximum to be recommended in the Law. The present consortium loan arrangement or under the Present Loan Law which raised the consortium loan is up to a sum of eight million dollars. NO doubt that by the time all the projects under that particular law have been implemented, that the loan may reach a figure of ten million dollars, we don't know, prices are rising daily and the longer a project is delayed the costlier it is becoming.

Mr. President, Honourable Members, this is a Law which has been talked about for a long time in Government, it has been talked about for a long time in the private sector, the banks have asked for a long time why hasn't Government introduced the system of issuing treasury bills and bonds, and I think the time has come when we should consider this. As I said it is a convenient instrument to have, and I am sure that it will certainly be used in the years ahead. I recommend the Bill, and I hope that Members will find it convenient to support the recommendations. To be a short Bill, it is recommending that Regulations be made by the Governor for certain functioning of the Law which has been set out under Section 15. I think these are administrative arrangements and not infringing on any principles of the Law itself. I recommend the Bill Mr. President, and ask for the support of Members.

SECONDED BY HON. D.V. MUTLER

QUESTION PROPOSED: DEBATE ENSUED.

MR. JAMES H. BENJAMIN: Mr. President, I hope that the words I'm going to say this evening will not come back to haunt me, but ever since I've been in this House there's never been a Bill come before the House that I'm as prepared to support as I am this one. I know that I'm probably going to shock the Members on the other side when they hear that, but I'm going to give them credit where credit is due, and say that I feel through the opposition that we have given in the past four years, they're finally beginning to bring some good legislation, that is why we can support them.

I was a bit let down really that the Member presenting the Bill voiced his feelings by saying, that various persons so and so had been asking for this, and supporting the idea, when he know that my colleague and myself have pushed for this, and he wouldn't give us credit for it although he did look in our direction. But I'm going to try to outline the various things in this Bill that I see could help this country. NOW there is some opposition to the Bill, and I will deal with that at the last part of my debate. Because it's impossible for a Bill to be all good there's got to be a little bit of bad in it too. So I hope that by supporting this Bill showing you how genuinely we support this Bill, that when the time comes you'll be ready to give some concession, and really make it a good Law.

MR. JAMES M. BODDEN (CONT'D): I look on this Mr. President and Fellow Members as giving our country the prestige that it deserves, I feel as proud about this as I felt about us issuing our own national currency. I think that was one of the biggest steps this country took forward, I supported that when I first came back to the country, and I was glad to see when it became law, and will be very glad when this becomes law.

It is going to give our island people I think the proper chance they deserve to share in the growth of this country. It is going to give them a chance to put their money where their mouth is, and this this is something I think has been lacking a long time in the development of this country. Some people may say twenty years is a long time to commit yourself, and some people will say well, your grandchildren will be paying for it, and I will say today that I think justly they should pay for it, because I believe strongly that that is on of the reasons today that we have lethargy in Cayman that we have, is because what was brought down to us from our forefathers, we of this generation and those of the generation coming up now have not paid for, they have enjoyed all the fruits without having to pay for it. Our forefathers had to struggle under very adverse conditions to build this country into what it is today for us to enjoy, and we paid nothing for it, they paid. So I am not one bit against obligating my grandchildren and your grandchildren if it has to come to that to pay this, to see that we precede in our growth.

The next point that I am so much in favour of is this, from the first day my colleague and myself entered this Assembly, we put forth a challenge that this Government should consider going towards a central bank system. I look on this today as being the beginning of such a venture; I look on this today as a ship going forth upon rough seas, with good charts and a good navigator, and I believe that this can really benefit our country, or believe I would not support it.

This can accomplish many things if used wisely. Today our country is suffering from the lack of finance money, it is suffering from dissatisfy money the people, and more than anything else we're going to be suffering sociologically in the next few years if some worthwhile plan is not found to alleviate these conditions. It is difficult to tell a man who has been to sea, braving the dangers of the sea, and he comes home with a few thousand dollars saved up to try to build a home, and you tell him, well, boy you must be on your good behaviour, don't rock the boat, we've got the banks, so don't rock the boat, where he cannot find any assistance to help him build a home that can take probably his wife and a couple of children out of the home of his father and mother. This I see as a challenge to our Government today, that eventually by the use of the bond system we could get into the long term mortgage field to help the people of this island. These are things that we have to give genuine concern to.

Another point Mr. President, is this, that the present time the economy of this island has been suffering like so many places in the world, and it is suffering because there is no movement of money. When the movement of money stops in any country, or slows down, you begin to get what is commonly called a recession. And if we continue the way we've been going it is not only going to be a recession, it is going to be a complete depression. But, this bill when it comes into Law will help to alleviate this, because presently our local people, some of them do have an appreciable amounts of money on deposits in the various banks. Once this becomes Law, I believe that our people are patriotic enough, loyal enough that they will not fit to put some of that money into these Government bonds, and they should do so, providing the interest rate and everything is similar to what it is on the outside market. Once this is done it is going to create a pool of local money that can be used locally. At the present time that money goes into a big pool and we all know that most of the banks are just branches of big institutions here, so it is natural that the money that they have here on deposits will be put into that big pool and will be used to build another country up, may be Brazil, may be/Africa, it does not really build this country. Here we are giving our people a chance to really build their own country, and I take my hat off to Government for seeing fit to introduce this, and I hope that it's not only going to be considered to be used for

MR. JAMES M. DODGEN (Cont'd) capital projects in the future, but to also embark on ventures such as I have discussed.

I feel Mr. President, that if we want to get our country going again, and we want to get out of the recession, that once this becomes a law, there's one further move that we should take, and that is to change our Constitution to the point where any major taxation in the future, such as income tax, land tax, and so forth would have to be done by a referendum approved by at least seventy five percent of the people who are registered as voters, on the basis that at least six months to a year's notice was given before this referendum was put to the people, giving everybody an equal chance to build up opposition or to be in favour. Once we have done this, we would have taken a step forward that no other country has ever done, and it will put us out of the geographical position of being in the West Indies, which we suffer from today, with people thinking that you have a West Indian mentality, and that you're going to change your Constitutions overnight, you're going to change your laws overnight, every politician that comes in is going to make a different change, that is what scares off investors. But once we coupled this to give the investor a chance to put his money in the right place, and give him the guarantees that he should have, I believe that never again will this country have to suffer from wondering where the money is going to come from to keep the wheels of finances running in the country.

Another thing this can do, at the present time and for several years we have had the Government Savings Bank, which in most cases has been a laugh. This will take it out of that position, this can put the Government Savings Bank to where it can be categorized really as a bank. You will find that when the treasury bills are paid off at the end of say six months, to the person who had his money before in A, B, C, D, bank, and withdrew it to buy his treasury bills, will at the time he's paid off by Government, considers putting probably the majority of that money back into the Government Savings Bank on an interest will he can buy another treasury bill or another bond. So there're many advantages to this, this is really spreading your money over the whole place, this is what I think we have needed for a long time. The treasury bills appropriately are figured at twenty five percent of the last three years revenue and with a maximum of a hundred and eighty days, this I agree with. Treasury bills of twenty years with an original issue of up to ten million dollars, again I agree with it. Now, I'm going to tell you the things I don't agree with.

Section 4 of this Bill says "Governor", not disrespect to anybody who may ever occupy that seat or who occupies it at the present time. But I'm wondering whether it is just sort of a typographical error or not, and whether that should not have read "Governor in Council", or whether it is really defined as "Governor in Council". If it is defined in the Bill as "Governor in Council", I apologise, I have not seen the definition on that. But the real argument that I'm getting after on Section 3 will also apply to Section 4, and Section 13, and may be another section could added into it. The point I'm trying to drive home is this, that although I support this Bill one thousand percent, I am not in favour of putting the issuing of this money into the hands of Executive Council or the "Governor in Council".

Section 4 can be defined, the terms, the conditions, the payment of interest, the repayment and any other determination by the "Governor" or the "Governor in Council". I feel strongly that those things should be dealt with in either the Finance Committee or the Committee of the whole House in its form of being the Legislative Assembly in a Meeting as we have today. The Finance Committee is a Meeting of the whole House, and I'm not against making it a Committee Meeting which can be held in private, but I do insist that it either be done in the Finance Committee or it be done in the Legislative Assembly as a whole House. That would apply to Section 3 and Section 4 and going down into Section 13.

Section 13, I'm not completely in favour of that Section, because it gives the Government Savings Bank the power to issue and be broker of the Government securities. May be there's a justifiable reason for this, but again I think there should be something written into this Bill to where they would have to take the direction of the Legislative

MR. JAMES M. BANNAN (CONT'D): Assembly. I do not feel that something of such magnitude should be left completely to the decision of one man. Every man is subject to err, and for that reason I feel we should put a little bit of control over Section 13 that is not in there now.

Section 13 (a) and (e), should what I have said previously be put into this law, there would probably be not too much reason to stand against Section 13, but I do stand against Section 13 (a) and (e) in its present form / under that there are certain things that can be done by the Governor in Executive Council to where the Members of this House would never know anything about it. There's another section that I think should be added, and that would be in the form of stating the rate of interest that this would be done at. Now I know it is very difficult to put into anything like this a rate of interest because the rate of interest changes daily, but I think we can use some guideline such as the prime rate prevailing on the London Market, the New York Market or something of that nature, to define the rate of interest, rather than leave the rate of interest again to the whims and fancy of other people.

This Bill again, with some of its merits would put us in the position to where we would no longer have to go on bended knee, as we have had to do to the Caribbean Development Bank and places like that to get money to see us through the hard times. This Bill can be of such tremendous importance to us that I do not want to see us make any mistaken in what we do here today. This Bill has a draw-back in my mind in this respect, at the present time the Finance Committee which consists of the elected Members of this House have the chance to control the purse strings of the Island, and to know what is going to be done with the money, where it is going, and so forth and so on. It is true that in this Finance Committee you have differences of opinions, you have the majority side, and you have the minority side, which means that we're always going to be of two different opinions as a rule, as to how the money is spent, And how it is received. But it does mean that we have a democratic Government, because the majority rules, but when we leave this into the hands of Executive Council or in the hands of the Government Savings Bank Manager, without any control from the Finance Committee, we're not going to know much about what's happening. We have experienced this so many times in the past, in where we are told it is really none of your business. Now I stand firmly on this because it is our business, and every time a dollar is spent from the Treasury of this country, I feel I have the right to know why it was spent, that right was given to me as well as it was given to the other eleven Elected Members of this House when the population as a whole saw fit to elect us in this House. So Mr. President, I hope the consideration will be given, to where this Law can be changed, to where these things that are done in Section 3, Section 8 and Section 13, and Section 15, instead of the Governor in Council, it will say the Finance Committee of the Legislative Assembly. Once those changes are made, I think we will have the best piece of legislation that has been put on our books in a long, long time, one that I feel can give this country the prestige and the honour to which it is due. I am sure that the Members of Executive Council feel at this point that we're not asking too much, that we're just asking something that can be very helpful and very beneficial, and I am hoping by the time the rest of the Members on the Opposition Bench have spoken that we will find a union between the two sides of this House, to where we can come forth with an excellent law. Thank you.

MISS ANNIE B. BODDEN: Many years ago we had a Member from Bodden Town who said, that no territory was ever recognised until it was in debt. He advised that we get in debt and get in as much debt as possible. Well, we did not at that stage take his advice, but since then we have. Now personally I'm very afraid of debt, while I agree that if we could get some money in circulation, it would help to build up the economy of the island and we would not have to go on bended knees to try to get money from elsewhere.

MISS ANNIE H. BODDEN (CONT'D): I am not happy in borrowing money, because I'm afraid of debt, and personally I do without things rather than get involved in debt to have to pay back. But if Government feels that th is the best proceedings to do, I will not oppose it, but I would rather if we could do without having to borrow money. Nevertheless, in this day and age when everybody wants the best and I certainly do appreciate Government taking a lead and getting good things like we have been getting in the past. This Administration Building, called the Glass House, I am one hundred percent in favour of it, nothing less than that would have done us any good. The Court House and this Parliament Building, I am very proud of it. I am proud that we have improvements on the road, the project out there, the dock facilities, although I'm told I'm against it which is not true, I'm very much in favour of it. I wanted that dock in George Town and nowhere else, and I realize it cost money, and we must get our island to go forward, and it takes money. So if this is the best thought up project, I will agree to it. I am not going into the matters of who should say what, or when or where to spend this money, we have to have faith in somebody, and I feel that the Executive Council be they who they may be or not, that they are wise enough or I hope they are to be able to use their discretion and not to spend this money that we shall waste in any wild and indiscreet manner.

We need an airport, I had to say the other day, about a week ago, there was a Caymanian who was living in Port Arthur, came back here, he was a very poor person like myself, and I'm very sure that they didn't have all they were trying to make me believe they had. But the first criticism was, what an airport, you haven't even got fans up there, you please tell the Government in the next meeting we need fans at the airport. I said lady, let me tell you this, there was a time when we didn't even know what an electric fan was, and we have got to the stage where we know, we know what air conditioning is, we know all about these modern facilities, but it takes money. The Government must go cautiously about what they get, remember we have gone a long, long way, and we shall get an air port facility, and I'm sure the air conditioning and all the things that go with it to make it worthwhile, and what we really want but it takes money. Now I'm sure that if we can raise this money as is hoped that we shall get an airport, which I consider after the dock is finished and the road that our next move should be to get a proper airport terminal. But I would not advise that we go about and borrow money now, when we have undertaken other things. Let us finish up what we are doing now, and then go ahead and start on something new. And I feel confident that if we do this is a wild indiscreet manner, that we shall be able to get a lot of things. If this loan will help to circulate money among Caymanians, I'm sure it will be more than welcome, and I hope that we shall be able to repay all these loans when it covers up any embarrassment whatsoever. I feel that we need to improve, we have been in the back-woods long enough. My colleague the First Elected Member to Cayo has always said, he wanted to see improvement in his generation, he didn't want to die and then other people could talk about the improvements, he wanted to see it now. Well, I am of the same opinion, we have seen a lot of improvements in the last twenty five years, and I hope and pray that this improvement will go on, and that one of those days we shall have this island like we want it. Really, a good, good hospital, as good as we have now, we can have improvement on it, roads finished up, schools finished up and we should get all these things. And as I said it takes money, and if this is the available source now, I see nothing wrong with it; the only thing is this, let us spend this money wisely, do not fool it away, because you know there's a saying, fools and money soon part. Well we do not want to be fools, we want to be wise and discreet, and spend money that will be for the good of the Cayman Islands as a whole. Thank you Sir,

CAPT. CHARLES KIRKCONNELL: Mr. President, I rise Sir to support this Bill. I think the Government has taken one step in the right direction. We have tried and have done a good job of running this country with our financial

CAPT. CHARLES KIRKCONNELL (CONT'D): structure up to this point. Like any other company, changing from a small operation to a more dependant operation this legislation in my opinion is well worth the praise of one and all. I have Sir, and realize that no government can continue to operate with overdrafts or surpluses as we have been doing. Our Government will now have something to negotiate with, we will have collateral, we will not be going to others with hand in glove, they will not be able to dictate to us on what terms, what interest we are to pay. I am one hundred percent Sir, with a few exceptions, supporting this Bill, and my objection Sir, again is, that those reflected in the sections where it's Governor in Council. I have Sir, every confidence in our present Government, I have confidence in the immediate Government, whatever that might be, within the next four years, but beyond that Sir, I have a big question mark, and this is why I know our Constitution as it is today, I've been made to understand that it is our Constitution which determines that the Governor in Council should make these decisions. I feel Sir, that the time is coming or has come when we should find an alternative around this and empower all Legislative Members elected to have a say in the running of the country, more than they do today. With this observation Sir, I will close, and I give this Bill my full support.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of this Bill. As the Third Official Member stated in the introduction of the Bill, that it was a very short Bill, I'll be very short with what I'm going to say.

It is a known fact that money has always been a matter of concern, and any how we may look at it, if we are borrowing it, if we're even stealing it. As I see it in the Bill when money is to be raised by Government, provisions will be made to regulate the loan by ways of treasury bills and bonds. Under section 14 of this Bill, I see where Government is not prevented for borrowing, otherwise than by invitation for subscription from the public. We must have a confidence in our Government, and I feel that with that confidence we can make a go of a loan which I am sure larger countries have to borrow money to carry their businesses. And With that Mr. President, I thank you Sir.

MR. JOHN McLEAN: Mr. President, again I've lived to see the day where my good colleague on my left proposes a piece of legislation brought forward by the present Executive Council.

I want to say Mr. President, I saw something written the other day that caught my eyes, that went like this, know where you're going, and go where you want. I feel humbly proud today to be a part of the Cayman Islands Government, it truly has been an honour to me to be able for these eight years to have a part in the forward strides made by this Government. I think we should reflect for a little while, and think of where we are, where we've come from and where we are going. In 1968 the budget of the Cayman Islands went little over a million dollars for the first time in its history, and today we are spending a budget of about Fourteen million dollars. That tells us in eight years, almost, what has really happened in this country. We can say what we want to, but I don't believe that we can honestly say that any government of this size have tried, and have not only tried have achieved what they have achieved in so short a time at such a minimum of taxation to its people.

Yesterday we debated the Currency (Amendment) Law, 1976, which in my opinion helped to do, or to open the door to enable us to do some of the things that I believe that we ought to be doing. Today before us, the Public Loans Law which I heard my colleague on my left say is a good piece of legislation, and I have no reason to doubt. I believe as the previous speaker just said, it helped us to see a shoe string operation, if I could be permitted to use that expression, moving into a fully business. We are all aware that no government can operate the way it should, the way we've been doing. Years ago we went to the Finance Committee and we voted funds,

MR. JOHN JEFFERSON (CONT'D): and we thought of many things we'd like to see done, and many times at the end of two years, we had not seen fruition of what we had fought or worked for. Then I remember too, that many years ago, we could boast of the fact that nobody owed anything on his house, but a man's life was over half spent many times before he had his own house. Today, a man in his early twenties can own a very modern house, and pay for it no doubt the rest of his life. Regardless of what you might say is good economics, I say I'd rather spend the rest of my life paying for it, enjoying the benefits, than to achieve something after more than half of my life has been gone.

We have moved from an era where we paid for what we wanted and what we had, into an era where we provide the facilities that our people want within reach of our repayments. We could not have continued to wait and hold back the country on education, we would not have waited to hold back our medical facilities from our people all these years, because we could boast that we paid as we went along. We could not continue to run the country the way it has been run in the past, when we said well, we didn't owe any debts, but we didn't have anything. There is one thing about running in debt, and certainly we have to be concerned, because we can over do that. If our debt liabilities are larger than our assets then we're in trouble, but in these past years we've been building up collateral for this Government. We've been doing some of the things that our people need

This year at the Government Savings Bank, the Government has hired a man with a vast amount of experience. A man that I believe that has given something like twenty three years to one of the large financial institutions and certainly one of the oldest in the Cayman Islands. I'm not going into any details about that, the point I'm making about that is this, that we have in the Government Savings Bank a lot of potentials that need to be developed. As far as I'm concerned the expression used many times, and I'm not using it loosely, as far as I'm concerned with the amendment yesterday, and moving on to this Loans Law today, with careful planning, the sky can be the limit.

I feel Mr. President, that this is a sound step, this is a good step, Government needs to be commended for making such a giant step forward. And a giant step forward is what I attribute this law to today. I believe when we stop, and we ought to stop and reflect sometimes, we ought to stop and reflect today against two years ago. We look at the finances, we have just come through a recession that has hit all of us badly but Mr. President, even at its worse, even as slow as some things have become, I think when we realise what we have done, all that we have gotten on our platter in the last few years, we still ought to be humbly proud, we ought to be thankful to God that he has enabled us to achieve what we have.

The Member from Bodden Town, I believe was very factual in his debate, I think it was certainly every bit sincere, and I want to associate myself with what he said. I believe that we need to think, not only of the people today, we need to think of our people tomorrow. We need to set the stage, we need to make preparations to see that every person in this territory with God's help will have an equal opportunity to be able/prune his own human and that the finances will be available to each and everyone of us. One of the greatest joys I've had in the last few years apart from my Christian faith, is the fact that I've seen youngsters come from families with very little opportunity, and have see n them make good, seen them take advantage of what opportunities they did have. Living in good houses, holding good jobs.

When we think today in relation of this Loans Law / when we think of the roads we drive on today, and the Minister of Works has every reason to be proud, he sits there and listens to the murmurs and grumblings and groanings of a community that has gotten more than it ever thought it would get, and I'm among that crowd, I'm among that crew that we have accomplished more than I dreamed of when I was a boy. We drive on good roads, we have good modern medical facilities.

MR. JOHN JEFFERSON (CONT'D) about education has moved forward, eight years ago there was not one single qualified doctor that was a Caymanian, today we have doctors and lawyers and engineers and what have you, and many overseas today that are arming themselves to come back home and serve, why, because a vigilant Government has made available to them the opportunity money-wise to achieve a good education.

Government today has borrowed an enormous amount of money to build the dock, and the Minister can rest, there's not half as much said about the dock today as it was six months ago, people are beginning to see the fruits of the labour, a year from today we will be able to boast of having a very modern facility serving our people, improving the standard of living. We today are enjoying these facilities because we find that we have the potential, that we have the capability of paying back the money that we have borrowed to do these projects. I commend Government for this Loans Law, I support it in toto.

Section 13, the Governor may appoint the Government Savings Bank as its official broker for the issue and management of public loans and as manager of the sinking fund and the Bank as broker may issue and purchase Government securities in the open market.

The Governor may make regulations, 15, for administering this Law and in particular for, (a) the preparation, form, advertisement, issue, interest payments, registration, transfer, repayment, and cancellation of government securities, and so forth and so on. I think that's sound Mr. President. But what I believe that Members were saying a little while ago, is what we experienced I guess if I'm not mistaken about a year ago, may be it's two years, when Government placed our dollar against the U.S. dollar, and when on Saturday, I could be told from the private sector that the Government is doing so and so with its money, and it was Monday morning or Monday afternoon before I could know that Government was doing something about its dollar. That's not good enough. Members have a right to express the fact that since we are elected, the fact that since we have been placed in trust by the people of these islands that we are entitled to know something.

Mr. President, with the greatest of respect, if I'm permitted, I hope that the get-together that was done shortly after you were here will not be abandoned, but I trust in all of your wisdom you will see fit to bring legislators together in : informal sittings so that we can be more abreast of the events of this Government. I know the day to day runnings of Government is that of the Executive Council, I'm aware that we as legislators, we legislate laws , but Mr. President we are blamed for everything. Few people seem to call you and say well look, you've done a good job on this, but when something goes wrong, or when there's something that they don't agree with they don't fail to say, I think you've done a terrible job. I hope, as I've said before that Radio Cayman will help to keep our people more informed, and the higher branch of Government will remember that the legislative body too, is a lawful, legally elected body of people, selected by their own various constituencies, and I say this without fear or favour they are entitled to know a little bit more about the runnings of the Government of these islands. If we are going to be blamed for everything, then we ought to have a part or a greater part of the responsibility. I'm not questioning Executive, I have the greatest of respect, the greatest of confidence, I think it's the greatest, hardest working body, or the hardest group that we've ever had, the most qualified, they have produced, they would get my vote next year, if God tarries.(and the Lady says if I'm re-elected, I don't lose any sleep over that Mr. President). One thing I've found about our people, they gripe, they express themselves, but when it comes to the point where there is a decision, like the dog with a bone, they keep the bone, forget about the shadow. I want to commend Government for this piece of legislation, it has my blessings. I thank you very much.

MR. G. HUGO HOSKEN: Mr. President, one hardly feels moved to speak after the tranquility of today's Session. Today seems to be a day for general rejoicing, and I am glad that I can share in that joy, because I was an early advocate of the bond issue. In one of my very first speeches in this Assembly, I think it was a Budget debate, I mentioned a bond issue as a possibility of revenue, and I know that Government perhaps even before that time had looked into it, and had found that the time was not yet right for such an investment, such a financial vehicle for investment, but it appeared as if the time is now.

When one buys a bond that person becomes a lender of money, and it is a good thing that our people here, and the institutions in this island and perhaps abroad will be able to help Government by lending them money through the vehicle of a bond issue. But we must be careful with this, and we might not over do it, because when Government sells bonds on the open market, they are in effect competing against private industry for loanable funds, and this competition if too severe will eventually drive up the interest rate, and perhaps force private borrowers out of the bond market. However when your bond issues are controlled, and Government sells bonds on the open market, and sends the receipts of those sales Government's expenditure will rise, and private expenditure will fall, because there is no change in the total demand of goods, we should not have any undue inflation. So I commend this bond issue, providing it is handled carefully, providing the issues are not over done, and I think it was a wise step to put a limit into the Bill, both on the bond and the treasury bills.

When I received my papers for this meeting, I was alarmed to see that Government had put forward the Motor Drivers' Indemnity Bill at the same time that they were putting forward the Public Bonds Law because traditionally insurance companies have been large buyers of government bonds. In one of the leading newspapers in Canada, during this year, it was published that the insurance companies in Canada had been the largest single customer for government bonds, and I was perturbed that government was putting forward a motor indemnity law which if it had gone into effect would have competed for the money which the insurance companies would be using to buy government bonds. However, during today's tranquility, the motor indemnity bill seems to have fallen off the agenda, and I trust it will not find its way back. I hope that we can continue in this mood of tranquility on Monday, and that that bill will not raise its ugly head again, because there Government was really entering into competition with the same money they were trying to attract by these bonds.

I am most perturbed about Section 3 of this Bill, which seems to introduce a whole new concept into our finances, it seems to transfer the work of the Finance Committee to the Executive Council. Ever since this Government has been in operation, the Finance Committee has been solely responsible for the matters of finance, in fact our Standing Orders reads that, the Finance Committee would be for the consideration of the Islands Estimates and financial Bills, and other business referred to it by the Assembly or by the Governor. But Section 3 of this bill would put the very important matter of borrowing money from time to time out of the ambit of the Finance Committee and into the laps of the Executive Council. It's/first time to my knowledge that the matters of finance have been put into the laps of Executive Council, in fact it is my unqualified opinion that Lindon will not approve of this section of the bill. The Finance Committee alone should be authorised to raise funds for the Government by borrowing from time to time from the public, this is not the work for Executive Council. It is true it could be argued that this Assembly will have to give final approval before the money is borrowed or before the money is spent but this Section 3 seems to take out of the hands of the Finance Committee an important area of Government finances, this to me is a transfer of power to an already too powerful body. I Mr. President, will endeavour to make this criticism so strong that it will require all Members of Executive Council to reply. So far this morning we have not been able to get them out of their shells, but this is a matter of grave concern, and I will seek an amendment to Section 3, and to the subsequent sections

MR. C. HAIG BODDEN (CONT'D); dealing with this matter, asking that the word "Governor", which means Governor in Council be deleted, and that the words "the Finance Committee" be substituted. Never before in the history of these Islands has the Executive Council granted and borrowed money.

Never before in the history of this Island has the Executive Council been in the disposition of borrowed money, and when Government issues a bond issue Government is borrowing money it is just another way of receiving loans, and so when Government sells bonds, Government is a borrower of money, the people who buy the bonds are lenders of that money, and we here would be going wrong if we allowed what has been the sole prerogative of the Finance Committee and of the Legislative Assembly to be passed into the hands of Executive Council alone.

Section 3 of the Bill is perhaps one of the most clearly written sections I've ever seen in any Bill. It says the Governor may raise funds for the Government by borrowing from time to time from the public such amounts of money as he deems expedient on such terms as he decides against the issue of Government securities in accordance with this Law. There can be no doubt as to what is meant by Section 3. Section 3 empowers the Executive Council to grant and borrow money. There're other section which I will not deal with in detail, in which the same powers are given to Executive Council, but I'll just touch on Section 15, which allows the Executive Council to make regulations for the payment of commissions. Executive Council before has never paid out money, without the prior approval of the Legislative Assembly or the Finance Committee. Also under Section 15 the Executive Council may make regulations regarding interest payments, so it is no doubt at all as to what is meant by this Bill. I fully approve the entering upon this new venture of issuing Treasury bills and selling Government bonds, but I feel I would not be doing my duty to those people who elected me if I allow the matters of finance to be transferred from the Legislative Assembly and from the Finance Committee into the hand of Executive Council. In fact I don't even know if it is unconstitutional, and I don't know that it will be accepted by Her Majesty's Government, so I will not be in the least surprise if this Bill comes back, as the Motor Indemnity Bill would have come back and as the Health Laws came back from London for things that had been too far out, and so we are not only entering here upon a new road, but we are also throwing away all the safeguards that were built into the old system of doing business.

Mr. President, the hour is late, I will promise next week when we go into Committee stage to see that in this important Section 3, that the words "Governor", which means Governor in Council are replaced by either, "Finance Committee", or "Legislative Assembly".

HON. W.W. CONOLLY: Mr. President, I am rising to support this Bill before us, the Public Loans Law, and I think that the time has come when Government should take on a responsibility in this direction. I would like to say that much has been said about the Bill, and much has been said about the benefits of the Bill, and much has been said as to who prompted this Bill. I would just like to make one mention, that I think as far back as 1969, Government investigated a possibility of going into a bond issue. The situation in 1969 - 1970 was such, I think Members realized that at that time there were banks around here offering all kinds of high interest rates, and Government was advised that it might not be a profitable venture, and so today when the interest rates are more or less on a level Government has brought forth this Bill.

One point I would like to mention in this, and it's alright to borrow money, this Bill is not going out tomorrow and get ten million dollars for the Government to spend on projects, the things to remember is this, first of all we have to build the confidence in the public for their involvement; and naturally if this money is used for projects, those projects when they are completed, they have to be maintained, the money has to be repaid at interest, and definitely it's going to bring added responsibility on the public. It's just not simple as saying that this will provide money, and it will boost the economy, it will boost the economy, but in no small way, the public is going to have to repay these amounts, whatever they are. Before

HON. W.W. CONOLLY (CONT'D): ...we had a Legislative Assembly Building we sat in the Town Hall and sweated it out, today we have air conditioner, so your electric bills are up, and we have to pay for these. Nevertheless, I believe that the time has come when the Government has to ensure that there is employment, and there is a means of livelihood for the people who live here, and I believe that the Government should take a very great part in providing the infrastructure for this employment. I don't believe that Government should shoulder the whole burden, but I believe that the Government should lead the way in providing the infrastructure, so that the private sector can do their share in making this contribution. So much has been said by the Honourable Members on the other side about this being prompted by them, I'm not here to campaign, but I would just like to say that long time before they stood in this Chamber, this was on the score-board of the Government.

I don't believe today that one person mentioned about the mortgage money, the mortgage business. I don't believe today that it would be wise for Government to enter into mortgage business. One has to realise that going into the mortgage business is a matter that would involve quite a bit of staff and what not. So I don't think today that we can look at this, and go out and peddle it on the street, and say look, you know the Government is going to provide mortgage money so that you can get your house and you can do this and that. I don't think today that Government would enter into that business.

Now I am perturbed Mr. President, at some of the remarks that have been made by the Honourable Member, he said it was his opinion, and I think his opinion is far out, because I haven't looked up any of the legislation, but I believe I'm familiar with some of the legislation. I believe today that one of the first laws that we have had empowering this Government to borrow money was way back in 1932, and I think it was called, The 1932 Hurricane Loans Law. In those days we didn't have an Executive Council, but I think the authority was given to the Commissioner. And if we come down the line, and we go into the 1953 Airport Loans Law, the 1958 Roads Law, and several other loans law, and I'm sure that the most recent law that we passed in this House gave the Governor in Executive Council the right to raise this money. The only difference with this, that was raising a specific amount, which there is a feeling on this, and I think that this point being stressed about this power being taken out of the hands of the Legislative Assembly and placing into the hands of the Governor in Council. Would Member remember that the finances of this country rests, remain and abide in the hands of the Governor, no Elected Member can make a motion on the floor of this House, charging this revenue or discharging without the permission of the Governor. That's what your Constitution says, and I mean it's there, and this Law is saying that you're giving, you're authorising by Law, by a special legislation the Governor in Council to raise money, this is not usurping the authority of Elected Members, or Members of the Finance Committee, which comprises an elected body. This does not give the Governor in Council the authority to spend that money on projects, surely no legislation would do that, because all expenditures dealing with finances goes to a Finance Committee, which is a standing committee set up duely constituted with the Financial Secretary as Chairman of that body.

I think it is most misleading to say that this is the first time that this has happened, and I think it is in order, all one has to do is to read the Constitution, the finances of this country is held by the hands of the Governor, and we, Elected Members cannot make a motion to charge or dispose of any finances of the revenue of this country without permission of the Governor. Naturally it is an accepted fact that the Governor would not withhold his permission from a motion if permission was sought to spend money. We put that down the line, because this country has never been grant in aid. If we had been grant in aid like other territories in the Caribbean, approval would first have to be made in London. So I think it is most misleading to give Members in the Chamber here the impression that this is something extraordinary, and this is something that is wrong. I don't

HON. W.N. CONOLLY (CONT'D) think anything else can be written in this law, other than what is written in there, without one wants to change Constitution. Somebody has to do the administrative work on this, and today the Honourable Financial Secretary who is the Financial official representative on the Executive Council, is entrusted with the responsibility of the islands finances. And when it says the Governor in Council, I wonder if Members think that individual Members are going out borrowing money for the Government, if that how it happens.

Mr. President, I'm a bit perturbed, because I feel today that our legislation here, present legislation, and in the past, the legislation that was set on the format we take precedence from other Commonwealth territories with respective constitutional status as we have in the Cayman Islands. I feel that if more study and more research was put into some of these debates before they come to the floor of the House, it might help, and I/would Members, because it is in my opinion a wrong thing to try to mislead.

We have here probably a point in this that is very interesting, and this is in Section 8 where this Bill gives exempted and non resident companies and trust may hold Government bonds. This is something I think is unusual, but I think it is a good thing, because it gives us the opportunity of probably coming into possession of funds that otherwise would not have been. And a lot of these companies, a lot of these trusts are very expansive and surely there are areas I'm sure that the Financial Secretary hopes to get most of or a great part of his investment in this direction.

I am sure that despite what has been said, I believe that the country can very well see what has happened to loans that have been made in the past, and I'm very grateful that the Honourable Member from West Bay in his remarks, while, as I said Members of Executive Council, we're not here for praise, but I feel today that Members have worked hard, and naturally that's what we're supposed to do. I disagree that we should look at this thing lightly. If Members feel like the Executive Council as constituted under the Constitution should not be, then I would suggest to go back to a State Council, where we could digress back, and have a State Council where every Member of the Legislative Assembly is a Member of the Executive Council. This was proposed to us, it was rejected by the Members, and we moved on to the stage we have now. If we moved in any advanced constitution, we will have the same thing, instead of having an Executive Council, we will have a Cabinet. So rather than bringing up this, throwing aspersions at Members which in a small country like Cayman, one seems to take these things personally. If it is felt today that the Constitution is out of line, out of gear, I suggest that Members of this Legislature, they have a right to do it, they can make a motion on the floor of the House, change the Constitution, do away with the Executive Council, have a State Council, or go into a ministerial system where we have a Cabinet. If this is the wish of the people, I'm sure that Her Majesty's Government through you Sir, would not hesitate in looking into the matter and discussing it. At the present time we have a system, and rather than trying not to make this system work, I would hope that Members would cooperate and try to make it work.

The Bill Mr. President, I'm sure has been aired quite a bit, it is a short Bill as the Honourable Financial Secretary said, I'm sure that in his winding up, he will be in a position to quote from legislations in the past. He has just been through this, he has acted on legislation similarily, and I'm sure that he can capably wind up this debate. Thank you.

MR. JOHN JEFFERSON: Mr. President. I'm wondering if this is not the appropriate time to adjourn until Monday.

MR. PRESIDENT: I think so, if the Honourable First Official Member ..

MISS ANNIE H. DOODEN: Mr. President, unfortunately I will have to go to the Court on Monday, so I might not be there in the morning.

ADJOURNMENT

HON. D.V. WILTSHIRE: Mr. President and Honourable Members, I beg to move that the House stand adjourn until 10 o'clock Monday morning.

HON. G.E. WADDINGTON: Mr. President, I would like to move an amendment to that motion Sir, and move that the House, in view of the fact that the Lady Member will be engaged in Court, and I myself will also have to be engaged in the Court of Appeal, that the House stands adjourn until 11.30 on Monday.

MR. PRESIDENT: Are there any objections to that suggestion, that the House stand adjourn until 11.30, because the Honourable Attorney General and I think other Honourable Attorneys-At-Law may wish to attend the opening of the Appeal Court.

SECONDED BY HON. V.G. JOHNSON.

QUESTION PUT ON THE AMENDMENT: AGREED. AT 5 P.M. THE HOUSE ADJOURNED UNTIL MONDAY MORNING THE 21ST OF JUNE, 1976 AT 11.30 A.M.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 21st June, 1976

(THIRD DAY)

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE. - PRESIDING

GOVERNMENT MEMBERS

HON.D.V.WATLER, CBE.,JP	FIRST OFFICIAL MEMBER & LEADER OF GOVT.BUSINESS
HON.G.E.HADDINGTON,CBE.,QC.	SECOND OFFICIAL MEMBER, ATTORNEY GENERAL
HON.V.G.JOHNSON,OBE.	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON. A.D.BUSH,JP.	MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. TREVOR FOSTER	MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION.
HON. W.W.CONOLLY, OBE.,JP	MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MEOC.

ELECTED MEMBERS

MR. JOHN L. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST END
MISS ANNIE H.BODDEN	SECOND ELECTORAL DISTRICT, GEORGETOWN
MR. CLAUDE HYLE	SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G.HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE.

ABSENT	HON. BENSON O.EBANKS	OVERSEAS FOR MEDICAL ATTENTION
DO.	MR.T.W.FARRINGTON,O.BE.	WITH PERMISSION

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY
MONDAY, 21st JUNE, 1976

(THIRD DAY)

1. QUESTIONS:

THE FIRST ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES

Will Government use their good offices to make available a certain amount of Cayman Turtle Farm turtle meat for local consumption?

THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES

(a) What is the progress to date on the agricultural farm at Lower Valley?
(b) With regard to the Agricultural Farm at Lower Valley, what was the price per acre paid for it? What crops are being grown there?

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES

What is the amount expended on the Cadastral Survey Project to the 31st day of May, 1976?
What part of this amount has been paid by this Government?
What amount of this has been contributed by the British Government?

2. GOVERNMENT BUSINESS:

BILLS

(i)	The Public Loans Law - Continuation of Second Reading Debate	
(ii)	The Travel Tax Law, 1976	First and Second Readings
(iii)	The Juveniles (Joint Trial with Adults) Law	First and Second Readings
(iv)	The Currency (Amendment) Law, 1976	Committee thereon
(v)	The Animals Law	Committee thereon.
(vi)	The Matrimonial Causes Law	Committee thereon

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
CONTINUATION OF DEBATE ON THE SECOND READING OF THE PUBLIC LOANS LAW	4
THE TRAVEL TAX LAW, 1976 FIRST AND SECOND READINGS	6
THE JUVENILES (JOINT TRIALS WITH ADULTS) LAW FIRST AND SECOND READINGS	19
DIVISION	22
ADJOURNMENT	22

MONDAY, 21ST JUNE, 1976

10 A.M.

MR. PRESIDENT: Prayers to be spoken. Proceedings are resumed. Proceed with questions.

MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE W. W. CONNOLY, OBE, JP., MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES

WILL GOVERNMENT USE THEIR GOOD OFFICES TO MAKE AVAILABLE A CERTAIN AMOUNT OF CAYMAN TURTLE FARM TURTLE MEAT FOR LOCAL CONSUMPTION?

ANSWER

TURTLE MEAT FROM CAYMAN TURTLE FARM LTD., IS AVAILABLE TO THE PUBLIC, AND HAS BEEN SO FOR QUITE A LONG TIME.

MR. JAMES M. BODDEN: Supplementary. Could you give us any idea as to the percentage that is sold locally compared to the percentage that is exported?

HON. W. W. CONNOLY: I am afraid, Mr. President, I can't give that percentage.

MR. JAMES M. BODDEN: Supplementary. How does the price sold locally compare with the exported price?

HON. W. W. CONNOLY: This again, Mr. President, is pretty difficult for me to answer. The turtle meat is exported in bulk and surely it carries probably a different value from retail prices on the local market.

MR. JAMES M. BODDEN: Supplementary. That bulk price is that lower or higher than the local price?

HON. W. W. CONNOLY: I don't understand what is meant by our prices.

MR. JAMES M. BODDEN: Our price means the price that is sold to the consumer locally.

HON. W. W. CONNOLY: Well our local retail price - I couldn't tell you how that compares with the retail price abroad - this is the point that I am trying to say - if Cayman Turtle Farm sells a certain quantity to a firm in Germany or a firm in London, or a firm in United States, I am not aware of what is their local retail price of that particular meat, so I could not say what the local price of farmed turtle meat in Cayman compares with that sold in London, Paris, New York or elsewhere.

HON. JAMES M. BODDEN: Mr. President, I see we are getting into a lesson in economics. Could you tell me what is the price for a hundred pounds of turtle meat sold to Kirk Plaza would be compared to a hundred pounds exported to United States?

HON. W. W. CONNOLY: No, I am afraid I can't tell you that.

MR. JAMES M. BODDEN: Will the Minister responsible find out and advise this House/ as what the differences are?

HON. W. W. CONNOLY: I don't think that that is the job of the Minister.

MR. JAMES M. BODDEN: In other words, you as the Minister of Agriculture are not concerned in learning what the price is. Is that correct?

MR. PRESIDENT: I think that is calling for an opinion. Pass on to next question.

MR. G. HAIG BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE W. W. CONNOLY, OBE, JP., MEMBER FOR LANDS, TOURISM AND NATURAL RESOURCES

(a) WHAT IS THE PROGRESS TO DATE ON THE AGRICULTURAL FARM AT LOWER VALLEY?

ANSWER:

TO DATE 15 ACRES OF LAND HAS BEEN CLEARED AND 10 ACRES ROCK PLOUGHED. FENCING OF THE PROPERTY AND CONSTRUCTION OF PROPAGATION SHEDS ARE NOW IN PROGRESS.

MR. JAMES M. BODDEN: Supplementary. Could you give the Honourable any idea as to exactly what will be grown on the twenty-five acres of land?

HON. W. W. CONNOLY: The demonstration farm at Lower Valley is expected to provide for farmers plants, seedlings, cuttings for budding and grafting. Also on this farm it is anticipated that there will be a demonstration in livestock - there will be some pigs and some cattle reared on this property.

MR. JOHN D. JEFFERSON: Supplementary, Mr. President, if I am permitted to ask the Member in charge - in relation to the progress - the question speaks about the date of progress - in relation to that has the crop protection officer been hired in the Agricultural Department?

HON. W. W. CONNOLY: There is a certain amount of crop protection work being done by the agricultural officer and his men - I don't know if there is any person specially involved as, or employed as a crop protection officer.

MR. JOHN D. JEFFERSON: Another supplementary. Can I ask the Member, Mr. President, if he is satisfied with the progress so far in the Agricultural Department?

HON. W. W. CONNOLY: My answer is yes.

MR. CRADDOCK BANKS: Supplementary. Why then is there no preparation made for growing crops as well just preparing for seedlings and cuttings and what not as has been said?

HON. W. W. CONNOLY: Well, I think the crops come from these seedlings so preparation of the seedlings is the prelude to growing or to farming.

MR. CRADDOCK BANKS: Mr. President, I gathered from what he said that the cuttings and seedlings - they would be to farmers. But I asked the question why there were not preparations made to grow and produce into this area whatever crops they feel like they would go into, so that farmers can better see what can be produced rather than providing seedlings, cuttings and plants and what not as demonstrations.

HON. W. W. CONNOLY: Mr. President, I think this is the idea. When the Agricultural Department has prepared these demonstration areas where they have plants of a variety that can very well strive on our soil condition, water condition, or air condition and what not in Cayman - I think this is the whole idea of the demonstration farm. I believe that some people are of the

HON. W. W. CONNOLLY (CONTD.): opinion that the Government is going into farming, I don't think that this is the idea at all, and I would like to get this out of the minds of people. I don't think that it is the idea of the Agricultural Department to grow agriculture and farm like the average commercial person would, the emphasis of this, it has always been stated is a demonstration farm; there will be, I hope a certain amount of produce there that will be sold or will go to the hospital, or will go this way which could be utilized , but I don't think an all-out programme of agriculture is what is envisaged.

MR. G. HALO BODDEN: Supplementary, Mr. President, with regards to the progress of the farm, can the Member say what part was played in that progress with the use of poisonous chemicals?

HON. W. W. CONNOLLY: I don't know of any part played at all.

MR. G. HALO BODDEN: A supplementary to help the Member, Mr. President, sometime ago a notice appeared in the press warning people of the use of very poisonous chemicals on this farm - can the Member say if that had anything to do with the progress of the farm, or what part those chemicals played?

HON. W. W. CONNOLLY: The chemicals didn't play any part as far as I am concerned, what really happened there, that despite efforts made by the Chief Agricultural Officer people were still using this plot of land for pasturage for their cattle, and it was in the best interest of everybody concerned, when they were spraying these pesticides there to notify the public that this was being done, and in case that some animal got damaged then there would be no liability on the Department and finally on Government's part.

MR. G. HALO BODDEN: Supplementary, Mr. President, has the fencing of this property been completed?

HON. W. W. CONNOLLY: No it has not, but this is not the trouble there, the people who are using or who have used this land to pasturage their own cattle have taken down the gate.

MR. CRADDOCK EBANKS: Mr. President, if I may ask the Member what has happened to the demonstration farm at the Crewe Road area that has been there for the last umpteen years - closing down the demonstration on that now or what?

HON. W. W. CONNOLLY: Mr. President, I think this will be phased out as soon as the progress reaches the stage on the new demonstration in the Savannah area.

MR. G. HALO BODDEN: Can the Member say if the gates were removed by people or broken down by cattle?

HON. W. W. CONNOLLY: I would take it that you have some pretty smart animals, but I think this was done by the higher beings, which would be the human beings.

MR. PRESIDENT: Pass on to the second part of the question.

PART 'B':

WITH REGARD TO THE AGRICULTURAL FARM AT LOWER VALLEY, WHAT WAS THE PRICE PER ACRE PAID FOR IT? WHAT CROPS ARE BEING GROWN THERE?

ANSWER:

CI$ 1,431:48 PER ACRE WAS PAID FOR THE LANDS PURCHASED BY GOVERNMENT FOR USE AS A DEMONSTRATION FARM AND NURSERY. AT THE PRESENT TIME, NO CROPS ARE BEING GROWN.

MR. PRESIDENT: If there are no supplementaries, and as the First Elected Lady Member is not present to take the next question, or at least to be present while its answered, perhaps this could be put down on tomorrow's Order Paper.

HON. W. W. CONNOLLY: That will be fine with me, Sir.

MR. PRESIDENT: We will pass on now to Government Business, continuing debate on the Public Loans Law, continuation of the Second Reading.

CONTINUATION OF THE DEBATE ON THE SECOND READING OF THE PUBLIC LOANS LAW.

HON. A. S. BUSH: Mr. President, Honourable Members, I rose to speak on this Bill on Friday afternoon, but all the Members were tired and an adjournment was moved and was taken. I am not so sure that I am so well prepared this morning to say what I was going to say on Friday afternoon because the debate on this had provoked such arguments that it really had me in the mood, however I will make my views on this now, Mr. President and Honourable Members.

I was very pleased indeed to hear Members say that they approved of this Bill in principle, those who we expected that would have been in opposition to it, but the criticism that was offered afterwards killed to my mind every little good that was said on it, And I am hoping that the Members who really are truly for this haven't changed their minds and will vote for it in the Committee Stage. Now a Bill had been thought about for a long time, not only by Government but I know also by the public. I know the public has on many occasions in years gone by when we were hard pressed for money, when money wasn't available to do anything with - said why doesn't Government issue Treasury Bills and Bonds. Well, I must tell you right straight that I was against it, because let us face the facts what was the image of Government in those days - Government really didn't present a very good image at all to the people of the Islands. The offices of Government were housed in buildings that were shambles - the two best buildings in the Island were the Town Hall and the Post Office - what really was Government worth - not very much to my mind, so the image as I said was very poor indeed, today of course it is different, and at that time too to mention even going into expenditure that you would even have a close haul on balancing the budget was something that was very much despised and very much against. If the Budget wasn't balanced and by a good high figure, everyone was concerned, nobody wanted to borrow money, nobody wanted to go into debt. We just sat by and was prepared to go along from day to day on our earnings, and this is the reason why we never achieved so very much in the past, but today it is different.

Now, Mr. President and Honourable Members, we see that this Bill provides an opportunity for the people of the Islands to take greater participation in the development of the country by buying Treasury Bills and Bonds. Looking to Government money that perhaps they have down in mattresses down up somewhere or in commerical banks. But Members must remember that when Bonds are bought Government will have to repay the people who buy them. I am hoping that our Caymanians will show good faith in our Government by buying these Treasury Bills and Bonds. You will note also that it provides even for off-shore companies, that is banks in Class "B" licenses to purchase these Bills and Bonds, but, Mr. President, Honourable Members if statements have to continue to be made in this Assembly as I have heard mentioned here about legislation that has been brought forward by this Government - legislation which has been called communistic, socialistic, dictatorial, I wonder how any of us can expect even our own Caymanians to purchase Bills and Bonds issued by this Government, if statements like those made by responsible Members in this Legislature, and I see the press has already picked it up - how can we expect people from the outside, like people who really have money to come here and invest in our Government. I say statements like these are far more damaging than anything we could think about, and I would ask the Members who say that that they are

HON. A. B. BUSH (CONTD.): responsible and representing the public, and representing good Government for the Cayman Islands to refrain from making such statements - we talk about damage to the economy, but things like this can be far more damaging to the economy of this Island than anything else, and I do hope that Members in the future will refrain from making such statements, because they are inaccurate - Government does not introduce communistic legislation and sometimes I wonder hearing the word Christian/here whether/really know what communism is - they hear about it but I am sure they don't realise really what it means, and if anyone can tell me that any law that has been presented to this Legislature is on any communistic line, than I would like to see it - I would like to have it explained to me - I haven't seen it yet - surely I wouldn't be party to it - I think some who say this need to go out in countries that/totally communist and see what goes on there, and see the difference between our country and the communist country. It is a shame that such irresponsible statements can be made here by such responsible people, or people in such responsible positions.

I do hope, Mr. President, that people will subscribe to this, I hope they will disregard what they have heard and even seen in the press. I notice the press, I must say something about this, I notice the press is always ready to pick up statements like this, and I bet you that you won't see one statement printed in the press of anyone who condems such statements as what have been made. I hope too that that little newspaper would change its attitude towards the Government, because it seems to me like the greatest hero is the man who can stand up and criticise Government - lay it out to the lowest - is this really something that we should have in our Islands. What has made the other Caribbean Islands - what has thrown them in such turmoil today if its not opposition parties stirring up the people, condemning everything that the Government in power has done, and when they get it in such a mess then nobody knows what to do with it. I warn Members the same thing may happen to us, and we should be careful and make statements that are true, just and reasonable. I don't condemn criticism, I think I enjoy it here sometimes when it is constructive, but I certainly condemn criticism that is destructive to this Government, and to the Islands, and this/just what we are hearing here many times.

One of the chief faults found here again goes back to the Governor in Council making Regulations for the better carrying out of the provisions of the Law. No faith at all in the Executive Council, no faith in the Governor. As has been explained time and/again the reason why all of this is put into a Law is/for ease and convenience by which the Law can be better administered, because/if it's not so everytime a Regulation had to be made a Legislative Assembly meeting would have to be summoned, not only would it be costly to Government, but it would be time consuming, and so, Mr. President and Honourable Members, again I would say I hope that this Bill will be well received, not only in here but by the public, I hope the public will find it possible to contribute what little money it can for the benefit of the Islands in this way, and be of tremendous help to the economy of the Islands. Thank you, Mr. President.

MR. CARLOCK EBANKS: Mr. President, as far as I know to the best of my knowledge I have always been ready and willing to give Government any reasonable support in its financial problems, and having this Bill before me I again am prepared to give my support to this proposed Legislation.

The First Elected Member of Executive Council making his statements about criticisms, I do feel sometimes if we didn't have some drastic criticisms I don't where we would end up, because it is a known fact that a lot of Government money - taxpayers money that ought to be spent it is not spent - it is wasted and doesn't mean that I am saying that for the first time, I have said it many times and until I see better spending of Government money, I'll continue to say it. I know we can't do what we would like to do without money - we can't run anything without money, but if a job can be reasonably done for a thousand dollars, and you spend three thousand, then we will find ourselves into the problem of always wanting more money to spend.

MR. CRADDOCK BUARKE: The Member said that he didn't agree with this when it was proposed or talked about sometime ago - well we could only borrow according to what we could pay back, the same as today, and probably we would have been better off if we had entered this five, eight or ten years ago with these Bonds and Notes, but I suppose as the old proverb says - its never too late - even though we can't retrace lost grounds. I do hope that when it goes into effect that there will be good and reasonable returns and considerations in this in purchasing these Bonds and Notes. There are a few things in the Bill that I don't agree wholeheartedly with, and when we get into Committee Stage we will deal with them in their various sections, so on the principle of this Bill, Mr. President, I give my support to this and trust that we will be able to iron out a good reasonable way of dealing with this - whatever amendments may be necessary if its any, or any deletions that may be necessary and get started, so with these few remarks, Mr. President, I will make my contribution a bit short then till we get into Committee Stage.

HON. V. G. JOHNSON: Mr. President and Honourable Members, seems like there is no one else to debate the Bill, so I guess I'll wind up.

First of all, Mr. President, I would like to thank all Members for supporting the Bill in the manner in which they did, that is by giving it support in principle. I want to thank those who still have a bit of confidence in Executive Council. There are those who, although they gave their support in principle they ended up in criticising Government, and I have no objection to this because in the best formulated proposals put to this House I expect that there will be criticism and opposition in one way or another. In fact there are some politicians that if the day goes by without some form of criticism made by them they believe that the day is not properly spent. But as I have always said, Mr. President, it is the privilege of every Member of this House to air his views and to speak on a matter according to his convictions.

I am glad that the Honourable Member for Communications and Works spoke this morning and not on Friday afternoon, because he said that we wasn't in the fighting spirit this morning. I would also, Mr. President, like to congratulate the party supporters of Treasury Bills and Bonds issue, although as a Member from the Government bench reminded this House that as far back as 1969, 1970 this Government was very active in investigating the possibility of a Bond issue. The purpose for that was when the development programme 1970-1975 was formulated there was the need to raise a sum of four to five million dollars in order to finance the programme. This sum of money had to be raised by loans, either locally or abroad and at the time we became very active in investigating the possibility of the Bond issue, in London or locally. We consulted advisors in London, locally and even in Jamaica. At the time we were advised that such an issue would not be a successful venture. It was not really as the Member suggested because of our image to the people of the Cayman Islands, I think the main reason was because there was a shortage of money in circulation in the Island, at that time there were few banks, few financial institutions and money had not found its way here in big sums as yet.

In London we were told that a Bond Issue on the open market would be a failure because the Cayman Islands were small, it was unknown and the issue would not go very far, and therefore we could not take that risk, or we should not take that risk, and we abandoned the idea of a Bond Issue and went instead for a consortium loan, this was raised later from six local banks, and you are aware of the amount or the sum which this Government borrowed. So the question of Bond Issue was a long thought with this Government, but I have no doubt that other Members of this House had the same thing in mind. I think we all had the same thing in mind from time to time, because Bond Issue and Treasury Bills are something which every country gives thought to from time to time, it forms the basis of Government's financing in any country.

As I said before I was glad to hear of the support that was given by Members who, as someone said would ordinarily have opposed Government Bills, and then the support was followed by strong criticism

HON. V. G. JOHNSON (CONTD.): against Government, and the criticism was based on the fact that the administration of this Law would be placed in the hands of Executive Council - there is always this thought of no confidence against Executive Council and what Council would do, but you have already been told by another Member that from the earliest Loan Laws introduced by this Government that Government was always responsible for the raising of the loan and the financial responsibilities that followed, and even in the last Law which was approved by this Honourable House in 1973 and by the present Members of this House gives Government that same authority. I will read section 2 of Law 3 of 1973, which is the Loan Capital Projects Law 1973, it says - The Governor in Council is hereby authorised to raise by the issue of a loan, either at one time or by instalments as may be convenient, an amount sufficient to produce an nearly as may be the sum of five million dollars Cayman and such further sums as may be necessary to defray the expenses of issue. This is one of the largest sums of money to be ever raised by this Government and Executive Council was authorised to deal with the issue of this loan.....

MR. JAMES M. DOUGLAS: On a point of order, Mr. President, the Member is saying that Executive Council did have the authority to do so, that is quite true, but the other side of the story should be told .....

MR. PRESIDENT: I am sorry but you're getting off the point of order - you have spoken on the Bill.

HON. V. G. JOHNSON (CONTD.): Another point which I would like to bring to the attention of this House, Mr. President, is that the Appropriation Law which is passed by this House each year gives the authority to the Financial Secretary to administer on behalf of this Government the total sum of money spent by this Government for a year, in other words the Financial Secretary is the custodian of all the money which is collected and spent by this Government from year to year. Having said that, Mr. President, I am not trying for one minute to say that the Legislative Assembly hasn't the authority to deal with these matters, but Government - the operation of Government is done in three particular areas - one is by the Legislative Assembly - the second is by Executive Council and the third is by the Civil Service of this Government - those are the three organs of Government that operate this Government, each one has its distinct duty, and I think this is something which we must bear in mind when we are trying to decide who should be responsible for what.

The Legislative Assembly must approve all expenditures of this Government, whether the expenditures are provided under the Appropriation Law or whether it is provided under a loans Law. This Law, the Public Loans Law is only authorising the Government to raise a sum of money - it is not saying to the Government how it must spend this money - that authority must be by the Legislative Assembly, and the duties which are imposed on the Executive Council here first - one that was criticized to the greatest extent by the Members - power provided under section 3 - The Governor may raise funds for the Government by borrowing from time to time from the public - who else will do it - it must be a duty of Executive Council, can the Legislative Assembly perform that function - it is not a function of the Legislative Assembly - this is where we are going wrong - you provide the instrument to raise the loan, and the Executive Council the raising of the loan, this is how it operates in every country, unless we want to be different from other countries. To say that this is the first time that this Law is carrying these sort of provisions is again, and I submit, Mr. President, it is misleading and it is confusing, its not from the earliest Law that was ever provided by this country to raise funds, this Government was always in charge of the administrative responsibilities.

Another thing, Mr. President, I don't know if there is any misunderstanding as to what this particular Law means, but I want to make it abundantly clear that we are talking about raising funds for the use of Government - it has nothing to do with the raising of funds

HON. V. G. JOHNSON (CONTD.): For the private sector - this is purely a Government instrument to raise money for the use of Government in implementing its project or to bridge finance arrangements in any year in which this is necessary.

A Member suggested again, Mr. President, that the rate of interest should be written in the Law - well it would be the only Law in the world with the rate of interest written in there, especially in this day and age when interest rates are fluctuating day by day, you'll never know on a day what the interest rate is - he talked about the prime rate, the prime rate could never be applied to instances like this. When we are dealing with Treasury Bills and Bonds issue, the Government has got to consider special rates of interest, these have got to be, perhaps the lowest rate of interest and at the same time rates of interest that can attract buyers.. otherwise nobody will take up these issues, so it has got to be something on a negotiating basis - an interest rate which has to be studied - be well thought of before it is declared to be the interest rate of a particular or special issue, so there is no question about writing it into a Law - write it into the Law you can throw the Law over-board.

However, Mr. President, I am sure that the Law was well received by this Honourable House, with the exception of a few adverse sections, which Members say they will deal with when it comes to it Committee Stage and we look forward to dealing further with the Bill at that time, I would therefore ask Members to give every support to the Bill, as I said before it is a good Bill, something which Government should be in possession of and I am sure that it will serve Government well in the future to have such an instrument. Thank you, Sir.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE TRAVEL TAX LAW, 1976

CLERK: THE TRAVEL TAX LAW, 1976 - INTRODUCTION AND FIRST READING

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

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

CLERK: THE TRAVEL TAX LAW, 1976 - SECOND READING

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled The Travel Tax Law, 1976.

Memorandum of Objects and Reasons. Mr. President, The Travel Tax Law has recently been amended, in fact there have been amendments from time to time, or from the original law was introduced in 1966. It is now thought that for departmental reasons a further amendment should be made to the Bill. That amendment, Mr. President, is regarding the effective date of the tax relating to cruise ship passengers. It was found most inconvenient to implement that tax during the course of the year, and it was thought that in order not to upset the cruise ships business in the Island, the Government should request the effective date to be amended to the first of January, 1977, this we thought was quite reasonable. Following that it was thought by the Legal Department that rather than introducing another bit of amendment to this Bill, that we should recommend to the Legislative Assembly a new Law embodying all the bits and pieces, and placing the entire Law under one legislation. In fact this what should happen to most of our Laws, after every period of ten years and upward whenever there is the need to put all the bits and pieces together, we should produce a new Law. Furthermore new printing would have to be undertaken and rather than having to print the old law it was just as well to have the new Law printed.

HON. V. G. JOHNSON (CONTD.): Members will see that this new Law has embodied exactly the provisions in the present Law. There has been no variations whatsoever - we don't know whether Members will want to question any of the present arrangements; it is entirely up to this Honourable House, but the Bill is being put forward in exactly the same form as it now stands, only that it is embodying all the amendments into one new Law. And so, Mr. President and Honourable Members I would ask that favourable consideration be given to the Bill - it shouldn't be controversial since it is just the matter of rewriting the old legislation, putting it into the Law. I therefore recommend the bill for the favourable consideration of this House.

SECONDED BY HON. D. V. WATLER.

QUESTION PROPOSED: BILL OPEN FOR DEBATE.

MR. G. CRAIG BODDEN: Mr. President, Members, the Memorandum to this Bill seems to suggest that it is being rewritten for departmental reasons only. To me it seems to be rewritten for revenue collection more than anything else. The amendment made in this new Bill will bring forward the date when the travel tax will be collected from tourist ship passengers from August 1976 to the first of January, 1977.

A few months ago when this cruise ship tax was brought before this Assembly we were told in no uncertain terms that this tax would not affect until August, 1977, may be I am wrong until August 1976, now that date is being changed. The reason why I am raising this objection is because it is my contention that the manoeuvring of dates in the introduction of these Laws has now taken on great proportion. In another Bill which will come before this House in this sitting, we have another classic example of the manoeuvring of a date. A Bill which will normally be a revenue collecting Bill, and which hereinbefore had always come into effect immediately, will now come into effect until March, 1977. What is the reason for putting the date in that Bill and referring to the Motor Indemnity Bill, why is that date being set for March, 1977, why is this date being set for January, 1977, rather than August, 1976 - why - well I have my strong feelings on why for both Bills. The reason is in the case of th Motor Indemnity Bill .....

HON. W. W. CONOLLY: Mr. President, on a point of order the Motor Indemnity Bill is not before this House, Sir, and reference has been made and I don't see it on the Order Paper today.

MR. G. CRAIG BODDEN (CONTD.): Mr. President, I have a right to draw a comparison - the Member should study his rules of order of debates.

MR. PRESIDENT: I think the Honourable Member may draw a comparison for the purpose of illustrating the point he is making in his debate, but shouldn't go too far in going into the subject matter of another Bill.

MR. G. CRAIG BODDEN (CONTD.): Yes, Mr. President, I am only trying to show that there has been a manoeuvring of the two dates in these Bills, and I am against that manoeuvring. Why cannot this travel tax - this cruise tax which was approved by this House with the understanding from the Member responsible that it would come into effect in August - why is it being shifted until after the next election - why is not the Motor Indemnity Bill coming into effect as soon as this Session is over rather than being shifted until after the next election - the reason for it is that if these two measures should prove unpopular the public will not be able to retaliate by removing the Members who pass these Bills, because the effective date has been so far in the future that the election will be gone, and it is wrong to have this political manoeuvering enter into revenue collection Bills. This House undoubtedly would not have approved this cruise Tax Law when it came up some months ago if the Member had then told us that it would be so far advanced into the future - that it might be nearer to judgement day than to

MR. G. CRAIG WODDEN (CONTD.): the day of the passing of the Law.

The Travel Tax Law as a whole has been rewritten almost word for word as in the old Law together with all the amendment, but the Memorandum says that it is sought to save public expense by rewriting it at this stage, why at this stage, why not when we did the amendments a few months ago, why was not the Law rewritten then, if the idea was to save the public expense, why was not the Law rewritten then, this looks like the work of children - the idea for rewriting this Law is not to save the public expense, but to put the date of effectiveness to January 1977. So, Mr. President, again I will have to support the Law generally, but I will seek an amendment that the effective date of this Law will be as was stipulated some months ago, August, 1976, rather than January, 1977.

AT 12:50 P.M. THE HOUSE WAS SUSPENDED
AT 7:30 P.M. THE HOUSE RESUMED

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Continue the debate on the Travel Tax Law.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise to make my comments on this Bill. I did not intend to speak on this Bill, but as I listened to the debate I was prompted to say a few words. I can assure you that what I am going to say may sound foolish in the ears of many, but at the same time it gives us food for thought.

I support this Bill, Mr. President. It seeks for a further amendment for departmental revenue which this Law will be used under. This Bill if it is made a Law is only seeking the amendment of the travel tax - a Law to repeal and replace The Travel Tax Law 1 of 1965. I say this if we do not make it known to the shipping agents of ships coming to these Islands, that a travel tax is imposed on passengers arriving here from off cruise ships, we will find ourselves in trouble, as other Islands who have had some trouble of that nature.

The itinerary of cruises are made up for over a period of months, and if the rates are not fixed so that passengers going on those cruises can know before leaving the U.S.A. or any other country, that they have to pay a travel tax on arrival here - we will find ourselves like other countries who have placed their travel tax without notifying the agents of cruise ships, and I feel that at this time we are only doing something that is very essential, as other countries have stepped up on their travel tax, because the recession has brought on a lot of cost-of-living in various places in the world, and I think that it is no more than right for legislators in this country to open their eyes and face facts. I thank you, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support The Travel Tax Law, 1976. There will be an amendment when we get to Committee Stage that I shall recommend. I have found this Bill and its rates to be very reasonable when compared with the charges that are made in other territories in the Caribbean and the U.S.A. As a matter of fact we are very favourable when compared with some of the other territories - Jamaica for instance they are charging five dollars - they are charging four dollars plus eighty cents for everytime the aircraft lands in Kingston - the Dominican Republic they are charging three dollars - the Bahamas three dollars, so I rise and give this Bill my full support, Sir.

MR. JOHN J. JEFFERSON: Mr. President and Honourable Members, I rise to speak to the Travel Tax Law, 1976.

I am somewhat surprised to see this Law before us, I am even more surprised to hear the Member a few days ago tell of the rise in the percentage of tourists in these Islands for the past season. I heard an officer of Government sometime ago at a graduation, and he spoke about education and he said that education was a very expensive

MR. JOHN D. JEFFERSON (CONTD.): process, but he didn't stop there he said that if you think that education is expensive try ignorance. Now, Mr. President, this particular Law that we are dealing with here today - some months ago some of the people that you termed self-appointed leaders were taking this to their constituency, and saying that your Legislators have increased taxes on the tourist and the ships are not coming back anymore. You see if I could sit back in a community such as ours, if I could sit back in the capacity that I serve in today and ignore such statements, then I believe I would be failing in my job as an elected Member of this House to fully guide the people and to help them to realise the movements of deception that have been spread by a few people in this territory.

When I look at the Law before me just a few days ago I was in the United States, my little three year old son, and he and I both paid three U.S. dollars for our departure, a total of six dollars, for myself and my little three old son, and here we have before us today the Travel Tax Law and the amount requested as far as I am concerned is a very nominal amount. I think that it shows very plainly to me and it ought to for everybody that the people, or the Government of these Islands are aware that tourism is our greatest commodity - the the tourist industry contributes a tremendous amount to the economy of the Cayman Islands. Let me go further than that, Mr. President, but let me go on record as saying this that every Legislator within the walls of this Chamber, I believe is aware of the fact that anything that can be done to encourage tourism in these islands ought to to be done, and will be done by us. The point that somebody gets up and tells the public that they raised taxes on the tourists so that the tourists say that they are not coming back on the ship anymore - and it's same like only since then that the tourist ships have been really calling into these Islands. The tremendous amount of people that are being put out here every week. It goes to show, that people will stop short of nothing in the way of deception, and it goes without saying that my job that of informing our people is a greater job, a bigger job, a harder job, but true to it with God's help we shall be.

The date fixed - the statement was made by the Member last year I think it was when this first measure was introduced - he said that in the travel on cruise ships that the tax is always buried into the fare, in other words I buy a ticket for say three hundred and fifty dollars for a four day cruise in the Caribbean and in that three hundred and fifty dollars my tax is embodied in that amount, so that is the reason why Government cannot say tomorrow we are going to bring in the travel tax on the ships tomorrow - as because it would be unreasonable, and two it would show irresponsibility - we are not here to kill the goose that layed the golden egg - we know, Mr. President, that we have never had an opportunity, or the people of these Islands have never enjoyed the comforts, never enjoyed the standard of living that they enjoy today since this country has been catering to tourism. The day fixed will be effective January, 1977, I can't see how that is going to effect election, I don't believe those people getting off that ship are going to vote - if I thought they would I would take them all to West Bay, but Mr. President, I've got enough people in my own constituency that are capable of doing all the honours that a leader like me would like to see done, and that is to be reelected into a third term representing the District of West Bay - a well informed district.

I rise and support this Travel Tax Law - I see nothing in it that I would object to, as far as I am concerned it is straight-forward, and as far as I am concerned I support it in full. Thank you very much.

HON. W. W. CONOLLY: Mr. President, I rise to support this Bill before us; The Travel Tax Bill. And primarily to answer some of the questions that have been posed primarily at the Member responsible for tourism.

I would like to point out first of all, Mr. President, this is a revenue Bill and the Finance department is wholly and solely in charge, nevertheless it effects, as the Honourable Member for West Bay said tourism, and naturally I should like to make my few remarks.

HON. W. N. CONNOLLY: It is true, Mr. President, that some months ago this House was asked to make an amendment to the Travel Tax Law to include cruise ships passengers. This came to the House late last year, and by the time that the Law was passed and notification made to the cruise liners, it was brought to the attention of the Department of Tourism that itineraries for cruises had already for the full year of 1976 been posted. This affected primarily the Norwegian Caribbean Lines that bring in a weekly cruise to George Town, Grand Cayman. Under the Laws of the United States it would have been impossible for the cruise ship lines to make additional charges - they would be open then for law suits, and as such it was evident that if the Government has insisted on bringing this into force on the 1st of August, that the company would have had to pay quite a sum of money which they had not accounted for. Representation was made, and looking after the cruises and the number of passengers that would have been affected it was thought best, and recommended that this should be extended to January the 1st, 1977. I would like to say to the Member who has some idea about this decision being influenced by an election, that that was not the case, because I believe as the Member for West Bay has said that the cruise ship passengers coming here do not vote in an election. I am sure today that when this is properly explained to the public of Grand Cayman, I cannot see this as being an election issue.

It would be interesting for Members to learn that itineraries for 1977 have been published. I was talking to the general manger who is agent for shipping line in the Island here, and when he got a programme stating December 31, 1977, he himself was not certain whether it was 77 or 76, and he called back the company to be reconfirmed that it was 77. I have in this file here now the itinerary of cruise ship calls to December, 1977. This is unfortunate, I am just as much anxious and I am sure the Honourable Financial Secretary would be equally anxious to collect this additional money. On the other hand one has to be fair and reasonable with requests in this manner. This, if it was put into effect on the 1st of August, 1976 would have affected the Southward, which is Norwegian Caribbean Line ship and one or two other calls from some other ships. The main programme for the 1977 season will be examined, and I look forward that from the requests and programme so far that we can anticipate quite a reasonable amount of revenue from this source.

I believe the Member for Cayman Brac expressed a fair review of charges made elsewhere. I know today that in the Bahamas it is three dollars per person for adult and one dollar and fifty cents for a child, regardless of the age. So I think that the charges that are made in our legislation here, or is proposed, I believe is fair, and I will assure Members that despite the fact that there has been some comments from some of the cruise lines about this tax that this will in no way deter anyone from coming to the Island.

Another point I would like to bring in this - that the collection of these fees will be an administrative matter and as usual in most cases, and in most circumstances the cruise liner will remit this amount of money to the Treasury direct. Some people went on the platform saying that it would be standing on the dock collecting from individual tourists - this is not the way in which it will be done - a fee of two dollars per person is charged and the agent of the cruise liner - if the cruise liner brings in seven hundred and fifty passengers into George Town, the agent of the cruise liner will forward to the Government the sum of fifteen hundred dollars - a cheque for fifteen hundred dollars U.S. This is collected from the tourist in an indirect way, in truth and infact the tourist doesn't know whether he pays two dollars tax in Cayman, or a three dollar tax or a five dollar tax, without he sees it written some place, all he knows that when he books a cruise he is charged three hundred dollars or four hundred dollars, or five hundred dollars as the case may be for six days and seven nights as the case may be, and stopping at Grand Cayman, stopping at Cozumel, stopping at Kingston and stopping at Panama wherever it is, the details are not worked out and the company then in turn will remit to this Government two dollars U.S. per person

HON. W. W. CONNOLLY (CONTD.): tax. In the advent of us improving our docking facilities in George Town - I think it was only wise and sensible that the Government should try to collect as much revenue as is reasonably possible. I look forward that when the dock is completed that certain amenities be prepared in that development to make better facilities for the landing of these cruise passengers.

Mr. President, I believe that this Bill will, at least have all the rates and have all of the charges dealing with travel tax, whether the person is going out by air or sea in one piece of Legislation and I can see no real objection to us having this, I feel like again the rates are reasonable and I feel like us extending this to the 1st of January, 1977 was a most reasonable request, and a most reasonable action to have been taken by a reasonable Government. Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak on this Motion. If there are no other speakers, I'll ask the Honourable Mover to wind-up the debate.

HON. V. G. JOHNSON: Mr. President, Honourable Members, there isn't very much I can say in winding-up, other than to thank Members for their support of the Motion in presenting this Bill.

The few points which I would have spoken on was taken by the Honourable Member for Tourism, and so it leaves really nothing for me to say other than to ask Members that when we move into Committee Stage to study the Bill clause by clause that we accept the recommendations contained in the Bill, and if there are any suggestions to be put forward that we will listen to the recommendations at that time. Thank you, Sir.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

MR. PRESIDENT: Proceed to next Bill on the Order Paper.

THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW

CLERK: THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW - INTRODUCTION AND FIRST READING.

MOVED BY HON. G. R. WADDINGTON

SECONDED BY HON. D. V. KAYLEN

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

CLERK: THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW - SECOND READING

HON. G. R. WADDINGTON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled The Juveniles (Joint Trial With Adults) Law.

This is a very short Bill, Mr. President and Members, and frankly it must be admitted that when The Juveniles Law was being considered, when the Bill for that Law was introduced that some provisions should have been made in that Law for the situation which this bill is seeking to provide for, but due to an oversight that was not done.

The Juveniles Law, I think has been considered as being a very good Law, and it wasn't considered advisable to tamper with it by amending it, but rather that the situation could be met by a separate Law to deal with the question of the trial of persons in which adults and juveniles were jointly charged. As the situation now stands it would mean that if there was a joint charge against the juvenile and an adult for instance if a juvenile and an adult were engaged in committing a criminal offence such as, perhaps burglary, or any other offence which could be committed by more than one person acting in consort together, the juvenile would have to be tried in the juvenile court and the adult in the adult court, the Magistrate's Court or the Grand Court as the case may be, and that would mean

HON. G. E. HADDINGTON (CONTD.): A duplicity of efforts, two separate trials, would/attendance and convenience and expense, and so the purpose of this Bill is to enable an application to be made to the Judge of the Grand Court in any such cases, and the Judge of the Grand Court will have a discretion to order a joint trial of the adult with the juvenile. It may be that the circumstances might be such in which the judge might consider that in the interest of the juvenile that there should not be a joint trial, and the juvenile should be tried separately in the juvenile court, as as section 3 is worded it gives the court the discretion having regard to the circumstances of the case to order a joint trial on application made to him.

I hope Members will not find this Bill controversial, and I therefore commend it to the favourable consideration of Members.

SECONDED BY HON. D. V. WATLER

QUESTION PROPOSED: DEBATE ENSUED.

HON. G. HAIG BODDEN: Mr. President, Honourable Members, I am positively against this Bill.

One may ask what is the purpose of having a Juveniles Law at the present time, which makes provisions for the trial of juveniles in a special court under special conditions where the events of the trial are kept out of the press - if we are going to take this right away from the juvenile. This Bill is not fair to the juvenile - it is true that if it is necessary to have to separate trials there would be, as the Second Official Member has said - there would be a duplicity of efforts - there would be additonal cost, but what is this to protecting the rights of the juveniles. Why do we now seek to protect the juvenile in the instance of lesser charges if we are going by this Law to expose him to publicity for the more serious offences, because this Law is especially to deal with where the juvenile is jointly charged with an adult with any criminal offence. As it stands now a juvenile charged with say a little misdemeanor, would be privileged to have his trial in the privacy of the juvenile court, yet/he was charged with a more serious offence this Law would expose him, not only in open court, but he would be at the mercy of the press and the radio, so if we today accept this Bill which is before us we would/destroying everything that was good in The Juveniles Law, which has been for a long time accepted by this Assembly, by the Courts, by the people of these Islands as a good Law. We would today be destroying everything that the Probation Officers, the Court Officers, the Justices of the Peace that sit in the juvenile court - everything that they have fought for for the protection and the right of the juvenile - we would now be exposing this to public scrutiny, and it is wrong.

It is true that children from time to time have been subjected to this type of treatment - every student of history will know that it was a common thing to work children in the mines in the United Kingdom, several hundred years ago, but it is not right. Now this Law says it that in a case where the juvenile is jointly charged with an adult application can be made to a judge for the mode in which the trial should take place. However, why should the juvenile be jointly charged in the first place. Why cannot separate charges be brought against the juvenile and separate charges against the adult, and then there would be no need to approach the Judge in Chambers for his discretion as to where the trial or in what manner the trial should take place. It seems to me that we are amending the wrong Law, may be this was an oversight, or may be it was just an error, but it does seem to me that we are amending the wrong Law. We should be amending some other Law, perhaps one in the Criminal Code whereby that Law would read that if the juvenile was involved in an offence with an adult that each one would be charged separately. It follows quite easily that if there is an offence committed by an adult and a juvenile that the adult in the case would more or less be the leading personality in perhaps nine out of ten cases you would find that it was the adult who had brought the juvenile into whatever criminal offence was committed.

MR. G. KNIG BODDEN (CONTD.): Now in section 3 of this Bill provision is made for application to be made in chambers for the order of a joint trial, but instead of the application being made in chambers it should read that the joint trial, if any should be conducted in chambers, but section 3 does not make that possible, it leaves it to the discretion of the judge to decide whether the trial would be a public trial or a private one, of course the judge is bound to take into consideration the welfare of the juvenile and the necessity of doing justice in the case. So, Mr. President, I cannot support a Bill that would expose the juvenile to open trial with an adult regardless of the circumstances. If we are going to give consideration to juveniles when they are brought before the court for the lesser offences whenever they are charged with criminal acts we should extend those same version to the juvenile, particularly in a case where the juvenile is charged with an adult, because the adult could easily have an over-powering affect upon this juvenile in bringing the juvenile into the criminal offence in the first place - there might be the exception where the juvenile was the instigator, but that would be a rare case and so, Mr. President, I could not support this Bill, because it would destroy whatever little good has been done by the good Juveniles Law which we have heard about for so long, and it would destroy the good work of the Probation Department, it would destroy the good of the Welfare Department, it would destroy the good work of all those who have to do with the guidance of children, it would a blow to juveniles in this Island, and I don't see any need for striking such a blow at this time, when it has now come to light that the best way to deal with crime is to try to prevent it at a time when we realise that when juveniles get in trouble they should separated as far as is possible from any criminal influences there may be, at a time when the whole world recognises that we should not spend the taxpayers money twice - we should not spend a little bit on the juvenile to take care of his misdemeanors and then put him along on trial with a hardened criminal, and put him into custody and haul him before the court in conjunction with an adult, and then we make a confirmed criminal out of him, and then we spend a lot of money, so in effect we have spent the taxpayers money twice with out effect at all.

This Law is wrong, in fact although not as long as some of the other Bills that I have seen, it is by far the greatest blow. So whatever is right and whatever is just, if our Juveniles Law is such a good Law that our Legal Department feels that it should not even be amended, it should not even be tampered with, why do we strike this blow to that Law, this Law would upset the whole applicant it would bring disgrace upon our treatment of juveniles - this Law is totally wrong in its concept. I heard an Executive Council Member this morning talking about communism and socialism, I don't know what ism he will apply to this Law, but there is some ism, there is some evil ism that is applicable to this Law, because it is evil in all its respects, and parents and responsible leaders should not sit by and allow such a thing to happen, because you have a juvenile charged with his very first offence in conjunction with a hardened criminal - brought before the courts exposed to all the publicity, all the poisonous pens of the press, all the harassing influences of the radio, all of the atrocities of the police, all of the evils that man could make up, and this would be entirely wrong - this is a new concept - this is foreign to our way of justice, perhaps there are statistics to show that a similar Law exist in the Gambia or some place like that. There will probably be precedence for it in some of the other Carihbean Islands, but this is a foreign concept to our way of dealing with children, who perhaps because of lack of parental guidance have fallen into mischief, have gotten themselves in with evil companions.

For many years we recognised the right of a juvenile to be treated as a juvenile. There were times many years gone by when, regardless of age the child was treated in court, was tried in court like an adult, but our legislators in the years gone by became aware of the problems that existed and they brought legislation that drew a clear distinction between the treatment of a juvenile and the treatment of an adult, and yet we today in this enlightened twentieth century, in this year 1976 are seeking to destroy all that was good in the system of justice which prevailed. We see that for the purposes of this Law an adult means a person who has attained the age of seventeen, even that is a very tender age, perhaps that

MR. G. HAIG BODDEN (CONTD.): confirms with some of our other Laws, and that interpretation of adult comes from some other Law, but even that is a very tender age to be considered an adult for the purposes of this Law - so a juvenile would be a person who is below the age of seventeen. This is a matter that should not be left to the discretion of the court, this is not a matter that should be decided by one judge, regardless of how fair-minded he may be, we must not only think about our present courts, we must remember that judges come and go, but our juveniles remain with us forever - the judges can be biased they have been known to be binned and people in court do not always receive fair treatment. While today we may well be satisfied with our court, we must remember that judges come and go, and in a few years time we may be faced in courts with judges that are biased to a great degree. So such an important matter as deciding the fate of the juvenile should not hinge upon the discretion of a judge, no matter how fair-minded he may be - there is absolutely no necessity for this Bill to have come before this House, we have not been given a single statistic to prove the necessity for this Bill, we have not been quoted one single case, we have not given one report from the Law reports, we have not been even asked to remotely consider an instance in which necessity arose for such a case.

Mr. President, I totally oppose this Bill, this to my mind would be the worst act committed by this Assembly during the last four years if we were to tolerate such a Bill. I am sure if this Bill had been given the publicity on radio and the publicity in the press which it warranted that the galleries would have been full with parents crying out in protest to what we are here doing to their children. In our Island today, we have great steps taken by the service clubs, by Government organizations, by our Justices of the Peace, by our Magistrate in the Juvenile Courts, we have taken great pride to enhance the future of our juveniles, and yet we have brought the most disgraceful Bill that could ever be brought before a House, asking that juveniles be tried along with adults, of course this is contingent upon the good graces of the judge, but such a matter should not be contingent upon the personality or the discretion of the judge, this is too grave a matter to be the subject of an individual petition. This Bill does not even say who will make the application for the trial, the application apparently could be made by some evil person who hated the juvenile, it could be made by anybody - the application could be made to the judge apparently by anybody who has the power to make an application to a judge in chambers. This would be a grave injustice, this is a Bill on which I hope the President will be called upon to give his casting vote, as I see the House is quite evenly divided this afternoon, but if such a thing was called for I would say it would be the greatest opportunity ever given to any man to strike a blow in the name of justice for juveniles.

MR. JOHN D. JEFFERSON: Mr. President, I have no intentions in speaking very long on this very short Bill, except to say that as far as I am concerned although it is a very short Bill it does go against a principle to which I adhere. I therefore can assure the House that when it comes to voting I shall vote against this Bill. Thank you.

MISS ANNIE H. BODDEN: Mr. President and Members, if I was studying personal interest I would say it was a good Bill, but I am not, I am studying what is good for all and sundry, and to my way of thinking it is most unfair to take a seventeen year boy or girl before the court along with a hardened criminal. I will just quote the case of thin drug traffic - hardened criminals to my knowledge and to the knowledge of the majority of people, if they would tell the truth are using little children - when I say children I mean these teenagers to push their dope - they are doing/don't you worry - they might not be brought to justice, and if they are found out it might be a loop-hole somewhere where they can be hushed-up, but I am saying that it is a disgrace to bring a seventeen year old girl or boy, because both are being used, along with a hardened criminal before the court.

I must agree with my colleague from Bodden Town - not because he is a Bodden, but I think in this instance he is right -

MISS ANNIE H. BODDEN (CONTD.): to take a teenager before the court, and he, perhaps if the judge is favourably inclined he might get the benefit of the doubt - tried in chambers or referred back to the juvenile court, but ordinarily for him or her, because it could be a she too - in this drug traffic they are using all kinds of people - when they could be before the judge and they get to be exposed, and punished along with that hardened criminal. I oppose this to the hilt. Thank you, Sir.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise in support of this Bill. While reading the Memorandum of Objects and Reasons, and also listening to the Second Official Member's introduction of this Bill, I am quite sure that we are not placing our confidence in our Government when we sit here, or stand here and allow things to happen and we know that they are happening and nothing is being done about it.

Now a Bill is being placed before us to legislate where a juvenile can be jointly tried with an adult, and I feel that this is a move that will become very effective if placed into gear. It is a very short Bill, and I say this before I sit down, do not spare the rod and spoil the child. Thank you, Sir.

CAPT. CHARLES KIRKCONNELL: Mr. President, this is one of the most difficult Bills that I have had before me, and on which I have been asked to make a decision.

I heard a broadcast just last week which was alarming to say the least, on crime committed by eleven, twelve and thirteen year old children. These children suffered from broken homes, they were carried to juvenile courts, they were turned loose in society only to commit greater and bigger crimes - murders - rapes - armed roberies. On the other hand, Sir, some children, (and of course when we pass a Law we cannot make any exceptions), need to be given a period for corrective measures. I am therefore, Sir, of two opinions, and at this stage, Sir, I cannot say that I support nor can I say that I am against.

MR. JAMES M. BODDEN: Mr. President and Fellow Members, I am sure that the Members on the other side will be speaking on this - I cannot understand why they are so loath to get up, but I'll see if I can't touch them up a bit.

Mr. President, I have to join my sentiments on this Bill with what was just expressed by the Member from Cayman Brac to an extent. When I got this Bill I read it several times, although it is very short, and tried to rest with my conscience as to the best way to handle this Bill. I think at this point I have decided. I do not like to see precedents set - I have spoken against precedents being set by this House on many occasions in the past, and this is what scares me with this Bill - is that we will be setting a precedent that God only knows where it could end. I am very much concerned about crime, and it seems like crime is on the increase - not just in our little community, but throughout the world, and if this was a Bill when passed into Law you could wave a magic wand with it and get rid of your criminals, then I would support it. Unfortunately that cannot be done.

The next point is, in my opinion this Bill stands against all the age old customs and principles of justice as it was set down in our Law. We have always made a distinction between a juvenile and an adult. We have recently embarked on a campaign here to change just about all of the criminal code, and were rewritten into new Laws, and if I remember correctly in everyone of those Bills there was a certain distinction between a juvenile and an adult. We must not confuse the issue - a juvenile as listed in this Bill happens to be someone under seventeen years of age, an adult as described in this Bill is someone seventeen years of age or more. I believe that if it was possible for us to look into the minds of the people in our community at age seventeen and at age sixteen years and eleven months, we would find a very muddled thing to contend with. Most people of that age have not yet been able to differentiate and determine what is good from what is bad.

It is a very trying time in the life of any

MR. JAMES M. BOBBIN (CONTD.): youngster age seventeen, and I cannot believe that we would sacrifice all of our precepts of justice just to try and save money - that is the only reason I can figure that this is being done. If there was some good reason to prove to me that a hardened criminal of sixteen years of age had been turned loose, or received a very minor sentence because he was not tried with his accomplice who was nineteen years of age, I believe I would then vote for that Bill. But, Mr. President, should we reflect a bit we will find out that a lot of money has been spent foolishly, or what the public considers to be foolishly, in certain cases in which have happened in our courts in the last couple of years, so why should we try at this time to be covering that up and recouping that loss by trying to subject a juvenile to what I consider to be an injustice.

We have to stop and consider many things in this Bill. When we take a person who is considered to be a hardened criminal and we put him in the court room with a youngster who is not an adult, and subject him to all the different things that happen in that court room, as well as to subject him to a jury trial at that tender age, I think that we are following the paths of so many of these other countries that have lost all ideas of just where human rights began, and where they ended. You must stop for a minute and put yourself into the place of that youngster - I'll be frank with you if our courts were to use the power to flog some of these youngsters, I believe then we would be accomplishing something - I believe then we would be putting the fear of God in some of them, but when we see some people who sit on the judicial benches can have such distortion of ideas, I for one do not believe in giving this power. I could say may be I would vote for this Bill if it was reversed, and then that the Crown could bring a case before the judge saying we think it is best to try the two together, and then give the youngster the benefit of having his attorney go in and argue that it shouldn't be, but not to have it view versa to where he stands committed, he stands as a guilty person before he is ever tried. Mr. President, I do not know how anyone can dream up such ideas.

We are fostering a country in which we are trying to foster national pride, we are trying to get the service clubs to accept the responsibility that we feel is on the shoulders of the service clubs, and many of the service clubs are beginning to do a fairly good job to the community, why should we slap them in the face at this point. Someone spoke about having no confidence in the Government, I think that was ill-spoken because this is not a matter of having confidence in Government, this is having confidence in your law courts, because when this Bill is passed in the House here today, and I can see it will pass, then it is no more a Government problem, but a judicial problem and the two, thank God, are divorced in our community, so having faith or not having faith in Government at this point does not come into play. Mr. President, I would only hope that before the Members of this House vote on this today that they stop and really reflect because it is only for the mercy of God that many of us who sit may be in this Chamber have not been in the position when we were youngsters, and we also have to stop and think that as much as we would like to condemn it that our children and our grandchildren are becoming more susceptible today to things out of our control, which could make them eligible for a trial under this.

Mr. President, it is no secret what is happening in our community today in regards to drugs, and if I had an assurance or it was some way that I could be assured that a real battle was being waged against that, and that if we tried the teenagers with the adult that we would rid this country of drugs, Mr. President, I would support this wholeheartedly but as long as we continue to have people in authority who drag their feet and do nothing then, Mr. President, we are going to get more and more criminality, we are going to get more and more of our youngsters, we are going down the path of destruction. If ever a time was needed in our country, when every adult in this country should put his shoulder to the wheel, and realize that he owes something to this county and trying to turn it around, and trying to be of some help to these youngsters. Mr. President, now is the time, and this Bill

MR. JAMES M. BONNER (CONTD.): is not the thing that is going to deter crime, or is going to help those youngsters. So I ask the Members before they vote on this, remember that we were youngsters at one time - could have been tried under this and there for the grace of God may be would have gone each and every-one of us. Thank you, Sir.

HON. W. W. CONNOLLY: Mr. President, I have been getting a lot of shocks in this Legislature, but I must confess that I have been extremely shocked that such a short Bill would have run in such heated and lengthy debate.

Now, Mr. President, as has been said by the Honourable Mover of this Bill that this Bill makes provisions for the trial of a juvenile with an adult jointly. We have heard quite a lengthy and touching debate on this Bill but, Mr. President, my interpretation and my opinion on this piece of legislation is this, and I asked myself one question, will this legislation, this proposed legislation add to the effectiveness of justice in these Islands, and I believe today, Mr. President, that we are here as individuals and as a body of Legislators to enact legislation to carry and to see that the machinery of justice in these Islands is better carried out. This in my opinion does that very thing. It gives the judge of the court the opportunity on an application made to him to investigate the matter, investigate the charges and to see and determine whether or not that justice can be better done and better carried out by a joint trial or not.

The point has been raised here that we are exposing our juveniles to hardened criminals - this Bill doesn't say anything about criminals; if I read this correctly it says that: Notwithstanding the provisions of any other law, when a juvenile and an adult are jointly charged with any criminal offence - he didn't say that the adult was a hardened criminal. It could a person who had been on trial for the first time, or who had been charged for the first time, and in so many cases and I am not going into this, Mr. President, because I believe that the learned official who moved this Bill is quite capable of explaining the intricacies of the Law and the circumstances under which that circumstances do arise where that justice is not done because of the fact that the juvenile was not charged, or could not have been charged in the same court.

I feel today that in our particular instance, (and it is something that has been said here over and over again) - it has been stressed about the concern over dope, the traffic of dope and what not, and here we are today just in one instance, suppose it happened that there was an adult and a juvenile charged with a criminal offence of having or using, or in the possession or selling or something of dope, and if this particular legislation was not in force the Crown might be in a position of not being able to prove a case, and there you have an adult person going free. This is an instance where I think Legislation like this is necessary, and I don't want to be sounding and be Lerned that I don't have any consideration or sympathy for the juvenile, am as much sympathetic to a young person as anyone I suppose could be, but on the other hand I don't think today that by allowing the machinery of justice to breakdown for the simple reason that there was no legislation here to charge this juvenile jointly with an adult, I would be doing my country a service.

I feel today that applications under the rules of our courts can be made to the judge, and I feel today that despite the criticisms made of the machinery of justice and what not in this Island, that we do have a system of justice here. Our Judicial System today is capable of deciding when an issue requires the joint trial, and I think we would be tying the hands of the prosecution, we would be tying the hands of the judge and we would be doing our society an injustice if we did not have some Legislation like this on our books. It is very well for us to come here as legislators and say we blame the police, we blame this one and we blame the other one, and when you go right down to it and look after it you find that there is some fault, there is some lacking, not sufficient evidence - a lot of heat-say - but no one will come forth and produce the evidence to make the conviction conclusive, and I believe that this is the most important part in looking at this, I think that if this in our legislation there can be no way that , or there can be no loop-hole for an adult who has jointly committed

HON. W. W. CONNOLLY (CONTD.): a crime with a juvenile getting away.

Again I think it is very clearly stated that this application will be made to the judge in chambers to begin with - it is not an open court - it says that he may order a joint trial upon such terms and conditions as he may decide to impose having regard both to the welfare of the juvenile and the necessity of doing justice in the case. It could very well be that the matter is such that the judge might feel like it would be more disadvantage to the juvenile than it would be to/given justice, and I feel that he has to have this flexibility in order to produce what we would like. I know that there is great sympathy for the young people, I know there is probably a lack of things to do and how to do them and what not, but on the other hand we know today that in most countries of the world, and even in our own country we cannot feel, I would say satisfied that a lot of very serious crimes are being committed by younger people. I was reading here recently in a neighbouring Island where a juvenile - a boy thirteen years old was shot in a shoot out with the police and he had as his arm a sawed-off shotgun - here we have a case where a thirteen year old, a very tender age of thirteen was committing a very serious crime. First to begin with to have had this weapon and secondly was out in the shoot-out with the police - could it be anything worse than that.

I would feel today, and I would hope that Members here would look after this in a different light and whatever is done here in this legislation I think it is directed more to helping the juvenile, rather than hurting them, and I believe that without this our community would be worse off. I am sure that the Honourable Second Official Member is capable of dealing with the points that have been raised, and I am sure that Members will look at this favourably and I am sure that they are going to support it in the end. Thank you, Mr. President.

HON. A. B. ROSE: Mr. President and Honourable Members, I am one too who never thought that I would have to speak on this and try to convince Members that it is a piece of legislation worthwhile having, but I see that I have to because I have some criticisms on it - condemnation of the whole Bill.

There is no doubt in my mind, Mr. President, that something like this is needed because although we are concerned about the juveniles, and I can appreciate the Members' concern for juveniles, but I think also that we have to be concerned about justice being done, and it could be that a juvenile along with an adult, committed a crime that probably the juvenile is much more guilty than the adult himself, and in such a case you would need legislation like this to enable the judge of the courts to have a joint trial, otherwise he might go free, because I don't think that you could take the juvenile's court evidence and use it in the adult court. I think it probably would have to be a joint - something in one court, and I think Members ought to realise Government's concern also for the juveniles because they also have a special law for juveniles, as well as they have for the adults and the hardened criminals.

We hear statements made that juveniles are used for doing this and doing that - but what about if the adult is used by the juvenile to do the other - this could very well be with the type of juveniles that we have today, and there is no doubt in my mind, Mr. President, that we need this and I would say to Members you had better have another look at it and reconsider it and say yes to it, because as is seen in the Bill an application will be made to the judge in chambers, and unless this is made the judge certainly will not order any joint trial of the two, and whenever this is made this gives the judge then the discretion to say whether it should be a joint trial or not, and I don't think its any harm at all that can be done by having something like this, I think it is very much, Mr. President and Members, in the interest of justice here in our Islands in present day happenings. Thank you very much.

MR. PRESIDENT: If there are no other speakers I'll ask the Honourable Second Member to reply.

HON. G. B. WADDINGTON: Mr. President, Members, I am sympathetic to the Members who spoke against this Bill, because I realise that without some legal training it is really difficult to appreciate the legal points involved in this Bill.

A lot of emphasis has been placed on the question of the poor innocent juvenile and that this Bill is one which will mitigate against the provisions that now exist in the Juveniles Law to protect a juvenile from a trial in a court other than a juvenile's court. But the other side of the coin should be looked at and has apparently been completely over-looked by the Members who spoke against this Bill. I should At this stage state that I am not very familiar with the Laws of the Gambia, but I am very familiar with the Laws - Criminal Laws and Procedures in most Commonwealth/ Common Law jurisdiction including the United Kingdom, and this provision can be found in the Juveniles Laws of everyone of these jurisdictions, so we are not by any means making precedents in making this provision by this Bill.

The reason for it, Mr. President, is this; that there are some offences which are committed in consort by two or more persons, and when you have an offence of that nature it is necessary that the charge be laid jointly. The charge cannot be brought separately because it is not a separate offence, but a joint offence, and were there not provisions for allowing joint trial it could well be that the administration of justice would be completely negatived because neither person, or none of the persons involved in such an offence could be tried except in a joint trial.

The famous case comes to mind, Mr. President and Members, of the murder some years ago in Crighton, England of a policeman who was investigating a case of shop breaking in the city. He was climbing up a ladder to get up on the roof where the perpetrators were. On the roof there was an adult and a juvenile, the juvenile armed with a gun and as the head of the policeman got over the roof the adult shouted to the juvenile "let him have it." The result was that the juvenile shot at point-blank and killed the policeman. Now the irony of that trial was this - or I should say that unless there was this provision as there was and is in the Juveniles Law of England - that adult could not have been tried jointly with the juvenile - the juvenile of course could have been tried for murder because he was the hand - the finger that pulled the trigger, but the adult would have gone scotch-free, and the irony of the trial was this, that not only did the adult not go scotch-free, but he/himself whilst the juvenile had to receive a sentence of imprisonment, he couldn't be hanged because he was a juvenile. So, Mr. President and Members, that is the type of case that this Bill is designed to allow for.

With regard to the criticism that was made about exposing the poor little juvenile to the rigors of the press and the radio, and the other media in court, Members need not concern themselves very much with that, because in one of our new judicature laws which we passed quite recently - Criminal Procedure Code - section 9 provides that in any case in which the court thinks fit, the court may at any stage of the trial order that the public generally, or any particular person shall not have access to or remain in the room or the building used as a court. So that if in the opinion of the court the circumstances were such in the interest of the juvenile render it necessary to clear the court-room that could be done, and there would be no question at all of the juvenile being prejudiced by any publicity.

The term was also used about the atrocities of the police, but if the juvenile had happened to have been in custody, then under the present Juveniles Law he must be kept in a place in the prison separate and apart from other prisoners - adult prisoners.

The age of seventeen years was mentioned for the definition of an adult - that is to bring it in keeping with the definition of juvenile in the Juveniles Law, which is a person under the age of seventeen, so it follows that for the purposes of this Law an adult must be a person who has attained the age of seventeen.

So by and large, Mr. President and Members, it seems to me that the Members on the other side are making much heavy weather

HON. G. E. WADDINGTON (CONTD.): about this simple little Bill. A little Bill which will bring our Law in keeping and in line with that of all other up-to-date Commonwealth, and Common Law Jurisdictions, there is no precedents about it whatever, and unless this Bill is passed there will be a loop-hole in our criminal legal system whereby hardened criminals can, in certain circumstances, escape punishment. And so, Mr. President and Members, I hope that this explanation will serve to dispel the fears which apparently exist in the minds of the Members who have spoken against the Bill - fears which in my humble opinion are entirely nonexistant. I recommend the Bill, Mr. President, to the favourable consideration of the House, and I hope that the Members who are doubting whether to vote for or against will have their fears absolutely dispelled, and will vote in favour.

QUESTION PUT: AYES AND NOES: THE AYES HAVE IT.

MR. G. HAIG BODDEN: Mr. President, just before we move on, could we have a division on this.

DIVISION

AYES	NOES
HON. D. V. WATLER	MR. JOHN JEFFERSON
HON. G. E. WADDINGTON	MISS ANNIE H. BODDEN
HON. V. G. JOHNSON	MR. JAMES M. BODDEN
HON. A. B. BUSH	MR. G. HAIG BODDEN
HON. T. FOSTER	
HON. W. W. CONNOLY	
MR. CLAUDE HILL	
7	

ABSTENTION: CAPT. CHARLES L. KIRKCONNELL 1

MR. PRESIDENT: I am in Members hands - we can go on to the next item on the Order Paper, or if Members that its too late then to another business, we could take the adjournment, entirely as Members feel.

MR. JOHN JEFFERSON: I would so move, Mr. President, that we take the adjournment until tomorrow.

SECONDED HON. D. V. WATLER.

ADJOURNMENT

QUESTION PUT: AGREED.

AT 4:40 P.M. THE HOUSE ADJOURNED UNTIL
TUESDAY MORNING THE 22ND OF JUNE, 1967
AT 10 O'CLOCK.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY
TUESDAY, 22nd JUNE, 1976
(FOURTH DAY)

Present were:-

His Excellency the Governor - Hon.Thomas Russell,CBE., - Presiding

GOVERNMENT MEMBERS

Hon. D.V.Watler, CBE.,JP	First Official Member & Leader of Govt.Business
Hon.G.E.Washington,CBE.,QC.	Second Official Member, Attorney-General
Hon. V.G.Johnson, OBE.	Third Official Member, Financial Secretary
Hon. A.B.Bush,J.P.	Member for Works, Communications and Public Transport
Hon. Trevor Foster	Member for Co-ordination and Information.
Hon. M.E.Connolly,OBE.,JP.	Member for Tourism, Lands and Natural Resources, MNCC.

ELECTED MEMBERS

Mr. John D.Jefferson	First Electoral District, West Bay
Miss Annie E.Bodden	Second Electoral District. George Town
Mr. Claude M. Hill	Second Electoral District, George Town.
Capt. Charles L.Kirkconnell	Third Electoral district, Lesser Islands.
Mr. James M.Bodden	Fourth Electoral District, Bodden Town
Mr. G.Haig Bodden	Fourth Electoral District, Bodden Town
Mr Craddock Banks	Fifth Electoral District, North Side.

ABSENT

HON. BENSON O.EBANKS	- Overseas for Medical attention
MR.T.W.FARRINGTON,CBE.,JP	Absent with permission

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 22nd JUNE, 1976

(THIRD DAY)

1. QUESTIONS:-

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES.

What is the amount expended on the Cadastral Survey Project to the 31st day of May, 1976?
What part of this amount has been paid by this Government?
What amount of this has been contributed by the British Government?

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

(a) What was the Contract Price for the Dock?
How much of the amount has been paid to the 31st May, 1976?
Is it correct that part of the extension seaward has been curtailed and/or reduced by 100 feet less than the original plan?

(b) Will Government endeavour to see that the surroundings of the new Court House are kept in a better condition than at present?

(c) What is the cost of the diversion of the Road at Red Bay/South Sound area?

(d) What is the reason why the road improvement has apparently been stopped?

2. GOVERNMENT BUSINESS:

BILLS

(i)	The Currency (Amendment) Law, 1976	- Committee thereon
(ii)	The Animals Law	Committee thereon
(iii)	The Matrimonial Causes Law	Committee thereon
(iv)	The Public Loans Law	Committee thereon
(v)	The Travel Tax Law, 1976	Committee thereon
(vi)	The Juveniles (Joint Trial with Adults) Law	Committee thereon
(vii)	The Motor Drivers' Indemnity Law	TO BE WITHDRAWN

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
THE CURRENCY(AMENDMENT) LAW, 1976 COMMITTEE THEREON	3
THE ANIMALS LAW, COMMITTEE THEREON	8
DIVISION	14
DIVISION	21
DIVISION	50
ADJOURNMENT	56

TUESDAY, 22ND JUNE, 1976

10:00 A.M.

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

QUESTIONS

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES.

What is the amount expended on the Cadastral Survey Project on the 31st day of May, 1976?
What part of this amount has been paid by this Government?
What amount of this has been contributed by the British Government?

ANSWERS: The total amount expended in the Cadastral Survey Project to the 31st of May, 1976 is CI$751,000.00.
The Cayman Islands Government has contributed the agreed 30% of the total, i.e. CI$228,510.00.
The United Kingdom has contributed the agreed 70% of the total i.e. CI$531,190.00

SUPPLEMENTARY:

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask the fourth elected Member of Executive Council, does this amount include the cost of maps, office work, salaries etc. or is that under another head?

HON. W.M. CONOLLY: This amount includes the total cost up to the 31st day of May, 1976.

MR. PRESIDENT: We'll pass on to the next question.

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

What was the Contract Price for the Dock?
How much of the amount has been paid to the 31st May, 1976?
Is it correct that part of the extension seaward has been curtailed and/or reduced by 100 feet less than the original plan?

ANSWERS: $1,056,730.66
$1,340,079.00
No.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: Would the Honourable Member please advise us how much of this work has been done - what percentage of the work has been done through this date?

HON. A.B. BUSH: I cannot say, Mr. President and Members, just how much of the work has been done. I think the west wharf which we considered a marginal pier, all the block work has been put in and we expect the marginal wharf of this dock to be ready by the last of August. As to the percentage of the work, I'm unable to give that percentage.

MR. G. HAIG BODDEN: Would the Member agree that 10 percent of the work has now been completed?

HON. A.B. BUSH: I would say so.

MR. O. HALL BODDEN: A supplementary, Mr. President. Has there been any reduction in the seaward extension? The answer says, that it has not been reduced by a hundred feet, but has there been any reduction?

HON. A.B. BUSH: None whatever, Mr. President.

MR. CRADDOCK EBANKS: Mr. President, may I ask the Member what was the original outward distance proposed in this dock - in feet I mean?

HON. A.B. BUSH: Mr. President and Members, from the point of rock - I take it that the Member is talking about the finger-pier from the point of the rock where we berth at now, the very end of it, the distance from that point is something like five hundred and thirty-six feet, I think.

MR. CRADDOCK EBANKS: Mr. President, I wonder if the Member could say approximately what depth of water it would have at that distance of five hundred and thirty feet?

HON. A.B. BUSH: Twenty-four feet, Mr. President, and we can get more if we do any dredging. It is a depth now of twenty-four feet of water and there is approximately six feet of sand which if taken out, we can have thirty-feet of water, that is the maximum, the minimum, fifteen.

CAPT. C.L. KIRKCONNELL: Supplementary. Mr. President, barring any unforeseen set back when is the opening date or what will be the opening day?

HON. A.B. BUSH: Completion date for the dock is February, 1977.

MR. CRADDOCK EBANKS: Mr. President, a further question. Is it anticipated that tourist ships will be able to use this section of the dock?

HON. A.B. BUSH: Well, if the tourist ship doesn't draw anymore than twenty-four feet of water.

MR. PRESIDENT: Move on to the next part of the question.

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

Will Government endeavour to see that the surroundings of the new Court House are kept in a better condition than at present?

ANSWER: Government is not aware of the conditions to which the Honourable Member refers.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, if I'm permitted by way of explanation to see that the leaves, all manner of papers etc. are at least swept off the porch I would call it.

HON. A.B. BUSH: Mr. President, for the benefit of the Members here, this is really not my portfolio Sir, this is the Health Department. I think there are two men there cleaning the surroundings all day long, as far as I know: but this is not the work of the Member for Communications, Works and Public Transport.

MISS ANNIE H. BODDEN: Mr. President, I was informed that would be the person to whom I should address this question; nothing personal on my part.

MR. G. HAIG BODDEN: Mr. President, a supplementary question. Has there been a break down in Communications between the Member for Communications and the Member for Health?

HON. A.B. BUSH: None whatever, as I know of.

MR. G. HAIG BODDEN: A supplementary, Mr. President. Is the Member aware that the surroundings of the new Court House are by far the filthiest in the centre of George Town?

HON. A.B. BUSH: No, I am not aware of that, Mr. President.

MR. CHARLTON FRANCIS: Mr. President, if I may make this statement to clarify what I'm going to ask. The Member just said that as far as he knew there are generally two men around there all the time taking care of this. I think I see in five days a week George Town every day of the month nearly, and I am positive for weeks that I spend much time around that area as anybody. And I am positive it's weeks that I haven't seen anybody around there. Regardless whether it's under your portfolio or whose portfolio it comes under, it's a disgrace to Government for the Court building to be as dirty and filthy as it is all the time.

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What is the cost of the diversion of the road at Red Bay/South Sound area?

ANSWER. The total cost as of the time I received the question is $31,654.31

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: A supplementary, Mr. President. Does this figure include any money paid for land which has been acquired in this area?

HON. A.B. BUSH: No land has been acquired, Sir - no land has been paid for, that is, Government does not pay for land for the making of the road it's only for hardships suffered by the owner of any land if a road is put through it, but actually no money is paid for land for road.

MR. G. HAIG BODDEN: Supplementary, Mr. President, Does this figure of thirty-one thousand dollars include any payments for hardships suffered by previous owners of the land?

HON. A.B. BUSH: No hardships were claimed as far as I know, Mr. President. The only money that was paid out other than for the actual building of the road was fencing, which is all included in the cost.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask is it not now a meeting of the Assessment Committee to come up to pay for whatever land that was used?

HON. A.B. BUSH: I'm not quite clear what the Lady Member is talking about, Mr. President, about the Assessment Committee to meet; we have no claims as far as I know for any compensation for land in that area through this work.

CAPT. C.L. KIRKCONNELL: Mr. President, will the old road remain open or will that be closed off when the new road is opened: will the old road be maintained or will this be closed off?

HON. A.B. BUSH: That will remain open, Mr. President. There are land owners down in there that will have to have access to their property, and surely there is no intention of closing the road, but the main highway into the Western Districts will be through this diversion.

MR. C. HAIG BODDEN: A supplementary, Mr. President. Will the cost or has the cost of keeping the old road open been included in this figure of thirty-one thousand dollars?

HON. A.B. BUSH: No, this is for the new road diversion: this is what we are talking about, "diversion", we are not talking about the old road, we are talking about the diversion.

MR. PRESIDENT: Move on to the next question.

THE FIRST ELECTED LADY MEMBER FOR THE CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What is the reason why the road improvement has apparently been stopped?

ANSWER:

Work on improving the roads has not stopped.

SUPPLEMENTARY:

MR. C. HAIG BODDEN: A supplementary question, Mr. President. Despite the fact that it has not stopped, could the Member say what is the reason why it has been moving at such excruciatingly slow pace?

HON. A.B. BUSH: Mr. President, and Honourable Members, if the Member is talking about the hot mix asphalt plant - I take it that this is what you're talking about, because the road improvement takes in much more than just hot mix asphalt on the road. May be the Members haven't seen the other work that has been going on while the pouring of the hot mix on the road came to a temporary halt, but other roads were being surfaced as well, not with hot mix but with sealer and chips; it's all in the road improvement programme. And, if I may say, Mr. President, that we did have a temporary set back because of a part of the hot mix plant going bad; we had some difficulty in getting this but we have received it and the plant is in working condition again, and it's right back where we are working on it.

MR. PRESIDENT: We'll proceed now to Government Business, the study of several bill in the Committee stage.

THE CURRENCY (AMENDMENT) LAW, 1976
COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.V. MATLER

QUESTION PUT: AGREED.

MR. PRESIDENT: I think we might take the motions on the other bills as well and this would allow us to continue straight on in committee when we finish one bill.

THE ANIMALS LAW

COMMITTEE THEREON

MOVED BY HON. W.W. CONOLLY, SECONDED BY HON. D.V. MATLER

QUESTION PUT: AGREED.

THE MATRIMONIAL CAUSES LAW

COMMITTEE THEREON

MOVED BY HON. G.E. WADDINGTON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

THE PUBLIC LOANS LAW

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

THE TRAVEL TAX (AMENDMENT) LAW, 1976

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW

COMMITTEE THEREON

MOVED BY HON. G.E. WADDINGTON

SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED.

MR. PRESIDENT: The Assembly will now resolve itself into committee to consider these bills in the order set down on today's order paper.

HOUSE IN COMMITTEE

THE CURRENCY (AMENDMENT) LAW, 1976

HON. V.G. JOHNSON: Mr. Chairman, could I ask for an amendment to the Memorandum of Objects and Reasons, Sir? In the first line, "Cayman Currency Board" to read "Cayman Islands Currency Board".

MR. CHAIRMAN: I wonder if the Honourable Member could just repeat the amendment.

HON. V.G. JOHNSON: The amendment to the first line, between Cayman and Currency, the word "Islands", that it would read, "it is desired to enable the Cayman Islands Currency Board". And, in the second paragraph at the end of the first line, the words "for future redemption" should be replaced by the words "payable otherwise than on demand".

MR. CHAIRMAN: I think the Honourable Member has an advantage of having a Gazetted version of the paper.

HON. V.G. JOHNSON: I had this from a long time ago, Sir.

HON. W.W. CONOLLY: Mr. Chairman, I thought that the notice from the Clerk read that we should discard that in favour of the stencilled copy that came to us with the papers. If my memory serves me correctly, that's what it is on the instructions.- which is this white sheet, this is what was said.

MR. CHAIRMAN: Perhaps the easiest way to solve this would be to ask the Clerk to have the full amended copy of the Objects and Reasons typed out and circulated to all of us, and we could see exactly what we're approving.

HON. V.G. JOHNSON: Well, in any case I think I'll need a copy of the white sheet, because I am using this instead by mistake.

MR. CHAIRMAN: Well, I think I'll suspend for five minutes to let the Clerk get the same papers before each of us, so to know what we are dealing with.

I'll suspend for five minutes.

HOUSE SUSPENDED

HOUSE RESUMED

HON. V.G. JOHNSON: Mr. Chairman, I will stick to the white sheet and forget about the Memorandum of Objects and Reasons, since it's not on the white sheet.

MR. CHAIRMAN: I think if Members have no objections we could take the Memorandum of Objects and Reasons from the green sheet, and then consider the committee stages of the bill on the amended white sheet which has been circulated with proper notice given. Perhaps we could look at the amendment to the Memorandum on the green sheet.

HON. V.G. JOHNSON: You'll take the amendment then?

MR. CHAIRMAN: If the Honourable Financial Secretary likes to move the amendments to the Memorandum.

HON. V.G. JOHNSON: Yes, Sir, I'll move the amendment in the first paragraph, first line,between the words "Cayman" and "Currency" the word "Islands" for it to read."Cayman Islands Currency Board". And, in the second paragraph at the end of the first line, delete the words "for future redumption" and replace these by the words, "payable otherwise than on demand".

MR. CHAIRMAN: Well, the Memorandum of Objects and Reasons would now read, if these amendments are acceptable: "It is desired to enable the Cayman Islands Currency Board to hold Canadian dollar-denominated assets in order to spread the range of its investments and also to introduce greater flexibility by extending the eligibility of its securities from a limit of five years to maturity to a limit of seven years.

It is further desired to authorize the Board to accept local bank deposits payable otherwise than on demand carrying interest in the meantime and to accept Government deposits upon the same basis".

If there's no debate on that, I shall put the question that the Memorandum of Objects and Reasons should stand as amended.

QUESTION PUT, AGREED.

MR. CHAIRMAN: We'll now consider the bill as set out on the white sheet which has been circulated.

CLERK: CLAUSE 1 SHORT TITLE.

CLAUSE 2 LAW 1 OF 1974 AMENDED.

QUESTION PROPOSED.

HON.V.G. JOHNSON: Clause 2, Mr. Chairman, under (a) (i) "United States of America" should read "United States of America". And, under 2 (a) the second to the last line, "Federal" should be deleted; "Government of Canada", not the Federal Government of Canada"...

MR. G. HAIG BODDEN: Mr. Chairman, I don't see why we should delete the word "Federal" because if we do, you may then be dealing with the little provs and all that. Why shouldn't it read 'the Federal Government" as distinct from say the provinces? Because, you find if you get into the provinces - particularly like Quebec you are going to have a lot of problems, we should stick to the Federal Government rather than just the Government.

HON. G.E. WADDINGTON: Mr. Chairman, the correct term is the Government of Canada.

HON. V.G. JOHNSON: In fact, Mr. Chairman, no stocks or security are purchased by the Currency Board or any agent of the Currency Board until these have been approved by this Government. And, it's not a matter of going and buying from any organization in Canada, it's a matter that we will buy from the Federal Government of Canada, but the word "Federal" is not used when referring to the Government of Canada; it's like the Government of the United States, the Government of the United Kingdom or the Government of any country.

MR. G. HAIG BODDEN: Mr. Chairman, it might be the current terminology but what I'm saying is that there is a big difference between the Federal Government and the Governments of all the different provinces. And, whether the terminology is right or not, I think we should stick to a terminology that states precisely what we mean because I'm sure we're going to be dealing with the Federal Government and not with the Governments of the different provinces.

HON. G.E. WADDINGTON: Mr. Chairman, if the Government of Canada is the correct term, that's the term that should be used. The Governments of the other provinces are known as the Governments of the Province of Ontario, Manitoba etc. The correct term is the Government of Canada.

HON. V.G. JOHNSON: The word "Federal" again should be removed from under (b) (i) the last line.

MR. G. HAIG BODDEN: Mr. Chairman, again I would like to ask if the Government of Canada is the correct term, why did we put in "Federal" in the beginning?

HON. G.E. WADDINGTON: Because that was a mistake, Mr. Chairman.

HON. V.G. JOHNSON: Another amendment, Mr. Chairman, is that after (b) under section 2 there, it is recommended that a new amendment to the main Law be inserted there; and it should read "at sub-section (4) of section 4 and under that by substituting the figure 20 for the figure 19.

MR. JOHN D. JEFFERSON: Mr. Chairman, would you have the Third Official Member repeat that, Sir.

HON. V.G. JOHNSON: Yes, I should just explain that before I ask for the amendment, Mr. Chairman, in the main Law under sub-section 4 of section 4 reference was made to section 20 of the Law when the reference should've been to section 19 of the Law: that was over-looked when the main Law was being prepared, and it is proposed now to do the amendment in this amend law which is being recommended. And, the amendment is under (b) of sub-section 2 adding a paragraph (1) with the words, "by substituting the figure 19 for the figure 20 appearing in the last line."

MR. JOHN O. JEFFERSON: You said sub-section (2)(c) is that correct?

HON.V.G. JOHNSON: At sub-section 4 of section 4.

MR. CHAIRMAN: I think this is going to acquire a consequential re-lettering because 2(b) refers to sub-section 3 of section 4 .....

HON. G.E. WASHINGTON: May I suggest the amendment, Sir? The amendment should be by adding paragraph (c) to read as follows:- "At sub-section (4)of section 4 by substituting the figure 19 for the figure 20 appearing in the last line thereof, and by re-lettering the succeeding paragraphs (d), (e), (f) and (g) respectively."

MR. CHAIRMAN: Are there any other amendments? There's a further use of the word "Federal" in (e) now in (f).

HON. V.G. JOHNSON: "Federal", yes.

MR. CHAIRMAN: Well, perhaps I shall read out the suggested amendments to Clauses 1 and 2. In Clause 2 (a) (1) the words now reads, "United States of America" not "or". In Clause 2 (a) (2) the word "Federal" is proposed to be deleted, and in the second last line a similar deletion of the word "Federal" in 2 (b) (1) in the last line. A new insertion (c) after (b) (1&2) reading, "At sub-section(4) of section 4 by substituting the figure 19 for the figure 20 appearing in the last line thereof. There is then consequential re-lettering of the existing (c), (d), (e) and (f) to (d), (e), (f) and (g). In the new 2 (f) the word "Federal" would be deleted in the second last line. Debate can take place on any of these amendments. If there is no debate I shall put the question that Clauses 1 and 2 as amended do stand part of the bill.

QUESTION PUT: AGREED.

MR. CHAIRMAN: That concludes examination of the Currency (Amendment) Bill.

We'll turn now to a Bill entitled "The Animals Law"

THE ANIMALS LAW

COMMITTEE THEREON

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT.

CLAUSE 2 INTERPRETATION.

QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: CLAUSE 3 RESTRICTION ON IMPORTATION OF ANIMALS

CLAUSE 4 IMPORT OF CERTAIN ANIMALS FROM CERTAIN AREAS PROHIBITED.

QUESTION PROPOSED:

MR. C. ISAIC BODDEN: Mr. Chairman, in the amendments that I circulated or the Clerk had circulated to the House, I have since that given to the Clerk a

MR. G. HAIG BODDEN:(CONT'D): that this is to do with prescribing the forms of licences and all that for importation and exportation. This is really not for the control of foot and mouth diseased Animal that ' , been brought in, so the arguments made against it are really not substantial.

HON.W.W. CONOLLY. Mr. Chairman, I might point out that the Governor in Council may make Regulations for prohibiting, restricting and generally regulating the import and export of animals, the carcasses and biological products, generally in a specific animal prescribing the forms of licences, and prescribing fees payable on the issue of such licences; so it does have to do with the prohibition and the restricting of animals.

Now, when you come to fees, for instance, we could run into the same problem as far as that is concerned with the setting down of fees. It is sometimes not feasible to think of the fees that may come up - the different circumstances that might come up, and surely if these particular regulations dealing with the fees have to be approved by the Legislature you could be in the same position by not having it done until it's too late, or somebody couldn't get the required request or application attended to. Now, when you think about fees,we have to think seriously about the fees. The fees are prescribed primarily within the - I would say, jurisdiction of, and laid down particularly by the F.A.O. It is not done in isolation. Fees that are charged in Cayman are grounded on fees that are charged regionally. I am not saying that they compare in every instance, but there are more or less model fees set down by the F.A.O. in this region of the Caribbean, and sometimes we find today that all fees have compare. I would say, Governmental fees that have been prescribed are compared favour/ with fees of the private sector. And, I think I've mentioned that it is not the intention of the Department of Agriculture to get in any commercial venture or competition with the private sector in these, but normally the rates charged or fees charged are usually less than what has been prescribed by the private sector, but they are done within a format laid down by the F.A.O., it's not just somebody scratching something out of the hat, these are fees that are generally set.

MR. JOHN D. JEFFERSON: Mr. Chairman. I read section 11 and I see the necessity of that, because, just take for instance we bring in cattle from Jamaica - what if all of a sudden we were aware of the fact that hoof and mouth disease or some other kind of disease was rampant in Jamaica and they were bringing in cattle , if we had to summon the House to take care of that the time could be lost, but in relation the the fees I can't see any urgency as far as that is concerned. It says that the Governor in Council may make Regulations for prohibiting, restricting and generally regulating the import of export of animals, carcasses, and biological products generally and of specific animals, prescribing forms of fees and so forth. I can't see any urgency on fees, but as far as I'm concerned there could be an urgency on prohibiting or restricting.

MR.G. HAIG BODDEN: Mr. Chairman .....

CAPT. C.L. KIRKCONNELL: This is why I have suggested after the Governor in Council, to put in "in an emergency" between the words "The Governor in Council" and "may" in the first line to read "the Governor in an emergency may make Regulations". That is why I suggested that, Sir.

MR. G. HAIG BODDEN: Now, Mr. Chairman, the importation and restriction and all that is adequately taken care of in the preceding clauses; for example, clause 3 says that no animal may be imported except so and so, clause 4 says the same thing, clause 5 says, no animal or carcass may be imported save so and so, clause 6 says the same thing, "no master may permit animal to be accepted" and so on: no master may permit any animal to be disembarked; clause 7 repeats the same thing; clause 8 goes on, "no dung, litter and so on, may be imported and so on" with some exceptions. So, we have adequate clauses to deal with the state of emergency, we don't need these regulations for that purpose. The Regulations would only be for setting out in a general manner what could be

MR. G. HAIG BODDEN: (CONT'D): note saying that I would withdraw the amendment to section 4.

MR. CHAIRMAN: If there's no objection we can take the Member's withdrawal of this amendment as agreed.

QUESTION PUT: AGREED, CLAUSES 3 AND 4 PASSED.

CLERK: CLAUSE 5 NO LIVE ANIMAL OR BIOLOGICAL PRODUCT TO BE IMPORTED SAVE UNDER A LICENCE.
CLAUSE 6 RESPONSIBILITY OF MASTERS OF VESSELS AND AGENTS.
CLAUSE 7 ANIMALS UNLAWFULLY IMPORTED.
CLAUSE 8 IMPORT OF MINC ETC. PROHIBITED.
CLAUSE 9 APPLICATION FOR LICENCE TO IMPORT AN ANIMAL, ETC.
CLAUSE 10 C.A.V.O. MAY GRANT OR REFUSE LICENCE.

QUESTION PUT: AGREED. CLAUSES 5 TO 10 PASSED.

CLERK: CLAUSE 11 GOVERNOR MAY MAKE REGULATIONS.

QUESTION PROPOSED.

MR. G. HAIG BODDEN: Mr. Chairman, there is an amendment before the House to section 11 which seeks to say that these Regulations would not have any effect until they have been approved by the Whole House. I feel that particularly the Regulations of the exportation of animals and the setting of fees should be a matter for the full House, and that Regulations should not have any effect until they have been approved by the full House.

HON. G.E. WADDINGTON: I should think, Mr. Chairman, that by the time the affirmative resolution is sought the whole Island could become rabid. It is necessary for quick action to be taken in these cases. and to require an affirmative resolution would completely negative the object of this Law.

MR. JOHN D. JEFFERSON: That was exactly my feeling too, Mr. Chairman.

HON. W.W. CONOLLY: Mr. Chairman, this is the reason why it is done in this manner, and I think it was stated in the debate That is the reason for it.

MR. JOHN D. JEFFERSON: Before we could summon this House together this country could be rampant with hoof and mouth disease or some other kind of disease.

MR. JAMES M. RUDDEN: Yes, but there's not such a thing here. What we're dealing with is asking the Regulations and the act here to come back to the House- (Mr. John D. Jefferson - for prohibiting and restricting) - that doesn't mean that you're going to have an outbreak of this hoof and mouth between now and then.

MR. JOHN D. JEFFERSON: But to prohibit the animals, somebody should have the power to do that momently.

MR. JAMES M. RUDDEN: The power is in the Law without that.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I would like to recommend, Sir, that this power be used in an emergency only.

MR. G. HAIG BODDEN: And, dealing with this, Mr. Chairman, there's another part to this amendment too that's the part dealing with the setting of the fees. It can be argued that the setting of fees would be anything that would have to be done hurriedly and would cause any epidemic to spread, so that part of the amendment is still worthy of note. And the way I read section 11,

MR. G. HAIG BODDEN: (CONT'D): imported in and what couldn't be and what should be charged for the licences. It can't be argued that clause 11 is necessary for an emergency, but if we do add what the Member from Cayman Brac suggested that would be quite good too. But, there is no necessity for Executive Council or the Governor in Council to hurriedly make any regulations here, because all the preceding sections have made adequate provisions for the laying down or the restriction of importation. So, section 11 could well take time for the House to make the regulations and set the fees: section 11 is not necessary for emergencies at all.

HON. W.W. CONOLLY: Mr. Chairman, I disagree with that. What has happened from sections 3 to 10 really give you the Legislation, but the administrative functions how this Law will be implemented, you need to have certain regulations. If you didn't need to have certain regulations in Laws, well you wouldn't have them. The law is just saying, if no animal of any class or description may be imported, but further to that when it comes down to implementation of the specific legislation you have to have regulations dealing with these matters. And I don't think it is correct to say that the Executive Council will hurriedly make regulations, I don't think that is the case at all. I think the case is that these regulations will be made; what will happen, once the regulation is made it will empower the Executive Council that if some action has to be taken in a hurry it can be done within hours rather than waiting for the required time of summoning a meeting and going through all this. But, about hurriedly making the regulation, that is not the point.

MR. JAMES R. BODDEN: Mr. Chairman, implementation of this Law is mostly covered under section 7 where it says, "any animal, biological product or carcass brought into the Islands in contravention of this Law may be ordered to be destroyed or otherwise dealt with as the C.A.V.O. may in his discretion decide". So, if we're talking about implementation of the Law, the implementation is strictly covered under section 7.

For the Fourth Elected Member, is something else that he said, about the Private sector with the fees and licences. As I'm aware the Private Sector is not capable or permitted to issue any licences of this regard, so I don't see where it would be any conflict there. The next thing is as I understand it, certainly when this bill becomes Law you would prepare the regulations, and in those regulations would be set down the prohibition and restrictions that /are going to be imposed, and I don't think you're going to wait until you have hoof and mouth disease in Jamaica to call the council together and say, well, let's prohibit any carcass that could be contaminated with hoof and mouth disease, I don't think you're going to do that. So, I can't understand why these regulations cannot be made in Executive Council, this does not, and then brought back to this House to be vetted; this is the fight we have on this everytime that we bring up anything about trying to curtail the powers of Executive Council just a little bit, we always get the same reply. And, I think it's a very valid one, Mr. Chairman, because when you're setting a scale of fees under this Law it is a form of taxation, and anytime you have taxation you should have representation, and your representation can only come from this House where you have twelve elected Members, it cannot come from Executive Council where you only have 12.7% of the elected representation there.

HON. W.W. CONOLLY: Mr. Chairman, I would just like to say that the F.A.O. and the World Health Organization revise the list of countries and the list of notifiable diseases on a regular basis, and from time to time the countries are notified - this is on a regular basis. If there is an emergency, if there is an outbreak of certain diseases, even from a country that we have declared free of diseases and we do import, we have issued a licence to import these carcasses from or animals from we could certainly get a telex from the World Health Organization saying, that there is an outbreak of some notifiable disease in that country, and you should take immediate action; these are things why we would prefer to have this flexible so that action can be taken in a reasonable short time.

I would like to mention again that I disagree with

HON. W.W. CONOLLY:(CONT'D): the Member in saying, that a fee is taxation I don't think it is, because when somebody pays the fee they pay a fee for a specific service, like if we had school fees for instance, those people who have children going to school they pay a school fee, that is completely different if we had an education tax where whether you had a child going or not you would pay. So, I do not agree that a fee is taxation. I don't think today in normal legislation that it can be considered, it is, I would say, a charge on one's revenue or income, but no way in the world can you say it is a taxation, because the person who doesn't use it doesn't have to pay for it.

MR. JAMES M. BODDEN: Mr. Chairman, I sure appreciated the lecture, but fees are fees in any man's books. (Hon.W.W. Conolly - yes, not tax.) There is certainly a difference between the fee that would be charged by a private medical doctor in the meaning of the word, and the fee that would be charged by the Government medical officer, there is a certain difference in it; and we are not dealing with the private sector on this bill here we are dealing with the Government: the Government is going to prescribe the fees, the Government is going to set the licence price, so in no way can this be construed with the private sector. So, I don't need the lecture from the Honourable Fourth Elected Member, I know the difference in interpreting fees.

HON. W.W. CONOLLY: I wasn't sure, Mr. Chairman, that he did, because I think his statement said that fees were taxation -(Mr. James M. Bodden - fees are taxation) - without representation. (MR. James M. Bodden - that right, without representation; and you're celebrating the bicentennial this year to something where you did it before too.) - I'm not an American; if you are you can stick to your bicentennial.

MR. G. HAIG BODDEN: Mr. Chairman, in the matter of the hurriedly making of Regulations, I think it was the argument of the Member that "in an emergency" - or least one Member that spoke in support of it, that it may be necessary to make the regulations hurriedly. It is not our argument that you should make them hurriedly, we're saying that there's no necessity to hurriedly make them, and that is why we have to get the affirmative approval of the House. And, we feel that the matter of setting the fees should be done by the entire House, because whether a Member can understand or not fees are taxation to the people who are compelled by the exigences of their business to use the services paid for by those fees. What I'm trying to say is, that if a farmer's business is the raising of cows and he has to use the services of our vet he must pay for those services just the same as a person who has a motor vehicle, must pay his motor vehicle fees; it is taxation by another name - of course it doesn't tax everybody, but it does put money into the general revenue, and anytime you're doing that whether you call it fees or whether you call it taxes or whether you call it contributions or compensation, it is taxation of some form; it is taxation on the people that use those services. So, there's no question about whether fees are the same as taxes: fees are taxes: no question about that, because why charge the fees if you're not going to raise revenue? Why not let it be free? So, there's no question about that, and I feel that the fees should only be set, not by the F.A.O. or F.O.A. or whatever, but by this Assembly. And I feel that the elected Members should have a say in the matter in setting the fees. I wondering if the F.A.O. was responsible for the Hospital fees too?

MR. JAMES M. BODDEN: Mr. Chairman, I would like to point out something else in regards to this bill. This bill has six different places in it where the Governor in Council may make Regulations. I have never seen a bill come before the House with that many loop-holes in it before, and certainly there are enough open areas in these other five to deal with the Regulations in regards to the importation of any animal and still agree to have six curtailed a little bit; because you've got six different places in this bill that the Governor in Council may make these Regulations. I'll like to point that out, that's very important.

HON. W.W. CONOLLY: Mr. Chairman, I think when I was introducing this bill I pointed that out that we had - this bill covered - and I named the different parts, it covered the import and export of animals, the control of disease of animals, the improvement of livestock, the licencing of animals, the nuisances by and control of animals, and the protection of animals in wild life.

Now, the reason why that each section requires certain specific regulations, and if you go in the back to the end of the Law under the "General" here, you have a general provision where it says:- "Without prejudice to his powers to make Regulations under any part of this Law, the Governor in Council may make Regulations generally for the better implementation thereof". So, why you have this set out the/form as it is, is because it deals with so many different aspects, it's not dealing just with one aspect of animal life, it's dealing with several aspects, and it is necessary to set these specific areas out in this legislation.

MR. JAMES M. BODDEN: Mr. Chairman, this bill is just like all of the rest, Sir. All we need is the front cover of it and inside put all of our trust in Executive Council - do as you please.

HON. W.W. CONOLLY: Well, who is going to make the Regulations?

MR. JOHN D. JEFFERSON: Mr. Chairman, I can't really agree with the previous speaker in saying that he can't see or there won't be any urgency; it would be irresponsible for us to sit here/and say, well, there won't arise an emergency in relation to the restricting or regulating, prohibiting animals being brought into this country. And I don't think I would be acting in the best interest of the constituency of this country to not be aware that there could and no doubt there will be a reason for the Government to be able to prohibit and restrict animals being brought into the country. After all, there is a lot of money being spent, there is a lot of good cattle in the country and I would think it would be in the interest of various constituencies to see that that provision is there, because, like I've said, there can arise, and no doubt they will from some of the countries that we import cattle.

HON. W.W. CONOLLY: Mr. Chairman, I think a lot of emphasis has been placed on the fact that there are a good lot of animals here, but there is one factor that we must not forget, and that is this, there are a lot of notifiable diseases in animals that can be transmitted to mankind and I think today that we have to take this into serious consideration. For instance, this mightn't mean the importation of animals, I mean this might have come in here unknown and we could have an outbreak of rabies or something, and not for making the Regulations, I think the urgency could arise in amending the Regulations. Because, if things are going on all right, and suddenly we need to amend the Regulations this is when I think the urgency will come; But if Members feel strongly about it, and they don't want any Regulations, then I can assure you the Law won't be any good with/the Regulations. If you want regulations that could tie up the implementation of this, it's left entirely to the House, Sir. I have put the case and I feel strongly that we should not tie the hand of the person implementing this by not having the objective somewhere we can amend regulations in any of these circumstances.

MR. JAMES M. BODDEN: Mr. Chairman, my colleague and myself come from the area of the Island where most of the cattle is grown, and certainly we wouldn't want to be the ones responsible for seeing that we had an outbreak of some disease that would kill all of those off. So, when that's interjected it's foolishness. The next thing is, certainly we can't have a Law without regulations; our argument is based on the fact, Mr. Chairman, that we feel strongly that the regulations and the fees to be set under this Law should be done by Executive Council and then brought back to this House for final sanction that's all we're asking for, we are not trying to inject anything about - let the animals get sick and so forth, but as we see it, it's a losing battle, Mr. Chairman, so we are prepared for you to take the vote and go on to Section 12.

MR. CHAIRMAN: If the debate is finished then I shall put the question that the words stand as in the original motion. That means that those who vote for that are voting for the clause unamended, if the vote is negative then we proceed to the clause as amended.

QUESTION PUT THAT THE WORDS OF THE QUESTION DO STAND AS IN THE ORIGINAL MOTION. AYES AND NOES. THE NOES HAVE IT.

HON. W.W. CONOLLY: Could we have a division, Sir?

DIVISION

AYES	NOES
Hon. D.V. Watler	Miss Junie M. Bodden
Hon. G.E. Waddington	Mr. James M. Bodden
Hon. V.G. Johnson	Mr. G. Haig Bodden
Hon. A.B. Bush	Capt. Charles L. Kirkconnell
Hon. Trevor Foster	Mr. Craddock Ebanks
Hon W.W. Conolly	
Mr. Claude M. Hill	
7	5

ABSTENSION: MR. JOHN D. JEFFERSON

HON. A.B. BUSH: You lost again, Jim.

MR. JAMES M. BODDEN: I'm used to that.

MR. CHAIRMAN: Oh, my hearing was bad obviously. The votes are 7 for and 5 against with one abstension, which means that the House has voted for the clause as drafted.

CLAUSE 11 WAS PASSED WITHOUT AMENDMENT.

MR. JAMES M. BODDEN: Mr. Chairman, I suppose we can't out vote them, but we can out-shout them. (MEMBERS LAUGHTER)

HON. V.G. JOHNSON: That's true.

CLERK: CLAUSE 12. GOVERNOR MAY GRANT EXEMPTIONS.

CLAUSE 13. PENAL.

CLAUSE 14. POWERS OF CONSTABLES.

MR. JAMES M. BODDEN: Mr. Chairman, section 12. In section 11 they took the kitchen, so we're going to stand firm in the bed room on 12, Sir.

MR. CHAIRMAN: Sorry, I didn't get that.

MR. JAMES M. BODDEN: I said, in section 11 the opposition took the kitchen away from us, but section 12 represents the bed room, and we are fighting that one.

Mr. Chairman, we stand in opposition to section 12. In section 11 it was argued that the Governor in Council should have these powers through regulations, and, although we didn't agree with it we were out-voted, so section 11 has passed. But, section 12 would actually be defeating section 11, because section 12 would be giving Executive Council the power to exempt from the very things that were argued, that you should have the power for in section 11: and prior experience has proven to us that it's a bad thing to have this discretionary power in any of our laws. It has cause a couple of demonstrations in this country before, and probably will cause some more, and the public at large thinks that this discretion is abused, and it is used for particular purposes and particular persons. So, Mr. Chairman, we would like to

MR. JAMES M. BODDEN: (CONT'D): see that section 12 be deleted completely from this Law.

MR. G. HAIG BODDEN: Mr. Chairman, section 12 would nullify to a great extent all the provisions of section 4, and section 4 is such an important section of the bill that nothing should be done in the bill that would restrict the force of section 4. Section 4 prohibits the importation of animals from Asia, Africa, Central and South America.

I know the Member mentioned the rare case when in replying to this bill he's going to bring a circus here and we'll need permission to bring in a lion say, from Africa. But as no circus has yet to my knowledge come here, and as there is at present no application for one I don't think we should have section 12, and I would like to see it deleted completely.

HON. W.W. CONOLLY: Mr. Chairman, I don't agree with the Member in saying that section 12 nullifies section 4. I think section 4 is very specific in saying that no animals of any discription - and an animal includes, live mammals, reptiles, amphibians, birds and insects may be imported into the islands from any country in Asia, Africa or Central and South America. Now, there are three continents named but they comprise quite a large area and a lot of other countries and what the law is saying here in section 12 is, that it could become necessary. I cited this case of the circus, which I think is a very reasonable one; I could think of others, I could think in our development of tourism, you have people who put on different types of shows where they use different reptiles; and I know in Jamaica there is a very prominent safari there which is an amenity to tourists, and I would think that it's not too far from our stage of development now where we should have some diversity in the form of our entertainments or activities for tourists to do - I mean coming ashore and just going on the beach is one thing - and I could think of safaris, we have them in Florida and they are very popular with the tourists you can go in certain areas there and you can consider yourself in the jungles of Africa or South America. And I was only thinking that these are circumstances that could arise where you have applications for the importation of animals such as these or reptiles, which I'm sure that this provision here would be a benefit of having this. I don't think it nullifies it at all.

And I'm sure that dispite what Members think or say or do that surely the Government would not act in a very simple manner in these cases. And I believe that this section 12 is a very good section to have in here; and it deals specifically with section 4, it does not, in any way affect the previous section of 11 where Regulations or what not - it deals specifically with section 4. And this is the reason why it is put in here.

MISS ANNIE H. BODDEN: Mr. Chairman, a man came to the edge of my yard the other day and asked, "Miss Annie, can you tell me who is the Government?" Well, I feel, Sir, that we on this side as we are formed must be some part of the Government, and if we make any suggestion or anything it is almost over-ridden. Now, I feel, Mr. Chairman, with all due respect to all concerned, the Government or whoever the Government is, that we on this side should have some little say when a bill is being passed.

MR. JAMES M. BODDEN: Mr. Chairman, the Honourable Member speaking a while ago on Executive Council based his argument on the safaris for the good of tourism and the circuses. I could think of a lot of other things that could be done to attract the tourists in this country as well as to give, lets say, local entertainment to the youngsters which is badly needed. But, at this point of time I don't know if I could support a circus coming on the island, and besides that I don't think you'll have anyone applying to do it because I don't think it would be profitable, it's not enough people. And I think that is a very poor argument to put up in defence of section 4, because each and everyone of us knows that it is still/argument as to what is a pre-engineered building/ and this is the reason that we feel the way that we do.

We have had buildings brought in here, and I will say, in contravention of the Law, as in my opinion it was, and these buildings

MR. JAMES M. BODDEN: were brought in by a selected few, and were only brought in because there was that little loop hole in the Law that said, "at the discretion of Executive Council", and apparently the discretion was used. Now, Mr. Chairman, should we put in section 12, I'm afraid the same thing will happen again. We will have certain people using this to their advantage, and I am not prepared to agree with anything in respect to putting in section 12 in this bill. I don't see where it's necessary, I think you have all the other powers that are needed without having section 12.

HON. W.W. CONOLLY: Mr. Chairman, I didn't say that this thing was something of priority, I'm only saying that as the Member responsible for this legislation that I should have taken into consideration certain provisions for the foreseeable future. I don't know exactly, I don't have any application and I don't know when a circus could be coming to Cayman, it might never come, but I'm only saying that if in case there is an application before the Government for the importation of those animals then the Government would not be in a position to run around and don't know what to do. This is only making provisions so that somebody can give an answer, whoever will be in Executive Council at that time will give an answer of yes or no. This is all I'm saying.

And as far as I'm concerned I'm not dealing with prefab buildings, my job here is dealing with the control of animals and animal diseases. I am not considering prefab - animals, these are real live ones. Some of them are dead carcasses, but it's not to do with prefab here as far as I'm concerned.

MR. JAMES M. BODDEN: I'm afraid you might call them pre-engineered.

HON. W.W. CONOLLY: Could be, but I don't have anything to do with pre-engineered animals either. These are live ones and dead ones I'm talking about.

MISS ANNIE H. BODDEN: Mr. Chairman, in the past we have known it and the public has known it, and it has caused a lot of grave unnecessary trouble with this discretion when it comes to these prefab houses that we are talking about, we know what it has caused, and I am saying now that if Annie Bodden perhaps wants to bring in some monkey or something I would be turned down, but somebody with a little more say and know how to get it done - I wouldn't know how to bring it in, and I feel this discretion - these Executive Council can't live forever, and we are making a law for the Cayman Islands forever, or I hope so, and I feel that we should really, if possible, make safeguards to protect one and all. Members

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I would like to second what the Lady Member from George Town has just said, and with all deference and respect and without seeming to be repetitious, I do feel that the time has come when clauses like clause 12 should be removed from these bills. I think there is enough safeguard in the bills to take care of whatever shortfalls there may be.

HON. D.V. WATLER: Mr. Chairman, I agree with the Lady Member that we're expecting to have a bill that's going to last for all times, but why are we banning animals from Asia, Africa, Central and South America? Is it because we are afraid of diseases? ... will they always be infected? And, bear in mind that this includes cattle or anything else, and Central And South America includes all of the territories, they including Swan Island also which now belongs to Honduras, so you have to think of those place when you're making this provision and refusing to allow the Council to have any discretion.

MR. CRADDOCK EBANKS: Mr. Chairman, it is a fact that our daily routine of life much of it hinges on discretion whether we should do something at a particular time or do it at some other time, or whether we should walk one route or - all of this is a discretion within ourselves as to our daily routine. But, when it comes on a law for the country this ought to be gone into carefully, and I'm not going to raise some points of argument that have arisen

MR. CRADDOCK BANKS: (CONT'D): out of this word, "discretion", but it is A known fact - and I'm saying this, Mr. Chairman, without fear or favour of a contradiction that many people have discretion from this Government, not local people - and they have at times the same thing and were flatly denied, and that is not the proper use of discretion; in my humble thinking it ought to be based in the use of emergency situations whether it be for good or bad or what, but not just to be excepted from the whims and fancies of things that will appear or from people that they would like this done and expect the Executive Council or the Governor in Executive Council to go along with their requests and desires over and above the elected Members of this House, then the electorate that is on the outside that is looking to the elected in here to represent them in all of these cases.

Whatever may be the outcome, if there needs to be something to be dealt with, Mr. Chairman, if it's in your time of office in your good wisdom I am sure that you can find ways and means of dealing with it without it being excluded here and left with open, and some that ought not to have the benefits of the discretion will get it over those that probably should have it. And, I too am going to stay by this because I have from time to time went along with - it's getting time to delete some of these things, and let it be meted out without fear or favour. When we pass a law it shouldn't be anything else but what is good for one is good for all. And other than that I'm not going to agree with this section 12 either as it stands now.

MR. CHAIRMAN: Ok, I must put the constitutional position straight in light of that last speech. This subject can not be left to the Governor to decide personally under the constitution. I must consult with the Member who is responsible for a certain subject, and Executive Council are empowered under the constitution to advise me, then the Governor must consult he can't arbitrate in this area without consulting his Council, that is the constitutional position.

HON. W.W. CONOLLY: Mr. Chairman, I would just like to say, that if we struck out section 12 there is no way that the Governor could get around allowing an animal from Asia, Africa or Central and South America to come here under no condition could it come - no one.

Now, the situation is this, when the Member who has just recently spoken talked about discretion in respect to local and foreign people, I have used "discretion" if that's the word you want to call, on advice in respect of two agricultural matters and this favoured local people in both instances, and I have been criticized here vehemently by Members on account of these two actions. And the only two instances that I can remember was where a certain amount of discretion was exercised was in the favour of local Caymanian people, and yet I was criticized about it.

MR. CRADDOCK BANKS: Mr. Chairman, I can well agree, but somebody else was used for the convenience of this and that's why the Member responsible was criticized.

MR. G. HAIG DOBSON: Mr. Chairman, I'm not sure if the Member is talking about discretion was used or whether latitude was used. The section 4 of this bill enumerates certain countries which we felt should be put on the prohibited list. If we look in this bill we will see that there's a long string of notifiable diseases which would be not in the best interest of their animals here if they were introduced. Now, many of these diseases are indigenous to the four countries mentioned. More, and where they're not indigenous they are at any rate commonly found, so it is very necessary to have these countries that are enumerated put on the prohibited list. And that is why I am afraid of having section 12 which would make it so easy for animals to be introduced from these countries.

I cannot agree with the Member that if we do not have section 12 that there is no way that these animals could be imported, there is one way, this Law could always be amended, so he's not right in his argument in saying that there is no way, there is a way. I don't know if it seemed

MR. G. HALS BODDEN: (CONT'D: right onto the eyes of man, but there is a way. Section 12 is not necessary. Section 12 not only nullifies, as I've mentioned earlier the greater part of section 4 but it weakens the other part, it makes the section of non effect and we have to decide which of these two sections we want; if we must have them, if it is necessary to have section 4 then we don't need section 12, and if we're going to put in section 12 why bother with section 4, why not leave it wide open? I can never agree to allow section 12 to stand in this bill.

HON. W.W. CONOLLY: Mr. Chairman, I think that most Members have their minds centred completely on the fact that diseases have to be imported by animals, but I would like to remind Members that quite recently in Canada there was an outbreak of a notifiable disease that was traced to the importation of piece of baloney, this is where it was traced to. So, the cases that you named about the notifiable diseases, section 12 deals with this when we come to it. The section that we're dealing with is completely a section to allow this, and I took it that the Member understood. I was speaking, if this Law is passed without this section then there would be no way that the Governor in Council could allow an animal to come into this island from these countries named.

MR. JAMES M. BODDEN: Mr. Chairman, section 12. What we are arguing against is the application to section 4. Section 4, "unless it is specifically permitted by this Law no animal of any discription may be imported into the Islands from any country in Asia, Africa or Central and South America." Now, lets put it in blunt language what could happen under this, Mr. Chairman, and what we are afraid of as it happened in the past is that the Honourable Member from Fourth Elected Executive Council could have a craving to have a pet python imported into the island for his home around East End, and it could be permitted by you in Executive Council. We could go further than that a tiger could be imported by the First Elected Member on Executive Council from Africa and we have no way to object to it. Now, this is not carrying it too far, let me put my argument forward.

Now, since we've got to deal with it, a trailor house was imported into the island recently when each and everyone of us knows it's prohibit by Law. Now, who was that imported by? I wasn't going to bring it up until the Member sitting over there brought it up, and since he has brought it up I'll deal with it. He used his discretion to bring this in or to permit it to be brought in, the same thing could happen again, Mr. Chairman, and we are prepared to stand here and argue this until tonight if possible, but we do not want section 12 into this bill. Because discretion has been abused, it's no use of us putting language and making it sound nice, it has been abused so many times in the past, and we are afraid of it being abused in the future, Mr. Chairman. We are not just arguing on it for those Members over there, it'll be other Members over there - this is going to be a Law that's going to be on the books we hope for a long time, and it's not just their discretion we're thinking about it's the discretion of those who come behind them also. So, Mr. Chairman, I think we have very valid reasons why section 12 should be deleted from this Law.

HON. A.B.BUSH: Mr. Chairman, I believe, Sir, that this section is very necessary because it is an alternative to section 4. And, as has been explained by the First Official Member, why it is that animals from Asia, Africa or Central and South America are band from being imported, and that is because of diseases. And, to asked a question, do you expect that they will always be that way? Now, we are very close to Central America anyway, and we can see probably some day us wanting beef of some kind from Central America, and I know the Members here will never let go on the meat that was imported by one of the Member's here from this House from Swan Island, they will never let that go and they'll evidently harp on the discretion used in the importation of trailer houses as well, but we can look at this as a different thing altogether, because this is some that would endanger really human life, and probably wipe all of our cattle and everything off, may be human beings on the island. So, we could look at this as a different thing to show that - I'm sure Government wouldn't

HON. A.B. EBIN: (CONT'D): embark on a discretion like this, allowing something to come in unless it was absolutely necessary, unless they were absolutely sure that it was disease free because of the very severity of the results of letting something like this come in, not really a trailer house that might have been needed by a very poor person, someone that couldn't afford it - a conventional type of house.

And I would think that it is very necessary because it is an alternative for the Governor, rather than come here again at some stage and amend the Law. It could not be done, no animals could be imported from these countries unless you had an amendment to the Law, which probably would take a lot of time and everything else. But, I say about leaving the section, I think it is very necessary, I think it should be there, and I hope that Members will look otherwise as on the discretion that would be used by the Governor in Executive Council and so realize that this wouldn't in this particular case be used very lightly.

MR. CRADDOCK ESANKS: Mr. Chairman, if amending a Law should be any reproach on this House I don't think many of us would be in here now, because we amended a Law here in December and the same Law came back in this sitting to be amended. So, I don't see anything wrong if this animal bill after becoming Law needs to come back to the House in six months or nine months after that for amendments to meet whatever is necessary. As the importation or what not. I don't see any disgrace or harm in that over any other bill or Law that we have amended from time to time, as we've always said, before the ink is dried on them good.

HON. W.W. DONOLLY: Mr. Chairman, on amending legislation and what not. I think this shows the rapid increase in the development in any territory. It is depicted primarily in the need and the reason for amended legislation. Some Member said a while ago that it was not discretion it was latitude. I didn't know that discretion and latitude were synonymous, and I don't know whether I used discretion or latitude, but if I had recommended the import of meats from certain areas then I suppose those discretions or latitude would've been correct.

And what I'm saying is, that nowhere along the line did I take any arbitrary decision, any decision or recommendation that I passed on to the Executive Council was passed on after I had had the best professional advice that was available to me in the country. And that advice has been available through the Department of Agricultural here and also through our association with the Food and Agricultural Organization of the United Nations and the World Health Organization. And if Members feel like discretions that suit certain people have been, I would say, an ill-effect to the country then I would like them to state the case, I don't think this has been so. I don't think any discretion that has been used has affected or ill-affected the country generally. It might have affected some individual, but on the other hand we have to think of the benefit to the country as a whole and not of the individual.

MISS ANNIE H. BODDEN: Mr. Chairman, I would say that this discretion has been the cause of a lot of trouble in our island. I will recall the case of the cardboard houses. This Government lost I'm sure over eight thousand dollars by a ship being detained for eight days because it was not permitted for the cardboard buildings to be landed, that was a thing that caused a lot of discord and it brought the Government into a lot of expense, because that discretion was made to a civil servant whereas an ordinary citizen could not have gotten it. And the next discretion was this trailer house along West Bay somewhere, which I personally have applied on behalf of clients to get trailer houses come in, oh, no, you can't get them in.

I will cite the case of Ruby Boland that her husband who want a trailer to be put in Frank Sound Bush, they couldn't get it, and discretion is being used I will say, publicly to suit people who can put pressure on in some way shape or form to get what they want. And discretion I will say, Sir, in your time here that such a situation may never arise. But we are not legislating until November, 1976, we are legislating I hope 'til

MISS ANNIE H. BODDEN:(CONT'D):2006, and I am saying that too much discretion is not good for anybody.

MR. JAMES M. BODDEN: Mr. Chairman, speaking about amendments, I'm afraid that we'll shortly be back here amending this Law anyhow, because section 4 does not include the West Indies, it does not include Europe, it does not include Australia, and it could be that animals from those countries should also be banned. I think you'll be back here in a very short time for an amendment under this Law anyhow, because the worthy Executive Council Member in charge of Agriculture had a very lengthy debate here some sessions ago on the ravages of anthrax, and what a serious disease it was coming from Haiti, yet the very Law that should be covering that in my estimation does not cover it. Because, unless Geography is being taught differently in the schools now than when I went to school, I don't think that the West Indies was ever included as a part geographically of Central America So that is exempted from this.

I would like to point out another thing, that the Members should not confuse this with meats being imported from Central America, because animal as defined in this Law is something live that we are importing from Central America now is the carcasses of cattle . Under our present Customs Law if I understand it correctly, that is supposed to be boneless; the reason that it is supposed to be boneless is because the hoof and mouth diseases can be carried through bones of hoof from one country to the other. Yet, although those countries down there has had a lot of hoof and mouth diseases, and it is exempted now under our Customs Law it is still being imported: it has been imported for years from Central America - oxtails, soup bones and everything else. I wonder if at moment the Agriculture Department has done over the past years to try to see that that was curtailed. These are the things, Mr. Chairman, that we've got to consider, not give more power, but just control what power we have now. I am not saying anything against this importation of meat from Central America, because mostly what happens now is that it is flown from Costa Rica to Miami, the Federal stamp is put on it in Miami and we get it flown back here to us anyhow But it is still coming directly from Costa Rica and it is coming with bones when it is prohibited under the Law, and our Agricultural Officer is doing nothing about it.

HON. W.W. CONOLLY: Mr. Chairman, I would just like to remind the Member that the Agricultural Department has absolutely no control over meats coming into the island That seems to me to be the responsibility of the Customs Department. If we have legislation on our statue books saying that it is illegal for boned meats to come from Costa Rica then I would think the Customs should not allow boned meats to come in. Surely, if this is made known to the Agricultural Department,and if the Member would care to name instances on paper to me I will notify the Customs accordingly.

MR. JAMES M. BODDEN: You don't need no named paper from me, you've only got to check Lacsa freighter every time she comes in from Central America, and you know it.

HON. W.W. CONOLLY: I can't check Lacsa freighter, that's the Customs.

MR. JAMES M. BODDEN: Well, you say you have no power to do it Well, then how is it that you have told us that it was through your discretion and your latitude that you have allowed or recommended that cattle come in from some other areas? Now, if you don't have anything to do with one thing why do you have to do it with the other? Or you only have business with the live stuff, you don't have it with the dead stuff, is that the way it is?

HON. W.W. CONOLLY: The Law says, that boneless meats from Costa Rica can come in The Agricultural Department has allowed boneless meats to come in from Costa Rica, If the Customs Department allows carcasses with bones in it to come, that's their job, we don't know.

MR. JAMES M. BODDEN: ; wouldn't it be to you benefit then being it could be so detrimental to the island? You, as the Agricultural Minister better check it if the Customs aren't not checking it.

HON. W.W. CONOLLY: I can't check the Customs. If you have information, you give me the information and I'll pass it on to the Customs.

MR. JAMES M. BODDEN: You don't need that information, you had that long time.

HON. W.W. CONOLLY: I do need that information.

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

MR. CHAIRMAN: Things are far I think from section 4 and 12. If there is no further debate I think we should simply put the question.

QUESTION PUT THAT THE WORDS OF THE QUESTION DO STAND AS IN THE ORIGINAL MOTION AYES AND NOES. MR. JAMES M. BODDEN ASKED FOR A DIVISION.

DIVISION

AYES	NOES
Hon. D.V. Watler	Miss Annie M. Bodden
Hon. G.E Waddington	Mr. James M. Bodden
Hon. V.G. Johnson	Mr. G. Haig Bodden
Hon. A.B. Bush	Capt. C.L. Kirkconnell
Hon. T. Foster	Mr. Craddock Ebanks
Hon. W.W. Conolly	
6	5

ABSTENTIONS:-

Mr. John D. Jefferson
Mr. Claude M. Hill

CLAUSE 12 WAS PASSED WITHOUT AMENDMENT

MR. JAMES M. BODDEN: Mr. Chairman, we have a further objection to section 14.

MR. CHAIRMAN: Perhaps I could put the question on section 13 first if there's no debate on that.

CLERK: CLAUSE 13. PENAL.

QUESTION PUT: AGREED, CLAUSE 13 PASSED.

MR. JAMES M. BODDEN: Section 13. We are objecting to that, Mr. Chairman, on the basis that the powers that are given to the police authority under this Law too wide. We have circulated an amendment to that, and the reason for it is, that as we've said so many times in this Assembly we feel like an ant home in his castle; and these wide powers of search can only cause trouble in the future. Because, so many of these lawswill demand that the constable or the officer doesn't have to have a search warrant, he doesn't even have to really prove who he is when he comes to you. This can only bring trouble, Mr. President. And before we start having too much trouble like some of our neighbouring countries are having it is best while we all have good rational senses that we consider the amendment that we have circulated to section 14, Sir.

MR. CHAIRMAN: I better read that out so that everybody is familiar with it. The motion is, that Clause 14 be amended by deleting the full stop inserting a colon, and the words, "Provided that the constable is armed with a search warrant".

MR. G. CRAIG DONDON: Mr. Chairman, if I remember right the Member presenting this bill pointed out that under the old Law, not only a constable but a game warden had certain powers of entrance. What I think he said that he could enter upon any lands, well, that was quite all right. This section 14 seems to take it much further than entering any land, it says any premises and naturally premises would include a dwelling house. I feel that it is wrong for a constable to enter a person's house, a person's bedroom, bathroom to search for some little lizard that has taken up residence within the man's castle. The constable should have at least a search warrant which has been properly taken out, sworn to in the manner prescribed in our laws.

This unlimited power should not be given to just any constable, any constable would include recruits, would include a special constable, would probably include anybody designated as a constable by the Commissioner of Police. And to give this unlimited power to any constable to enter any premises to search for any animal which may have been imported is taking it too far. In recent legislation we had the same problem, we had the problem with the radio bill where a constable could enter and search for a transmitter without a warrant, that was wrong, we fought against it but we lost, I'm convinced we will lose today. Nevertheless, it is an invasion of the rights and the privileges of a person to allow his house to be searched for no greater reason than that he may have some little lizard like the one that has taken up [illegible] in the North Side Member's house. What are we doing? Are we turning this place into a police state overnight, have no regard at all for the rights of the individuals, no regard for the privacy of the citizens, every thing in the name of socialism, everything to be done as it is done for the gratification of who ever is thinking up these laws. Because, certainly this type of legislation cannot exist anywhere else. If it does exist in other parts of the Commonwealth one need not have to think twice to find out why there has been this total disintergration of the Commonwealth, this total break down for a regard of Law and order when Legislators would approve a bill where any constable could enter any premises even into the Holy of Holies of a man's house and search the place without even presenting a warrant, without even being properly identified himself. I think we are taking this too far and I would personally vote that this be not allowed and that as the amendment says, that the search be only carried out if the constable is properly armed with a search warrant.

MR. JAMES M. BODDEN: Mr. Chairman, if we reflect a bit on history we will find that this was the beginning of Nazism in Germany, it was the beginning of [illegible] in Italy, it's the beginning of communism in Russia when things of this nature are allowed. This was one of the first things that was done in Germany and Italy when Mussolini and Hitler took control of the country - was the right to go into anyone's home, arrest you without a warrant, take anything you had in your home out, that's where it started, Sir. I have read a fair amount of history and any of you can read the same history books and you'll see that I'm right. Are we going to sit idly by here and let the same thing happen in this country?

Remember further than that, Mr. Chairman, that we have one word in this section 14 which I think is of paramount importance, and the word is, "believe". The constable doesn't have to have evidence that that animal is in your home, he only has to believe. Now, what is that belief, Sir? Is that like the belief that we have in Jesus Christ, or is it that belief that some people have in the devil? So, he believes that there is an animal in my house, and at two o'clock in the morning he's going to knock on my door, come in, walk into the bedroom or in the house wherever it is and take this out. This is ridiculous, Mr. Chairman, because the only thing that's going to happen is that someone is going to be put into trouble over it. Now, we should not legislate this type of legislation that holds a sword of Damocles over the heads of our people - it is ridiculous to think that it could be drafted in this manner, Mr. Chairman, and it's time that we take it out. And I hope that we're not going to have any abstainers when we come to this vote.

MR. JOHN O. JEFFERSON: Mr. Chairman, I have heard all kind of arguments introduced into this House. I heard arguments covering everything from a lizard to I don't know what. Mr. Chairman, it is fair to think of the inherit rights of the people, but when you talk about reading history, lets read history, lets read facts, lets read what has happened in other countries of the world since there has been just what there is today - drugs, deceit; I don't know what. Are we going to sit here and say that an officer can't search my house if he suspects that I have drugs because that house is my castle? my rights are then at the expense of the nation. That's a foolish argument. The argument that I feel is right, and that is, that up until now there has been none that could introduce any argument to say that there has been any instances in these Islands where these powers has been abused. No police officer has ever woke anybody up in their house at one o'clock in the morning in the last few years. I know years ago when those things were done, but it's not being done today.

I am saying this, that if I've got something that somebody has the reason to suspect is contraband - is illegally brought into this country, why should I be able to hold that, why should I be able to cover that up, what do I have to hide? I don't have anything I want to hide. I am saying, that as far as I'm concerned there won't be any obstensions when it comes to section 14. Because I am going to vote in favour of it; I think it's placed there for a good reason - and we can introduce any kind of argument to suit anything, it's just like statistics. As far as I'm concerned it is a good provision of the Law and I'm going to support it, there's no question about that.

MR. JAMES M. BODDEN: Mr. Chairman, I'd like to point out one thing that when I read history and I refer to it, Sir, I think I get something out of it and I understand what has happened, it is not when some people read the Bible and interpret it differently, because it is a good thing sometimes the Bible couldn't blow up under the hands of some people in the way they interpret it. So, I don't want it to be misunderstood as to my interpretation of history ..... (Mr. John D. Jefferson - I think these are inferences.) - the point is, Mr. Chairman, we are dealing with an inherent right of the people which was brought down under English Laws since 1066 at Runnymede. This is what we're dealing with. And it is true that if I do something wrong infringe on the rights of the people as a whole, then there are certain things that should be able to be done by the Law, but we are dealing with something that says, believe, there are no facts, it's a belief.

Now, lets take the word, "believe" out then, but lets make some amendment to this section of the Law, because there is a lot of difference between belief and facts.

MISS ANNIE H. BODDEN: Mr. Chairman, the only amendment that I see here that is being asked for is that this constable, whoever he or she may be is armed with a search warrant, that is all. We are not saying they cannot enter a house to search, but they should be properly armed with a search warrant, that's all we're saying; and personally I will not allow no man, woman or child to enter my house day or night unless I know what they are coming for and that they are qualified and equipped, and the proper person to do the job. I have nothing to conceal in my house, but if the police were doing their job I would say this very respectfully - and searching houses and people who are having dope, we would be better off, we wouldn't have so much dope being used a lib. But this is the matter about an animal, and I feel that any police that enters a house should be properly armed with a search warrant. I don't know if armed with a search warrant is the correct word or not, but they should have duly executed search warrants to perform what they are about to do. And, I'll stand by that.

MR. CLAUDE M. HILL: Mr. Chairman, under section 14, Powers of Constable or constables, I feel that this is too far flung. Actually, they just having a reason to believe that an animal which has been imported into the island contrary to the provisions of this Law is in that particular premises, and they can go in without a search warrant. And what Members here are trying to do is

MR. CLAUDE M. HILL: (CONT'D) to make an amendment stating that provided the constable in armed with a search warrant. And, I feel, Sir, that if we do not have that embodied into that Law, woe be-tide us, Sir.

HON. G.F. WADDINGTON: Mr. Chairman, the reason for allowing a constable to go in without a search warrant is because, in most of the cases when that will be necessary, time will be of the very essence of the matter. If a rabied dog if brought into this country the time taken to get a search warrant might result in the entire country becoming infected with rabies.

In defetence to the Members on the other side, I would suggest a slight amendment which I hope perhaps will qualm the fears expressed, and instead of having the words, "having reason to believe" I suggest the amendment to read, "Any constable having reasonable cause to suspect that any animal etc." And I hope that that would perhaps meet one of the objections made by the First Elected Member for Bodden Town .....

MR. JAMES M. BODDEN: I appreciate the move that is being made, Sir, but it's just the play of words. I would go along with it on the basis of any constable having evidence. Evidence, but not belief - but you all wouldn't even know any how.

HON. W.W. CONOLLY: The trouble is this, who knows or who doesn't know it doesn't make any difference to me. I am saying that the subject matter is that there has been an animal imported into the island contrary to the sections of this Law. Now, the second point is this, that the constable has reason to believe that it is held some place. Now, I don't feel very strongly on this if Members feel like if you want to say - which I mean you'll be stressing it because there's probably a small number of animals that would be kept in a person's home. Most animals naturally would be in the premises, which could mean our grass piece or some place outside of a home. If Members wanted to say that if it was in the home then could be armed or the word they use for the search warrant, I would not object to that. But, the point is this, that I would say that it is not in every case, and I don't think that the Law envisages that people would be hiding alligators, elephants and diseased cows in their homes, I think when the word said Premises, that premises even though it is not defined, and it could include a house in respect of animals, would be more in respect of the land areas. So, I don't know if the Second Official Member would have any objections in proposing an amendment to include where it is - a home - if the search warrant would be necessary, if this would appease Members, I have no strong feelings about that.

Of course I would like to point out, that we have to have confidence in somebody. The Member made a remark a while ago that no wonder that our Laws are being copied from Commonwealth countries and all this is happening. I would like to point out to the Member that I think the reason why all of these things are happening now, is because they have got rid of their Executive Council - a times when they had Executive Council they didn't have all of these problems .....

MR. JAMES M. BODDEN: Mr. Chairman, the good Lord had confidence in Judas too, and see where he put him.

HON. W.W. CONOLLY: That could be pretty true, but if Members of this House and if the Members of the public don't have confidence in your Government you will be similar to any other island .....

MR. JAMES M. BODDEN: Mr. Chairman, the Member is trying to debate politics. (Hon. W.W. Conolly - I'm not debating no more than ...) Now, he is the one that has been for internal self Government more than anyone else in this country which would've taken away the powers of Executive Council.

MR. CHAIRMAN: I think we are getting very far away from section 14.

HON. W.W. CONOLLY: Mr. Chairman, I'm for the Animals Law, Sir. Yes. that's what we're debating, that's my strict interest here, and if we can have some amendment to this where we can have this [illegible] broken I would appreciate it.

MR. CHAIRMAN: Perhaps we could have some indication whether an amendment along those lines would be generally acceptable, so the Honourable Second Member could try to put it into words for us.

MR. G. HALL ROBLEN: Mr. Chairman, I couldn't accept any amendment other than the one that has been tabled, because to my mind what is involved here is a question of human rights, an invasion of a person's private property. And I believe that if there is cause to believe that a place contains a prohibited animal it should be searched, but it should only be done after a proper case has been made out to the Justice of the Peace or whoever signs the search warrant. If there is anything concealed in it, it should be searched, but it should only be done after the proper procedure has been followed.

The argument that time might be against you is all nonsense, because who would want to conceal a diseased animal? Now, I can understand the case of where somebody might want to conceal say, a pet monkey or something that the person believes that it was not diseased. I can't see any reason for anybody wanting to conceal a dog or something like that in the house, the person would want to get rid of it. So, the question here is not whether really the animal is diseased or not, it's a question of whether we've searched the man's house without a warrant. There is one amendment that I would accept and that is if the word, "premises" was changed to "land", I don't see any harm in entering upon any land to search for a elephant that might have some sort of disease or that has been brought in from one of the prohibited areas, but I can never agree to any amendment that will still allow a person's house to be searched without a warrant.

I admire the efforts of the Second Official Member in substituting the words, "reasonable cause to suspect" for "having reason to believe", but for the life of me I can't see how that would give any protection to the owner of a house, the thing would still be wide open. And a person having reasonable cause to suspect is in the same position as the person having reason to believe. So, that amendment would make no difference in the protection of the rights of the individual, so I have to stand by the amendment that was proposed unless somebody would put forward an amendment to change the word "premises" to "lands".

MR. CRADDOCK BANKS: Mr. Chairman, out of the remarks of the Second Official Member - talking about the time consumed in preparing a search warrant. I would like for the Second Official Member to indicate to me or tell me how long it will take to prepare a search warrant? With permission, Mr. Chairman.

HON. C.F. WADDINGTON: Well, it would be necessary to find a Justice of the Peace, it might be necessary to act at a late hour of the night, and it might not just be possible to find a Justice of the Peace as quickly as one would like to

MR. CRADDOCK BANKS: Mr. Chairman, when we have a hundred and one or two hundred and one or three hundred and one Justices of the Peace scattered all over the island with police stations and police all over the island, a search warrant must be already in its duplicate form to just be filled in by names and dates and what not. How does it take a time and authority to do such frivolous things as these.

Mr. Chairman, I have had a couple of experiences in my house recently by an idiot, or with an idiot and probably the island and a lot of the world will know the facts about it sometime, but any man that acts in a sound sensible manner approaches my door and attempts to walk in without proving to me his capacity, his reason for being there, whether it's day or night then it will be another question. And I'm not going to give any approval to this except a search warrant is provided for any constable, whether he has

MR. CHADDOCK EBANKS: (CONT'D); just been recruited yesterday or whether he's got ten, fifty, a hundred years of experience as a police. If he can produce to me a search warrant and his identification, no problem, I'll just tell him what the Customs Officer told me in the United States on my first going. When he started to tear my room to pieces, I said, "officer, you know if you just tell me what you're looking I might be able to help you out", he said, "God help you". Yes, he meant if he had found it, and I will be too glad to help out any police if he comes in the right manner providing he's proving to me his capacity, his ability and his reason for being there with all that is necessary, I show him any part of my house that he wants, or he is free to go any place that he wants.

MR. CLAUDE M. HILL: Mr. Chairman, I am wondering if the Second Official Member could make an illustration to the House or suggest an illustration to the House as to why certain laws are with a search warrant and not this particular Law that is before us now?

HON. G.E. WADDINGTON. Would you repeat that please, I am afraid I neither heard nor understood what you said.

MR. CLAUDE M. HILL: I would like if you could give the House some reason why a constable is not necessary to be armed with a search warrant on this particular bill that is before us now, and other bills that came before this House, constables were supposed to be with search warrants - there are laws which demand a constable to have a search warrant to enter a man's property.

HON. G.E. WADDINGTON: Well, I not concerned with other Laws, I'm concerned with this particular Law and I would rather state that the reason for this section was that because it might be necessary on occasions to act with the greatest speed possible. And in the position of a search warrant it might completely negative the purpose for which the search is made.

MR. JAMES M. BODDEN: Mr. Chairman, isn't it a fact that the Chief of Police is automatically a J.P. or has the powers of a J.P.? If that is correct, Sir, I can't see where there is any problem, because if such a serious thing as this is occuring he should be on the scene or we should be able to find him, and I can't see why just getting a search warrant which protects the legal rights of the citizens of this country is such a difficult thing to do. It just looks to me, Mr. Chairman, that these people are just playing with power for power sake. And, as far as the amendment that was proposed by the Second Official Member I think it was just a semantic of words, and I don't know whether it was thrown out as bait hoping the ignorant would grab it like a fish or not, but it still meant the same thing as what was in the original one, Sir.

HON. G.E.WADDINGTON. It was thrown out at your own suggestion.

MR. JAMES M. BODDEN: Not at my suggestion to the same words or the same meaning.

CAPT. C.L. EHRENKRANTZ: Mr. Chairman, I do not think, Sir, that there is one man or woman in this Assembly today who could honestly agree for anyone to enter on their premises without having a proper search warrant. I think before voting on this legislation we should search ourselves, apply this law to ourselves, to our homes and then vote yea or nay. I honestly feel, Sir, that we are taking a regressive step, we are going back to the [illegible] and we are going back to the time when Parliament in the 17th Centuries, the petition of rights had to be brought in to prevent the King from arresting its citizens without a warrant.

Mr. Chairman, I wholeheartedly approve of this bill being amended with the clause "provided that the constable is armed with a search warrant". I thank you, Sir.

MR. CHAIRMAN: I think this might be a suitable time to break because it's nearly one o'clock. Members may reflect on the pros and cons of the amendment during their luncheon intervals and proceedings will be resumed. I'll suspend proceedings until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 1:00 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed. We'll resume proceedings in committee. We resume the debate on the committee stage of the Animals Bill. I think we got as far as Clause 14. There was the debate for and against an amendment submitted in the name of the Second Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. Chairman, shortly before the adjournment I got the impression that the Member responsible for this bill wasn't too keenly opposed to the amendment, and in a recent paper which you circulated to the Members you stated that the Member piloting a bill would normally guide the other Members of the Cabinet in an amendment to this thought which really doesn't affect Government policy. And so I feel that, although I don't want to put the Member on the spot, I think he should instruct the other Members of the Cabinet to vote for this or at least ask them to vote along with us on this amendment.

HON. W.W. CONOLLY: Mr. Chairman, I am not going to instruct anybody here. I don't think that that is my particular function. I have a suggestion to make on this particular section. I would like to point out that some of the arguments on this has been really well out, and I would hope that no circumstances or incidences of such would happen. This was put in here as a means of expediting the control in whatever manner that was thought reasonably best, and I would hope that all the functions of the Law-enforcing officers would reflect on all, at all times reasonable.

I am prepared, Mr. Chairman, to suggest an amendment on this particular clause, and my amendment to section 14 would read as follows:- "Any constable HAVING REASONABLE CAUSE TO SUSPECT that any animal which has been imported into the Islands contrary to the provisions of this Law is being held or concealed in or on any premises may ON OBTAINING A SEARCH WARRANT FOR THAT PURPOSE at all reasonable times enter and search such premises and take possession of such animal and, pending the outcome of any legal proceedings, dispose of such animal accordingly to the directions of the C.A.V.O." I would formally move that, Mr. Chairman, and I would hope that Members would support it. This I would like to make clear that obtaining the search warrant or as the Member this morning said, "armed with a search warrant", does not in anyway deter an officer from searching. The point is, that it was hoped and it was drafted with the reasonable person in mind as all laws are; that they are going to be implemented by reasonable people. The words, "reasonable times" and "reasonable people" I think is anything that has a lot of legal history in their interpretation. But the suggestion that I put forth, Sir, I think should meet both sides, that we could get along with this bill. Because I'm more anxious in getting on the /floor a book than I am to sit down here and discuss or argue back and forth.

MR. G. HAIG BODDEN: Mr. Chairman, just for a matter of clarification. Do I understand the Member to say, that his amendment would now make it necessary for an officer to have a search warrant before entering a house. If that is so, I'll go along with it, because .....

HON. W.W. CONOLLY: I said, may on obtaining a search warrant for that purpose at all reasonable times enter and search such premises and take possession of such animal and, pending the outcome of the - this is what I'm saying.

MR. CHAIRMAN: If that seems general to reflect the motive of the House it would probably save time if Members are prepared to vote for this amendment, if the amendment standing in the name of the Honourable Second Member for Bodden Town was withdrawn then we would simply vote out the clause as it is now and then vote on the clause as amended.

MR. JOHN D. JEFFERSON: Mr. Chairman, I would also like to retract one statement that I've made, and that is in relation to the fact that there's been no instance where this has been abused, because in reflecting I remember that there was one instance in which that was abused when somebody entered some-body's property, seized the / [illegible] towed it away and up until today it hasn't been dealt with by Government. And, I just want to retract the statement that I've said before, because there was no other instance. (Hon. W.W. Conolly - Not animal though: what kind of animal that was?) - it wasn't an animal.

MR. G. HAIG BODDEN: Mr. Chairman, the point I'm trying to get clear with this amendment is, will the constables be able to search without a warrant?

HON. C.E. WADDINGTON: Not as the amendment is, Mr. Chairman. It is on obtaining a warrant, he will have to obtain a warrant before being able to search. And, another thing I would like to point out, Mr. Chairman, is what Members seem to have missed is that the words, "which has been imported into the Islands contrary to the provisions of this Law" are most important. In other words the constable can't act until there is evidence that an animal has been imported contrary to the provisions of the Law, and it's only where that has happened that he may, on obtaining the warrant, search any premises where he has reasonable cause to suspect the animal is being kept. So, first of all there must be a breach of the Law by the importation of an animal contrary to the provisions of the Law.

MR. G. HAIG BODDEN: Mr. Chairman. I'm now satisfied with the explanation and I'm willing to withdraw my amendment, and support the amendment which does the same thing I wanted done, only it's doing it in different words. I'm prepared to go along with that.

MR. CHAIRMAN: If there is no objection to the withdrawal, I put the question first that the words stand as in the original motion. Now, if Members vote against this then we shall vote on the clause as amended.

QUESTION PUT THAT THE WORDS OF THE QUESTION DO STAND AS IN THE ORIGINAL MOTION THIS WAS NEGATIVED.

MR. CHAIRMAN: The amended clause as put forward by the Honourable mover of the bill now reads:- " Any constable having reasonable cause to suspect that any animal which has been imported into the Islands contrary to the provisions of this Law is being held or concealed in or on any premises may on obtaining a search warrant for this purpose at all reasonable times enter and search such premises and take possession of such animal and, pending the outcome of any legal proceedings, dispose of such animal according to the direction of the C.A.V.O.".

QUESTION PUT: ON AMENDMENT PROPOSED BY HON.W.W. CONOLLY: AGREED: CLAUSE 14 PASSED AS AMENDED.

CLERK: PART III CLAUSE 15. PERSONS TO REPORT CASES OF NOTIFIABLE DISEASES.,
CLAUSE 16. RIGHT OF ACCESS BY C.A.V.O. TO DISEASED ANIMALS.
CLAUSE 17. STANDSTILL ORDERS.
CLAUSE 18. DESTRUCTION OF INFECTED ANIMALS ETC. AND COMPENSATION.
CLAUSE 19. GOVERNOR MAY MAKE REGULATIONS.
CLAUSE 20. PENAL.

QUESTION PUT: AGREED. CLAUSES 15 TO 20 PASSED.

CLERK: PART IV. CLAUSE 21. GOVERNOR MAY MAKE REGULATIONS FOR THE IMPROVEMENT OF LIVESTOCK.

CLAUSE 22. IMPORTATION OF SEMEN PROHIBITED EXCEPT UNDER A LICENCE.

CLAUSE 23. OFFENCES.

QUESTION PROPOSED:

MR. G. MAIC BODDEN: Mr. Chairman, again I'm against sub-section (k) which would give the Governor-in Council power to set the fees to be charged for certain services. There is an amendment which has been circulated to the House asking that sub-section (k) be amended, and that the fees would not have effect until they have been subjected to affirmative resolution. If I may go back this was the same amendment to section 11, although the House ... not to have ... that amendment to mean the entire ... If you read it carefully you will see that the amendment to section 11 was not intended to cover the entire regulations, but only the fees would be subjected to an affirmative resolution. So, this amendment to section 21 is not against the entire section, it is just against sub-section (k) which deals primarily with fees, and I have the same argument that these fees are taxes in that they would be compulsory for those people engaged in Agriculture and would be compelled to use the services of the department if their business could function properly. And I feel that it's not right for the fees to be set by Executive Council.

HON. W.W. CONOLLY: Mr. Chairman, I would like to draw the Member's attention to what probably could be a ... in dealing primarily with the treatment of animals and it involves very expensive drugs. And, if from shipment to shipment these drugs vary in cost, and if we had a fix fee here which would include the medicine, ... could very well find that the department could be at a disadvantage from a financial point. I'm not saying that you'll make any revenue out of it but of course you could find yourself being heavily subsidized. I can just draw you attention to one particular item of expenditure now; you take the compound that we put into the dips, a recent shipment of a fifty gallon drum cost something in the ... of eight hundred dollars per first cost. And, these medicine, drugs and insecticides and stuff, they go up rapidly; and I feel that there should be some flexibility where that these fees in cases of this where they can be recommended by the Chief Agriculture Officer to Council and it can become effective reasonably ...

MISS ANNIE H. BODDEN: Mr. Chairman, (MIKE TURN OFF) ..... I'm sorry, I will have to repeat that. I said, that with regards to section 20, I should have spoken before. In this paragraph here in section 20, it says, " A fine not exceeding six months or to a fine not exceeding $50.00 or both". And, then when we come to section 30, it says, "Five Hundred dollars or six months". In section 20 it's only $50.00 and in section 30 it's $500.00.

HON. G.E. WOLF ... Mr. Chairman, I rather think that that was a misprint, you know. I think it's five hundred dollars that was intended, because every where else it's five hundred dollars or six months. I think it was a misprint. Thank you very much for pointing that out.

MR. CHAIRMAN: If the Honourable Member ... to ... this could be corrected at the Third Reading stage, but I think the Assembly is grateful to you for pointing it out.

MISS ANNIE H. BODDEN: No objections.

MR. CHAIRMAN: Well, we'll continue debate on Clause 21. If there's no further debate I put the question the question is that Clause 21 do stand part of the bill.

QUESTION PUT: AGREED. ... 21 PASSED.

MR. CHAIRMAN: We'll pass on to Clauses 22 and 23.

QUESTION PUT: CLAUSES 22 AND 23 PASSED.

CLERK: CLAUSE 24. PERSONS KEEPING DOGS TO TAKE OUT ANNUAL LICENCES.

CLAUSE 25. FREE LICENCES IN CASES OF GUIDE DOGS FOR THE BLIND.

CLAUSE 26. IDENTITY OF PERSON KEEPING DOG.

CLAUSE 27. WEARING A COLLAR.

CLAUSE 28. DOG FOUND WITHOUT A COLLAR.

CLAUSE 29. PENAL.

CLAUSE 30. REGULATIONS.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, I have one question on section 24. I understand this section is to include dogs of both sexes ,I had a feeling that in the old Law when we say, "dog" we only meant the male, but reading this section I wondering if we're including the bitches in this as well. Could the Member let us know?

HON. W.M. CONOLLY: I think it is true to say that we are including both in this. There might have been some other legislation that might have said male dogs, but I think this means both, male and female.

MR. G. HAIG BODDEN: I think the female dogs or the bitches will be very proud to know that they have reach the stage in their development when they'll be taxed equally with the male.

MISS ANNIE H. BODDEN: Mr. Chairman, I can assure you that the lady dogs have to be taxed [illegible] I had to pay on [illegible]

QUESTION PUT: CLAUSES 24 to 30 PASSED.

CLERK: PART VI CLAUSE 31. RESPONSIBILITY FOR TRESPASS BY LIVESTOCKS.

CLAUSE 32. EXCEPTION IN RESPECT OF LAND ABUTTING ON A PUBLIC ROAD.

CLAUSE 33. LIABILITY FOR ALLOWING THE TRESPASS OF LIVESTOCKS.

CLAUSE 34. PENALTY FOR ALLOWING LIVESTOCK TO CAUSE DAMAGE.

CLAUSE 35. SWINE NOT TO BE KEPT IN SPECIFIED TOWNS.

CLAUSE 36. POWER OF CONSTABLE TO TAKE SWINE INTO POSSESSION.

CLAUSE 37. CIVIL LIABILITY OF DOG OWNERS.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, on section 35, do I understand that certain "town" would be specified as prohibited area's for the keeping of swines, or would it just be certain areas of a town ? Because, for argument sake, suppose Bodden Town or lets say, East End was made a specified town. It would mean that no person could raise any swine in any part of that town, and I don't think this would be right, because there are certain areas of every town including George Town which would be suitable or could be used for the keeping of swines. So, I'm alarm at the word,"specified town", especially when I look at the

MR. G. HAIG BODDEN:(CONT'D): definition given to it in the interpretation of the bill, that says, a specified town means any town specified by the Governor in Council to be such for the purpose of section 35. So, it appears to me that under this bill it would be possible to specify a whole town and say that no swine could be kept in any part of it when we know full well that even here in the Capital of George Town, there are certain people who now raise pigs and in Bodden Town we have a farm where they have pigs. For some reason or the other Boddep Town might become one of these days a specified town and it would be unlawful then to keep pigs in any part. So, I don't see how we can have a specified town, I would rather see specified areas of a certain town.

HON. W.W CONOLLY: Mr. Chairman, I would like to remind the Member that the Law standing on our statute books now, Cap. 162, The Swine Protection of Keeping Law says exactly the same words, I think it says the Administrator in Council" where this says, "the Governor", so it's the same situation we have. This has been on the statute books for a long time, and naturally as the districts, towns, cities or what have you develop for/and reason and other reasons it will become more and more important that planning dictates to where animals can be kept in a district.

I remember sometime here right in the centre of George Town when we had one of the largest chicken farms. When that was started it was fine, but today it would be out of place, and I'd imagine that things will continue like that. I don't think that there's any attempt to bar anybody from having animals in certain areas where it is not a threat to the normal, I would say, development of the district or of the town if you want to call it, but this is exactly what is the situation today.

MR. G. HAIG BODDEN: Mr. Chairman, I know that what the Member is saying is quite true about having the same situation in the old Law, and about the chicken farm. In fact I even know that where Hog Sty Bay got its name from. Nevertheless, we are writing a law which should be better than anything we had on the statute books before, else we shouldn't write it. The fact remains that in every town there are possible sites where people could raise swines in isolated areas. and I can think of say, Bodden Town, there are some areas where swine could be kept without molesting the majority of the people there. And I feel that it would be wrong to make a whole town a specified town. What I'm in favour of is certain areas being shown as specified areas, but the way the Law is drafted there seems to be no provision for special areas. It seems to be that in a town you either raise swine or you don't raise them, and this to me doesn't seem to be right. the fact that it was written this way in some antiquated Law doesn't make it right.

And I would certainly like to see some changes. What I would like to see is that the word 'town' be changed to the word "areas" so that the Law would read:- "It is unlawful to keep swine in any specified area," and then in the interpretation we would change the word "town" to 'area', and then the Executive Council could prescribe certain areas in a town where you wouldn't raise swine . But, to have a whole town, even the Capital of George Town made a specified town seems most unreasonable.

HON. W.W. CONOLLY: Mr. Chairman, may I point out to the Member that other than for the election purposes of the registration of voters, there is no defined towns in Grand Cayman. And, what I'm saying is, that writing this here does not in any way affect any situation. I would think today that when a development plan is completed this in detail, would show areas where animal husbandry and other general farming would be allowed. but I do feel that particularly the swine , because you know the swine carries a lot of diseases, and I would not be in favour of encouraging, I may say this of people raising pigs next to their houses ,I know it has been done, it's the way of life here but it will gradually change. And, as I've said as it is today I think before the towns can be specified there has to be an effort on Government's part to define the area call the town to begin with. So, I don't think this is anything to worry about, and that's the reason why we wrote it back exactly what existed before.

What the time comes that a plan is given of a town,

HON. W.W. CONOLLY: (CONT'D): and the areas where people can be allowed to do certain developments, then I believe that the Agricultural end will be taken care of. People will know before where they can do certain of these activities.

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to see in section 34, that fine of forty dollars increased, Sir. Only Friday afternoon I went to the Airport, and in a compound not too far there were about ten cattle there, a tremendous bull I believe it must have been, any how a terribly big animal, and it wasn't very far from the airport, and I saw strands of barbed wire around them. Now, I thought that was very unnecessary to have cattle in such a close proximity to the airport - I mean it was a lot of grass I will agree, but it was to my way of thinking a great exposure to the people coming in on the planes, because those cattle could wander and get on the airport, and for a measly forty dollars I think that is ridiculous . . should be at least five hundred dollars here as well, or at least more than forty. (HON. W.W. CONOLLY - I couldn't agree to that.) - Section 34. "Whoever, whether or not he is the owner of any livestock, wilfully permits any livestock to wander in any public place where the presence of such livestock may cause a danger to the public is, in addition to any civil liability he may incur, guilty of an offence and punishable on summary conviction with a fine not exceeding $40.00." Forty dollars is entirely too small.

HON. W.W. CONOLLY: Mr. Chairman, it is the fact that forty dollars is small, but I think what we should look after is this - you know the development of us here in Cayman has created a lot of difficulties for people that once grass pieces as we knew them are now residential areas. And, you have certain people who haven't sold out their property for residential purposes, and they still keep their cattle there. A lot of times roads . . through people's property and all of this does at times expose the owner of cattle to inconvience of his cattle being let on public property. And until such time as a firm in detail plan where you have your Agricultural Development set out on certain areas away from these public places, it would be pretty difficult to punish the owner of these animals, and I would feel that this was the consideration that was taken into mind when this was being drafted.

MISS ANNIE H. BODDEN: Mr. Chairman, I'm not even sure that this was private property, it could've been a part of the airport because it was on the road going in, and there were at least ten cattle there, and I cannot see how this ferocious business, they can be fined five hundred and a person allowed to have cattle into the vicinity of the airport, which I'm sure will cause much more damage than this ferocious dog here, and they have to pay forty dollars, this is ridiculous..... (MIKE TURNED OFF)

HON. W.W. CONOLLY: I didn't say that, Miss Annie (laughter) No, I think that the idea is, we don't want to - because the circumstances are such - take the airport land. Now, a lot of that land around the airport has been bought recently for the airport development which hasn't taken place As such the land is lying down there without any active use and I believe that certain portions of it have been rented to people to pasture cows. So, when the development takes place in due course all of these difficulties will disappear, I would hope.

MISS ANNIE H. BODDEN: (MIKE TURNED OFF) .....

HON. W.W. CONOLLY: It is true, and on the other hand you can take a case of a civil suit in court. If a bull damages some individual they have a right and access to the court this is a criminal charge for .....

MISS ANNIE H. BODDEN: ..... (MIKE TURNED OFF) .....

MR. JOHN D. JEFFERSON: I think the argument put forward by the Lady Member is valid in relation to the responsibility of cattle being able to get on the airport, with airlines going in and out daily, certainly I would like to

MR. JOHN D. JEFFERSON: (CONT'D) ... serious consideration ... to that.

HON. W.W. CONOLLY: If you are talking about the airport, you know there is legislation dealing with that now. I mean there is specific legislation in the airport regulations that deals with stray animals on that airport, very, very stringent ones.

MISS ANNIE B. BODDEN: Mr. Chairman, I agree with all that, and I heard that not too many weeks ago the Judge told some man that the next time he comes there on such a charge he will throw the book at him, whatever that means. But, I saying, that in this Law we should also make provision to safe-guard cattle straying on this airport. Forty dollars, what is forty dollars?

HON. W.W. CONOLLY: Mr. Chairman, is the Lady Member making a suggestion for an amendment?

MISS ANNIE B. BODDEN: I would make an amendment if it was any good, but I'm afraid .....

HON. W.W. CONOLLY: We won't know it 'til you make it, if you .....

MISS ANNIE B. BODDEN: Well, I'm making an amendment that that amount of forty dollars be increased to the five hundred dollars.

MR. CHAIRMAN: Well, if there is no further debate we'll take Clauses 31 to 33 first and vote on these.

QUESTION PUT: AGREED, CLAUSES 31 TO 33 PASSED.

MR. CHAIRMAN: There is an amendment down to Clause 34 suggesting that the fine be increased to five hundred dollars. So, I'll put the question that the words of the Clause stand as drafted, that means that if Members vote on that they're voting against the amendment.

MR. JOHN D. JEFFERSON: Mr. Chairman, before we do that I'll like to ask the Lady Member if - I couldn't support that five hundred dollars, and that's really a bit high.

MR. CHAIRMAN: It's not compelling, of course.

CAPT. C.E. KIRKCONNELL: Mr. Chairman, I also think that five hundred dollars, it is a bit steep.

HON. G.E. WADDINGTON: Maybe we could have a figure between forty dollars and five hundred dollars, a more reasonable figure.

HON. W.W. CONOLLY: It's not the place altogether, remember they had some problem with cows .....

HON. G.E. WADDINGTON: Maybe the fee should be made to be a hundred dollars, Mr. Chairman. The Lady Member might agree - a hundred dollars seems to be easily - I'm sure the Member won't object to that.

MR. CHAIRMAN: Well, we'll change the figure from five hundred to one hundred, and that is the figure that is being voted on. First of all I'll put the question that the words of the clause stand as drafted, if you vote against that then we'll take the amendment.

QUESTION PUT: AYES AND NOES. THE NOES HAVE IT.

MR. CHAIRMAN: We'll take the next question that clause 34 as amended substituting the figure one hundred for forty stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 34 AS AMENDED PASSED.

MR. CHAIRMAN: The question is that Clause 35 to 37 do stand part of the Bill. There is an amendment standing in the name of the Second Member for Bodden Town with the word "town" replaced by the word "area" in Clause 35. So, if you vote for the clause that is drafted you're voting against the amendment.

QUESTION PUT: AGREED. CLAUSE 35 to 37 PASSED WITHOUT AMENDMENT.

CLERK: CLAUSE 38. DANGEROUS DOGS NOT UNDER CONTROL

CLAUSE 39. FEROCIOUS DOGS.

CLAUSE 40. STRAY DOGS.

CLAUSE 41. DISPOSAL OF SEIZED DOGS.

CLAUSE 42. FINDERS OF STRAY DOGS.

CLAUSE 43. ESTABLISHMENT OF POUNDS AND APPOINTMENT OF POUND-KEEPERS.

CLAUSE 44. POUNDKEEPERS TO GIVE NOTICE TO OWNER OF IMPOUNDED ANIMAL.

CLAUSE 45. POUNDKEEPER TO SUPPLY FOOD AND WATER.

CLAUSE 46. POUND FEES TO BE PAID BY OWNER PRIOR TO RECOVERY OF ANIMAL.

CLAUSE 47. POUNDKEEPER TO KEEP RECORDS.

QUESTION PUT: AGREED. CLAUSES 38 TO 47 PASSED.

CLERK: CLAUSE 48. ENTIRE ANIMALS TO BE KEPT SEPARATELY.

CLAUSE 49. FEES TO BE ACCOUNTED FOR.

CLAUSE 50. IMPOUNDING.

CLAUSE 51. DISTRAINER ENTITLED TO SEIZURE FEE.

CLAUSE 52. DISTRAINER TO CARE FOR ANIMALS DURING DETENTION BY HIM.

CLAUSE 53. ENTICING ANIMAL TO TRESPASS IS AN OFFENCE.

CLAUSE 54. RESCUING IS AN OFFENCE.

CLAUSE 55. OWNER'S RIGHT TO DISTRAINED ANIMAL.

CLAUSE 56. SALE OF UNCLAIMED IMPOUNDED ANIMALS.

CLAUSE 57. REGULATIONS.

QUESTION PROPOSED:

MR. CLAUDE M. HILL: Mr. Chairman, I see where you have poundkeepers mentioned in different Sections of the Law I'm wondering where the pounds are in George Town?

HON. W.W. CONOLLY: Mr. Chairman, that's a very good question. I don't think we have any pounds in the island as far as my knowledge serves me, that is not saying that there is no necessity for that. But, what has happened in that the fees that were prescribed under the Pounds Lawwere so small that it discouraged people putting animals into pounds, and what we found was that they just went into disrepute. But, surely if animal husbandry is going

HON. W.W. CONOLLY:(CONT'D): to develop in the island , there will be the need of these pounds.

As the Lady Member said, when you have animals straying on the airport or straying out in public places that could endanger people, we do need some place of safety to put them. And I would hope that as soon as the funds are available that pounds will be erected and maintained in the agricultural areas of Grand Cayman.

MR. G. HAIG BODDEN: Mr. Chairman, I don't think we need to bother about the pounds, because I'm sure this was copied word for word from the old Law, and if that's the case it ought to be ok, that's what we've been told all along. Once it comes from the old Law it's .....

HON. W.W. CONOLLY: It's nothing wrong with it, it's a good Law.

MR. CHAIRMAN: There is an amendment down on the order paper under Clause 57.

MR. G. HAIG BODDEN: Mr. Chairman, there is an amendment to that section, but I know how it will be treated .....(MEMBERS LAUGHTER) ...(HON.W.W. CONOLLY - HOW YOU MEAN?)

MR. CHAIRMAN: Well, there's no further debate. I'll put the question on Clauses 48 to 57. Members who vote for these clauses as drafted will be voting against the amendment on the order paper.

QUESTION PUT: AGREED. CLAUSES 48 TO 57 PASSED WITHOUT AMENDMENT.

CLERK: PART VII. CLAUSE 58. CRUELTY TO ANIMALS AN OFFENCE.

CLAUSE 59. MENS-RATTUS, ETC.

CLAUSE 60. CAUSING AVOIDABLE PAIN OR SUFFERING TO ANY ANIMAL.

CLAUSE 61. USING OR EMPLOYING ANYMALS BROUGHT TO BE DESTROYED.

CLAUSE 62. CAUSING UNNECESSARY SUFFERING IN KILLING AN ANIMAL.

CLAUSE 63. DOCKING OR MUTING THE TAIL OF ANY HORSE, ETC.

CLAUSE 64. DESTRUCTION OF INJURED ANIMALS.

QUESTION PROPOSED:

MISS ANNIE H. BODDEN: Mr. Chairman, I should like, Sir, if an amendment could be made or not an amendment, I should say an addition that persons who interfere with animals kept by their owners, they are guilty of an offence. Because, I am - this is very personal, Sir; and I see everybody else dig for what is personal, so I suppose I'll have to try. I have or had in the past dogs which unfortunately cost me up to date $5,040.00 trying to secure them from harming people - Now in turn people interfere with my dogs, come by my fence and push strings in with hooks on it to tear out their tongues and dig out their eyes etc. and they go scotch free, while my animals are enclosed.

I would like to see inserted in this Law some provision that people who deliberately interfere with animals in an enclosed private yard, that they are guilty of an offence. And I would like very much to have that inserted into this Bill.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I'd like to support the Lady Member for George Town.

MR. G. CRAIG BODDEN: Mr. Chairman, I believe that amendment if we put it in could come under Clause 58. We could add another section to Clause 58 to take care of that.

MISS ANNIE H. BODDEN: Mr. Chairman, in the past I have had people come by my fence, take a stick with a nail on it an push it in the eyes of my dogs and dig their eyes right out, and of course they go scot-free; and if those dogs happen to bite them, then Annie Bodden has to pay. I see them pushing their fingers into my chain link fence so that the dogs might bite them. All kind of things I am subjected to, and I would like this inserted in this Law.

HON. W.W. CONOLLY: Mr. Chairman, I think the point of illtreating the dogs I think comes under this now. I think this covers the illtreatment of an animal. If somebody pushes a stick and injures your animal, section 58 covers it at the present time. I would be subject to the Honourable Second Official Member in respect of the legal aspect of this, Mr. Chairman.

HON. C.B. WADDINGTON: We'll perhaps add two more words, Mr. Chairman; I suggest after "tortures" "unlawfully provokes". Does that satisfy you, Miss Annie?

MISS ANNIE H. BODDEN: Anything to cure the situation. Sir.

HON. C.B. WADDINGTON: "Unlawfully provokes or maltreats any animal".

MR. CHAIRMAN: If that's the general answer in the Chamber, I can simply put the question that Clause 58 stands part of the bill as amended, including the words "unlawfully provokes" after the word "tortures" in the second line of Clause 58 (a).

QUESTION PUT:

MR. JOHN D. JEFFERSON: Mr. Chairman, I'm not fully with you there, I'd like that amendment repeated.

MR. CHAIRMAN: The amendment?

MR. JOHN D. JEFFERSON: Yes, the amendment, Sir.

MR. CHAIRMAN: You want it read out again?
"Whoever - (a) cruelly beats, ill-treats, starves, overrides, over-loads, tortures, unlawfully provokes or otherwise maltreats any animal".

QUESTION PUT: AGREED. CLAUSE 58 PASSED AS AMENDED.

QUESTION PUT: AGREED. CLAUSES 59 TO 64 PASSED.

CLERK: CLAUSE 65. PENAL (SECTIONS 59 - 63).

CLAUSE 66. HUNTING PROTECTED ANIMALS.

CLAUSE 67. HUNTING GAME BIRDS.

CLAUSE 68. PROTECTED ANIMALS.

CLAUSE 69. GAME BIRDS.

QUESTION PROPOSED:

CAPT. C.L. KIRKCONNELL: Mr. Chairman, in "Game Birds" I would like to see "parrots" struck out as a game bird, and no longer sought as a game bird. I'd like to have this amended, Sir, protected.

MR. JOHN D. JEFFERSON: I support that, Mr. Chairman.

MR. JAMES M. BODDEN: Mr. Chairman, I'd also like to add to that, that I would like to see "peadove" and "baldpate" taken out also.

HON. D.V. WATLER: What would be the position in the case of the parrots, peadoves and baldpate if they are taken out? They are not protected then, they are not game birds, and therefore people could hunt them anytime. And the game birds you can only hunt during the open season, but if they are not game birds then you hunt them the whole year around, so this is a protection for them I think. I speak subject to the Second Official Member.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I have read this thing wrong, I'll withdraw.

MR. JAMES M. BODDEN: Well, my position is this, that the peadoves and the baldpates are becoming extinct in this country now, they are being, I would say, indiscriminately. Now, I don't know whether we'd have to protect them otherwise or what, but, I'm going to join with the Member from Cayman Brac in saying that I don't quite understand it.

HON. D.V. WATLER: I think these are the birds that you can only hunt during the open season, but if you take them off the list then people can hunt them the whole year round. And this is the only protection that they have.

MR. JAMES M. BODDEN: I wonder, Mr. Chairman, if we could have some explanation on that from the Second Official Member, and I would like to add that I apologize for being late in getting back, but I have to thank the Fourth Elected Member to Executive Council for his efforts in Tourism. I've got some good plants off of your ship.

MR. CLAUDE M. HILL: Mr. Chairman, will these game birds play season be all under one time or will that be stipulated?

HON. G.E. WEDDINGTON: May I ask, have I been asked for an explanation? The position as I see it, Mr. Chairman, is that any bird that is not a game bird would come under section 68, as to say, it would be a bird other than a game bird and therefore protected animals. And, under section 69 it would be an offence to hunt any such bird. So, if baldpate, whitewing and peadove were taken off the game bird lists it would be unlawful to hunt them.

MR. JAMES M. BODDEN: Mr. Chairman, in that case then, I would very much appreciate if we could get the support to take those three birds out of Section 69 so that they would come under section 68.

HON.W.H. CONOLLY: Mr. Chairman, I would like to point out to the Member that take for instance, the parrot. I have known times, and not too distance past when Members of the farming community made representation to this House, and the Government paid certain royalty for the heads of parrots that were destroying the crops. If we put them under section 68 as this stands today we wouldn't be able to touch a parrot, you couldn't catch him, you couldn't sell him, you couldn't kill him, you couldn't do anything with him, that would be a close shop as far as the parrot - anytime you kill one you was subjected to having committed an offence under section 68. So, the idea of placing the parrot under this is because, rather than leaving him as a non-protected bird it was the opinion of the Department that he should have at least a partial protection where that it can only be hunted during certain seasons.

MR. JAMES M. BODDEN: I will put up to a strong fight on the case of the parrots, because at the present time we don't have anything in the line of crops for them to bother anyhow. And I don't think that there are too many people that shoot them. I think usually people catch them and sell them and so forth and keep them as pets. So, I wouldn't stand so much in opposition to that, I'll be willing to concede and leave that one under Clause 65, but I definitely would like to see the peacove and the baldpate put under section 68.

HON. W.W. CONOLLY: I am of the opinion that both of these should remain here as game birds, because, particularly the baldpate; it's a game bird. And once it's protected - which I see evidence of more of them now than I used to see. If you go along the dikes of the M.R.C.U. and if you go into the hinter lands in the eastern end of the island you'll see quite a number of them at times. So, as far as I'm concerned I believe with control I wouldn't like to see people just come in here and destroy them totally, but I think once they are put as game birds - and the season of shooting could be set to where the birds would be protected.

MR. JAMES M. BODDEN: Well, you see we are placing them as game birds but we're putting - unless there's some place in this that I haven't seen it, there is no limit.

HON. W.W. CONOLLY: Oh, yes, look at section 7; I know you'll appreciate this, but the Governor in Council may make Regualtions to limit the number of game animals which may be taken by any one person in any one day. And also the categories of protected animals, game animals and prescribe and amend close season for the hunting or taking thereof.

MR. JAMES M. BODDEN: But, you see we were hoping to get that changed.

HON. W.W. CONOLLY: No, I don't think it would be a good thing, I believe this is one time it will work against you if you did, because we would have to come back here to do this - it is feasible to be done by regulations then anything else.

MR. JAMES M. BODDEN: It is true that under Regualtions you can set the amount on it, but we don't have any game wardens here: and even so if you had game wardens it would be very difficult to patrol the whole island to try to keep something in force on this. And I feel that these two little birds, I mean they may be insignificant in one sense but I feel that they are worthy of protection.

MR. JOHN D. JEFFERSON: I don't know why they come to the Finance Committee every year placing a game warden in the estimates if something is not done about it. I see a little need why we would need a game warden, but I wonder where conchs would come under this law, if there is any place anywhere where we would have any control. Right now the conchs are almost a thing of the past.

HON. W.W. CONOLLY: Mr. Chairman, I think I've mentioned in opening the debate on this, that we had removed the fisheries section completely away from this. We are dealing more with the birds, reptiles and animals under this particular legislation. And in the offing - I think I'll use the favourite word in due course - a bill for the protection of conchs will be coming to this House.

MR. JOHN D. JEFFERSON: I'd like to see not only protection, I'd like to see this Government spending enough money to bring in say, twenty thousand conchs here to replenish the waters because it's frightening to think how badly they are gone. We have been in business from November 1975 and I have had one instance since that, and I've tried every area of this island, not only Grand Cayman but Little Cayman and Cayman Brac and I've never been able to get conchs but once. Now, conchs have to be brought in from Miami. It just goes to show what happens when you don't have any control.

HON. W.W. CONOLLY: It is also true, Mr. Chairman, that we have on the estimates the provision for a game warden. But to a point one individual person would be somewhat futile without proper legislation. I don't think that one game warden would have made much impression, but nevertheless I'm sure that his effectiveness would have been less if he didn't have the legislation backing it. And this is the reason why we are trying to get the legislation sorted out, so when someone is appointed that at least they will have the legislation where they can do some work.

MR. JOHN D. JEFFERSON: I don't know which one comes first, whether it's the cart or the horse, but if we've had the cart I don't see what has happened to the horse.

MR. G. HAIG BODDEN: Mr. Chairman, I think we are dealing with the matter of game birds, but it seems to me that there is some weakness in this Law with regards to the definition, because all the interpretation is that 'game animal' means any animal specified as such by section 69. Now, section 69 sets out certain game birds, but then section 74, when we come to it gives the Governor in Council the power to alter the categories of game animals. Now, when that is done those animals would not come under section 69, and wouldn't be game birds, which are only the birds or the game animals that are taken care of in the interpretation. So it appears to me that what we really need is a different definition of game animal in the interpretation, so that under section 74 the Governor in Council alters the categories of game birds that they would come under the interpretation, because the interpretation only covers section 69.

HON. G.S. WALDINGTON: Mr. Chairman, animal includes birds, and game birds are game animals and vice versa.

MR. G. HAIG BODDEN: Yes, I understand that, Mr. Chairman, but what I'm saying is that any game animal prescribably the Governor under section 74 would not be game animal under section 69, and therefore would not come under the interpretation which only deals with section 69.

HON. G.S. WALDINGTON: Would you say that again, please?

MR. G. HAIG BODDEN: I am saying that any game animal prescribed by section 74 of the bill would not be game animal under section 69, and therefore would not come under the interpretation which deals only with section 69.

HON. G.S. WALDINGTON: But game animals are not prescribed under section 74, game animals are already defined in the Law. Under section 74 the only thing that is being prescribed is the number of game animals which may be taken in any one day; and under section 69, if you look at the definition of protected animals, in the definition it means every animal specified as such in section 69, so that when the regulations are made under section 74 limiting the number of game animals which may be taken in any one day, it means the particular type of game animals described in section 69, namely those game birds. Because, game animal mean game birds as well, animal mean birds and vice versa.

MR. G. HAIG BODDEN: But, Mr. Chairman, sub-section (b) of section 74 gives the Governor in Council the power to alter the categories of protected animals, game animals and prescribe and amend closed season. So, apparently section 74 gives the Governor in Council the power to set up new categories of game animals which wouldn't be under section 69, and which wouldn't be covered with the interpretation, because the interpretation deals specifically only with section 69, that is the interpretation of game animals. It says, "any animals specified as such by section 69", but any animal prescribed by section 74 wouldn't fall under the interpretation so I think we have to broaden the meaning of game animal in the interpretation to cover both section 69 and section 74.

HON. G.E. WADDINGTON: No, I don't think that's so, Mr. Chairman, there is no power under section 74 to prescribe any game animal The only power under section 74 is to prescribe the number.

MR. G. HAIG BODDEN: Yes, there is section 74 (b) that would give power.

HON. G.E. WADDINGTON: Alter the categories of protected game animals. alter the categories. That is to say, to add another description of a bird for it.

MR. G. HAIG BODDEN: You mean. like instead of a peadove you would have male peadove and female peadove?

HON. G.E. WADDINGTON: No, instead of a peadove you could alter it by removing a peadove and adding maybe a guinea fowl, different categories, and that can be done from time to time. It may be found for instance that a guinea fowl is becoming extinct and so it should be perhaps protected or removed from this section and put under the protective section, and vice versa. It only alters the categories, it's not prescribing the meaning of game animal or game bird, it's merely including any particular category of animal in the section. And at present there are regulations under the old law which has prescribed a closed season which was a restricted season, is not more than about six weeks, and the number of game birds which can be taken in any one day is very restricted. I think its restricted to ten, not more than ten in any one day. So, that is the method of protecting any species liable to becoming extinct.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, the limitation of these birds, so many per person has been very very much abused, and the manner in which it has been abused - a person shooting has taken with him four or five other people, and for each person he bags. Can which means that one person with five attendan .. been known to bag sixty in one day. In the absence of a game warden I don't know how it would be possible to follow through on this law to control it, but this is what has happened and undoubtedly will happen.

MR. JAMES M. BODDEN: Mr. Chairman, we're dealing with something here that is quite dangerous, because the peadove and the baldpate seem to have a particular attraction to areas that are cleared and lets say, where homes are being built, and I take for instance my sub-division area in Prospect, there is a lot of these birds at certain time of the year in that area, and I think it's just because it's a cleared area. I don't know whether it's easier for them to feed or what. But, due to the indiscriminate policy of killing these birds sometimes that area sounds like the battle of the navy, and it's indiscriminate use of fire-arms in the area, and not just that area, but any area nearly where these people see these birds, and seeing that, I think that these two birds are worthy of being protected, and it's left on us to do it. And I see no reason why that these two little birds couldn't be exempted, and why it should really provoke all of this debate. Because it is only going to cause trouble with it, so I don't think it's any use of us debating it further, Mr. Chairman whatever you decide on, I'm prepared to go to the vote on it.

MR. CHAIRMAN: Well, I think the caption of the debate is whether the peadove, the Whitewing and the parrot stay under section 69 or whether these are taken out, but as far as I understand the Attorney-General's advice they would qualify under clause 69 as non-domestic birds other than game birds, and that would be protected.

HON. G.E. WADDINGTON: I think the Member mentioned the baldpate as well, the peadove, the whitewing - did you mentioned the whitewing? I'm not too sure .....

MR. JAMES M. BODDEN: No, the peadove and the baldpate are the two that I'm arguing on.

HON. C.E.MILLINGTON: I might say, Mr. Chairman, that this amendment will affect a very wide cross section of the public, and one wonders whether just by the stroke of a pen that this should be done without some opportunity for the matter to be heard in public.

MR. JAMES M. BODDEN: Mr. Chairman, I don't think that's a valid reason .. I like lobsters too, but it's a certain time of the year that I cannot catch lobsters, I have to abide by the Law. So, just because a certain group of people may like to shoot the baldpate there's no reason why we should go out here and try to get a concensus of public opinion as to whether the baldpate should be added to this or not. I think that we have dealt with things of more serious nature than this, and they faced up to it in this House, and to show my conciliatory spirit I would even be willing to drop off peadove and parrots and just strike one of them out which would be the baldpate.

MR. CHAIRMAN: Well, I'll take Clauses 65 to 68.

QUESTION PUT: AGREED. CLAUSES 65 TO 68 PASSED.

MR. CHAIRMAN: I think I'll suspend proceedings for fifteen minutes at this stage.

MR. JAMES M. BODDEN: Mr. Chairman, I'm sorry, we didn't vote on section 69, did we?

MR. CHAIRMAN: No, we haven't passed on to that.
Well, we got down as far as Clause 69, the Animals Bill. I think this is quite clear, there are three birds which some Members feel should be removed from this section, others feel they should remain.

MR. JAMES M. BODDEN: Mr. Chairman, I am going to really show my conciliatory spirits, and I'm going to withdraw my objection to the peadove and the parrot, but leave it on the baldpate. That's the only one I'm going to try to protect.

MR.CHAIRMAN: Well, baldpate is, unless the Member for Cayman Brac wishes to leave the parrot in, the baldpate is the only bird now effected.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, what I would like to say here, Sir, is that the parrot be not sought as a game bird but that it be allowed to people to get the parrots and sell them as they sell - quite a bit of money to be had for the parrots, but put them in such a category that they cannot be shot on the wing or be a game bird as such, not that they won't be able to gather them for re-sale.

MR. JOHN D. JEFFERSON: There is only thing, Mr. Chairman, on the parrots, and that is, we want to protect their species. On the other hand they are birds that can get out of hand if they are left unchecked, and they are very destructive birds to crops. The parrots I would like to see protected, but on the other hand if nobody is allowed to do anything to them at all in a short time they can so build up - people that are trying to farm will have an endless job trying to raise anything.

HON. W.W. CONOLLY: Mr. Chairman, I think that this was the idea behind this bill . We tried to bring in the law of average here and do the least of the two evils. We thought that by placing them under the category of game birds a certain amount of protection would have been done because we have closed seasons on these particular birds.

MR. JOHN D. JEFFERSON: The thing that bothers me is the fact that I've heard Members say. . . the way in which the baldpate is being hunted.

HON. W.W. CONOLLY: Mr. Chairman, I might m'ld to say that the baldpate is a migratory bird, and as such, I don't think that placing it under the protected area completely would've been in the best interest. As has been stated, there are quite a number of people who do hunt these birds and here again we thought

HON. W.W. CONOLLY: (CONT'D): that some degree of protection by putting it under the section of game birds. And I would like to say that in the Regulations there - and this is one of the reasons why the Regulations are so worthy, a watch will be made on these particular birds, and if it is found that any destruction or any conservation purposes whatever it can easily be taken care of. But I would like to see these birds remain as they have been.

MR. JAMES M. BODDEN: Mr. Chairman, if we don't do something about this we're going to be in the position with these like we are with conchs that the Honourable Member from West Bay spoke about. We'll soon be moving to ask you to bring twenty thousand of these in to restock the supply. I put a lot of importance on this, Sir, because I have seen it with my own eyes the amount of these birds that are killed, and I just think it's very unfair. So, I just really hope that this Assembly will deal with it in what I consider the urgent matter that it is.

HON. V.G. JOHNSON: Mr. Chairman, I wonder if the pondown mentioned here is what we know as ground dove? They have meadows here, the whitewing ....

HON. D.V. WATLER: They have the meadowes, but then you have the whitewings also. The whitewing is another one that is being hunted quite a bit.

MR. JOHN D. JEFFERSON: Due, Mr. Chairman, I think that the peadove is the ground dove known to all of us, Sir. Isn't it?

HON. C.F. WADDINGTON: It's a much bigger bird than a ground dove, a ground dove is a small bird .....

HON. W.W. CONOLLY: Mr. Chairman, I may make another suggestion if Members are so worried about the conservation of these particular birds, it might be a thought that we could consider putting larger areas of the island under the birds sanctuary section.

MR. JAMES M. BODDEN: No. That's ... you the power you only want.

HON. V.G. JOHNSON: I think the protection .....

MR. JAMES M. BODDEN: We are only dealing with one thing at a time, lets keep the power where it should be, lets protect the birds without giving you that power.

MR. CHAIRMAN: Well, I think this is quite clear and straight forward. I'll put the question that Clause 69 stands part of the bill. If Members vote for that that they are voting against the proposal put forward by the First Member for Sudden Down.

QUESTION PUT: AGREED. CLAUSE 69 PASSED WITHOUT AMENDMENT.

CLERK: CLAUSE 70. ANIMAL SANCTUARIES.

CLAUSE 71. HUNTING ETC. IN ANIMAL SANCTUARY PROHIBITED.

CLAUSE 72. APPOINTMENT OF GAME WARDENS.

CLAUSE 73. POWERS AND TERMINATION ETC. OF GAME WARDENS.

QUESTION PUT: AGREED. CLAUSES 70 TO 73 PASSED.

CLERK: CLAUSE 74. ...

CLAUSE 75. POWER TO SEARCH.

CLAUSE 76. JURISDICTION OVER OFFENCES COMMITTED AT SEA.

CLAUSE 77. POWER TO EXEMPT FROM THE PROVISIONS OF THE LAW.

CLAUSE 78. FORFEITURE OF THINGS SEIZED.

CLAUSE 79. PENALTY.

MR. CHAIRMAN: There is an amendment down to clause 74; we'll take this clause by itself.

QUESTION PROPOSED.

MR. G. HAIG BODDEN: Mr. Chairman, the amendment to section 74 (a) seeks to prevent the Governor in Council from prescribing new sanctuaries. In this bill two sanctuaries have been established,and I feel that if it had been found necessary to establish sanctuaries by the Law, that any new sanctuaries should also be established by an amendment to this Law, rather than simply by a Regulation. For example, there may be in the future special interest groups that would make strong representation to the Governor in Council to put Little Cayman or any other area of these Islands into a sanctuary. I feel that it would be wrong to do this without the whole elected Assembly having a chance to say yes or no. So, while the Governor in Council may be allowed to alter or amend the two sanctuaries that have been established under this Law, I feel that we should not give the power to the Governor in Council to establish new sanctuaries, particularly in the light of the forthcoming Development Plan, when many areas may be prescribed as new sanctuaries under that Development Plan. And I feel we would be really putting too much into the hands of the Governor in Council at this time if we allow them to establish new sanctuaries.

If it was felt so important that sanctuaries had to be established by the Law itself, I can't see why additional sanctuaries should be by Regulations. If the two sanctuaries which have been set up here have been established by Law I can't see why future sanctuaries should not be established by Law, and if there is at this time any areas which it is intended to be put into sanctuaries they should be established by this Law now rather than at a future date. If on the other hand it is not foreseen that new sanctuaries would be established, we do not need the Regulations. And I have made an amendment that that section be deleted from 74 so that Executive Council could not establish new sanctuaries by legislation. If Executive Council is convinced that there is a necessity to establish a new sanctuary, let the Governor in Council or the Executive Council bring the matter to the Legislative Assembly and so establish the sanctuary in the same manner as the two sanctuaries now in this bill have been established.

HON. W.W. CONOLLY: Mr. Chairman, I would just like to remind the Member or to inform the Member that the two sanctuaries that is before us now were declared by the Administrator in Council under a third section of the amendment of the Wild Life Protection Law, 1967, and it reads:- "That the Administrator in Council may by order amend the Third schedule" - which is these schedules now, - "to this Law by adding thereto or deleting therefrom any area specified in such order". So, at the present time the Governor in Council has the authority under the existing Wild Life Protection Law to establish sanctuaries.

Now the reason why we wrote these two sanctuaries in this Law was the fact that these two sanctuaries, as I've said, have been in existence from 1967, and no one knows whether there will be a need for additional sanctuaries. I think the little islets in the North Sound are also sanctuaries under the old Law. Well, since they were not defined as such, clearly we did not put them into this legislation here, but there will be the necessity of declaring other areas as bird sanctuaries with the general development of the territory. But I don't see too much difficulty in this. I can assure the Member, despite what one would think that I believe the present Members of the Executive Council would not declare Little Cayman as a bird sanctuary, of course if they did they would have good reason of doing it. It has been there over three hundred years and I think it was about thirty people. they need some kind of protection for birds or man, or something on it anyway - it is a sanctuary.

HON. W.W. CONOLLY: (CONT'D): Now, if this is worrying the Member, I can assure you that this was not done for that purpose; we added these two specified areas which were clearly defined in the existing legislation. And I don't see any real great difficulty in it.

In 1967 the Legislature had the confidence of the Executive Council and gave them permission to alter, and to add or to delete from the schedule any of these sanctuaries. And I fail to see why such an issue should be made of at this particular time.

MR. JAMES M. BODDEN: Well, the point why an issue can be made out of it, is this, this is a blanket type of legislation. Once we agree to this and go out of the Assembly, and then the Executive Council sees fit to make any area nearly a sanctuary - of course I guess you would have to have some reason for doing so, we have no more control over it, people can then say to us, well, look what you have done. What can we say? Well, we agreed to it, we gave them power to do it, and I feel like we've got two areas here which most of us are familiar with, and I think would agree that these two areas could qualify for this. But I feel strongly that if there's going to be anymore areas determined as sanctuaries then it should come back as an amendment to this House, and let the House air their views on it, and if the majority decision is that such and such an area shall be declared as a sanctuary, well, then that's what we abide by. But I feel strongly that we should not give this endorsement or blank cheque to the Executive Council.

MISS ANNIE M. BODDEN: Mr. Chairman, I know a certain area, I think it's in the Bodden Town area called Betty Bay Pond. If you're going to declare another sanctuary I see that is a great expanse of water and perhaps that could be declared as such. I mean it's not too close to the road that you can see, but it's a great expanse of water going east, it starts somewhere around I think where the Light House Club is and goes a great distance, perhaps we could declare that and declare it in this Law.

HON. W.W. CONOLLY: I don't think too many birds or animals would live in that place. It's kind of close to the road for one thing, and I think it dries out at times - what I think a sanctuary is, is a place where that the birds normally harbour. And I believe this would be a matter of - not the opinion of the Executive Council all together, they would have to be going on the facts of the natural habitat of the birds. If we found an area where the birds or the animals, wherever it is, have as their natural habitat, and recommendation was made for this - this, taking all the other consideration of development into mind, I believe this is how the creation of a sanctuary comes. I don't think that you can just go and say, well, that place there - now are you going to know what animals are going there, it wouldn't be just done ad lib. The Executive Council or the Legislature or the Department of Agriculture or the conservation association or what have you. It would be dictated by the natural habitat of the same animals that we would like to protect.

MR. JAMES M. BODDEN: That's why I feel strongly that it should be embedded in this Law, that you have the opportunity to come back with an amendment and put that before us, and we on this side have the chance to research it to see whether we agree that such and such an area should be a sanctuary.

MISS ANNIE M. BODDEN: Mr. Chairman, I passed by the Meagre Bay Pond and also the Colliers Pond as late as Sunday gone a week ago and they were almost dry. This last Sunday gone they were flooded over, and I'm not familiar with the birds that live in these protected areas, but I'm only saying as an expanse of water this is also an area in which - I don't know if birds go there or not, but in any case it is similar to the ponds, water coverage in rainy seasons that why I'm suggesting - Of course I know I'm not an expert in anything, much-less about birds.

MR. JOHN D. JEFFERSON: Mr. Chairman, I don't have any objections to the sections as they are, I think we have debated it quite a bit, and I think we ought to put it to a vote.

MR. G. HAIG BODDEN: Mr. Chairman, I can't agree that this has been fully aired, because this establishment of sanctuaries is a whole new concept within the Law. It had previously been done as the Member pointed out, by Regulations or Schedules. Here, we have a Law that is at the present time establishing by Law two areas as sanctuaries. Why do we need Regulations to establish new sanctuaries? If it is important enough to have the Law named two sanctuaries why should not any future area to be designated as sanctuaries also be done by the Law? We must remember we are in the age of very powerful I would say, interest group. We have at the present time a very strong conservation society, we have hopefully, to come before the Legislature a Development Plan which will be demarcating certain areas, and some of those areas undoubtedly will be suggested as sanctuaries, and this is a very important matter.

I seem to be stressing Little Cayman because, no other area comes easily to mind, but there has been wide talks of establishing Little Cayman as a bird sanctuary. The actual terminology has been used with reference to Little Cayman, and that is what I'm scared of, because, if such a thing were done it would be later impossible to establish say, the oil transfer terminal. Because, this law says, they you would not be able to disturb any natural feature or any vegetable or animal life, that is what this Law says: and if that particular area was designated a sanctuary under regulations of this Law, it would then be impossible for any future economic development, and this is a matter that should not be left to regulations under a law, it is too important a matter. And there are perhaps other areas which will be defined if and when the Development Plan comes, areas which we perhaps will not agree with the experts that will make the suggestions in the plan, and this is a matter of paramount importance and cannot be easily left for regulations.

Now, earlier on in this bill we were told today that there would be great urgency for certain matters and the only way they could be dealt with expeditiously would be by Regulations. but I can see no urgency for the establishment of a sanctuary, and I feel that the establishment of a sanctuary should be a slow process taken through all the many phases that an amended bill or an amended legislation would have to follow, and the establishment of a sanctuary lends itself naturally to the establishment by an amendment to an existing Law or by the introduction of a new Law, rather than by a simple regulation which could be made overnight on the representation of a special interest group, and I cannot vote for section 74 (5) which would allow the establishment of a new sanctuary by regulations.

HON. V.G. JOHNSON: Mr. Chairman, since the proposed oil transfer development in Little Cayman was mentioned, I should say that the proposed area which could be declared as a sanctuary – that is a bird sanctuary in Little Cayman, it is quite apart from the area which is proposed for the site of the oil transfer terminal, and the development of an oil transfer terminal there would not be impeding or obstructing the sanctuary at all.

HON. W.W. CONOLLY: Mr. Chairman, I at times fail to understand certain Members in one section they are worrying about the poor little meadow, the parrot in Grand Cayman and the boldpate. Yet, [illegible] Cayman this legislation applies to Little Cayman as well. Don't we have the same feeling to the birds in Little Cayman and Cayman Brac? What I'm saying is this, that I think that this is only brought in for a special purpose. Like oil bunkering station. It is true to say, that there is an area in Little Cayman, I think one of the largest bird rookeries left in the Caribbean is in Little Cayman, and I think it would be a disgrace for it to be destroyed. I don't think that the bulk terminal there would have any effect on it, but I believe that the strong interest group such as the conservationist society should be interested in what is going to happen to those poor little Cayman birds.

I don't see the idea that one might have in his mind that in order to stop a development in Little Cayman, that the Executive Council would declare all of Little Cayman a bird sanctuary. And if the Members believe that that is the brains and the ideas and the [illegible] that has brought this country to where it is today, I think they are misjudging. Members of the Executive in 1967 were not the same Members that are here today, and since

HON. W.W. CONOLLY: (CONT'D) that time no particular birds sanctuary was declared. And I believe that if it came to a point where representation was made to declare a bird sanctuary that the Government would take into consideration all of the effects, first on the conservation or preservation of the birds as well as the economic situation and condition of these Islands. And I believe that Members of the Executive Council are capable of weighing these and coming to a decision that would be beneficial and favourable to the majority of people of these Islands.

MISS ANNIE H. BODDEN: Mr. Chairman, all these many years we have been here and I have never seen it until very recent years all these articles in the newspapers telling us what we must do with birds and what we must not do, every week for the past three or four weeks you read these articles. I have noticed a letter from a young man, I think he was from the Bronc, saying, why should these outsiders tell us what we own as such our land.

Now, what I'm saying is this, Mr. Chairman, Little Cayman has suffered I would say, suffered for the lack of people, and if there is such a thing - I don't know if it is or not, any proposal to have any business conducted there I feel that we should not deprive these land owners, and it would be a benefit to the Cayman Islands period if any business could be established in that particular little Island. And while I do not say, these present Executive Council Members would do anything rash, they are not going to be there forever, that is the point. One of us are promised that we shall live forever, we must take care of coming generations, and 1977 might prove that we have a new House altogether. And I say we as Legislators should make provisions that we are not putting too much power in anybody's hand. and I am saying this, that from 1967 and this is 1976, I believe almost ten years, getting to be, we have had occasion for having only these two sanctuaries - not because we have these conservation groups, and this one and the other telling us what to do and what not to do, we don't have to follow everything they say. Was not this present set of Legislators brought this Island to where it is, we had three hundred years and the old forefathers they have brought it up to where it is, now it's up to us not to destroy what they have brought up.

HON. TREVOR FOSTER: Mr. Chairman, I'd like to confirm the statement of the Financial Secretary as the position with the no doubt proposed bird sanctuary in Little Cayman, and the area of oil bunkering station/brought there would be - and I can assure Members that during the last three and a half years in Executive Council that no Member has tried to hinder any development in Little Cayman with regard to a bunkering station or anything else. And I think the question was answered sometime ago by the Financial Secretary that on the contrary the grounds are still open for the gentlemen who has proposed these, but no word has come from him yet.

Getting back to what the Second Member From Bodden Town has stated with respect to put the whole Island into a sanctuary, I am thankful for his very serious thoughts on the subject of Little Cayman. However, from a political stand point I would much rather be in the hands of four Members than to be in the hands of twelve Members in trying to forward any development in Little Cayman. I believe it would all depend whether twelve elected Members seek fit for this to take place, and the island would stand a worse chance with twelve than they would with four. Nevertheless, I don't think that is in the mind of any Member, it's just the matter that evidently the development for that island is not quite right yet. I can understand the reason, Mr. Chairman, why this has to be left for regulations, and as places like this develop no doubt the department might recommend it to Council and it can be taken care of in that manner.

MR. JAMES M. BODDEN: Mr. Chairman, I think it's very good to know that the Third Elected Member to Executive Council doesn't speak very often, because when he does speak it goes to show the backwarding way that he thinks about the twelve elected Members of the House. And as shown, they continually say that we have no faith in them, but I think it is showing that he has no faith in those on this side of the House. Because, I view entirely different, the people

MR. JAMES M. BODDEN: (CONT'D) of these Islands, the electorate as a whole saw fit to elect twelve of us to this House, and it is true that the twelve of us do not see issues as one, and it's a good thing we don't because the day that ever happens then you are in for more trouble. And I feel like any matter that has to be dealt with that involves this country, the place for it to be dealt with is with the twelve elected Members, because, then if we make a decision that is wrong the public has a chance at the next Election to get us out. But when a decision is made in Executive Council it's easy for the Members that are elected to say, well, I had no part in it, and blame the three official Members.

And as far as I'm concerned the present Executive Council composed of three Official Members does not truly represent this country, they could not, because, this country should be represented by the electorate, and to be represented by the electorate it has to be by the elected Members of the House. Now the third Official Member brought out a point there which I think really strengthens our argument, because, my colleague here from Bodden Town had been stressing on Little Cayman because it is an area that there has been quite a bit of talk about making it a sanctuary and so forth and upon by certain groups. Now, none of us knew anything about it being proposed by Executive Council that that would have been considered now. Now he has come up and told us that it's been considered, and as it is we would have no right to say anything at all about whatever is done, once it's done on that side of the House through Regulations, Mr. Chairman, this side of the House cannot say anything about it because it's already done and we have given the power to the Executive Council to do it. When we go back to our constituency and they say, "Why did you allow so and so to happen?" All we can say to them is, I'm sorry, we have no control over it, it is done by Regulations; and this happens in so many of the bills that come before this House.

So, Mr. Chairman, to say that this should not be done by the House is taking an integral part of the work that we are supposed to perform out of our hands. If the twelve of us cannot reason what is best for this country, then I will say this, that the seven in Executive Council cannot reason what is best for this country, if we are to be judged by what is good for this country it must be done by the majority of the elected representives, and I take strong objection to the words said by Mr. Kissinger, Sir, because I feel like this matter or any matter similar to this should come back before this House and the twelve of us say, what's going to be done about it, not Executive Council, Sir.

HON. V.G. JOHNSON: Mr. Chairman, the official Members are not representing the Cayman Islands, we have a specific duty in Government, nevertheless we have to be very careful with what we say in this House. I did say, or the statement I made a while ago didn't indicate that there was any intention on the part of Government of converting any part of Little Cayman into a bird sanctuary. I said, if there was at anytime any proposals to declare any part of Little Cayman into a bird sanctuary the area which would be declared as such would not interfere with that area now being proposed for the development of an oil transfer terminal.

MR. JOHN D. JEFFERSON: Mr. Chairman, we have had enough time to debate this, the time that .....

MR. JAMES M. BODDEN: No, Mr. Chairman, we need to debate this a little bit further, Sir.

MR. E. HAIG BODDEN: Mr. Chairman, I just want to remind the Members that when they speak about Executive Council making these Regulations that we have to remember that this will probably be the last sitting for the present Executive Council Members. Now, this matter is so all important that we must take it out of Regulations, it is a matter that is too grave to be decided by Regulations, it must be set out in the Law. We referred here to Little Cayman, but we must remember that this is only one of the possible areas that could be designated as sanctuaries if the proposed Development Plan is passed probably three quarters of the Island of Grand Cayman would be in the designated area that could well be qualified for a sanctuary, because, in that Development Plan there are so

MR. G. HAIG BODDEN: (CONT'D): many areas to be park land and protected areas and what not, that you could have sanctuaries dotted all over the place and we might have them springing up overnight. And I think it would be entirely wrong for this Assembly to leave this section 74 as it is.

We know that sanctuaries are alright in their places, it is perhaps necessary to have a few, but we don't want them springing up all over the place. Because, even if you're thinking about a religious sanctuary you can over do it, you can have too many; and for an animal sanctuary, particularly considering the definition that is given to it in this Law, it would be wrong for this Assembly to approve or to pass sub-section (a) of section 74; it's taking this matter entirely out of the hands of the Electorate giving it to Executive Council alone. So far we have not been given one single good reason why sanctuaries should not be determined by the Whole House. Now, in dealing with other instances in which Executive Council make Regulations under this same bill, we were given some valid reasons, for example the urgency of the matter, the spreading of disease and all sorts of things. But so far under section 74 the Member has not advanced one single reason why Executive Council would do a better job of prescribing sanctuaries than the Legislative Assembly would do. And until he can come up with at least one good reason I don't/any Member, including even the Executive Council Members should be bound to allow this.

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

HON. W.W. CONOLLY: MR. Chairman, I think I have said before, Sir, that in the 1967 Wild Life Protection Law this was the function of the Administrator in Executive Council, and in making this recommendation on this Law the Member saw no good reason to change it, and I have no good reason to change it this afternoon. If Members can show that in these last ten years as was stated, any abuse of this particular section by the Executive Council, if they can show any good reason now why we should not continue with this status quo then I will probably go along, but up until now I haven't heard them - only the strangest superstitious ideas of turning the oil refinery which might never be, turning Little Cayman into a bird sanctuary, declaring all of this land under the Development Plan that has not been before us, and all these things which are highly superstitious and what not; this is the only objection that I have heard coming from the Members opposing this particular section. My main reason for recommending this was that in the orginal legislation this was a status, it seemed to have worked perfectly and is working perfectly, and I had no other reason to change it.

MR. JAMES M. BODDEN: But, Mr. Chairman, that is not a valid argument just because it has been in the past legislation it is no reason that we cannot change it here today; this is what we've been doing for the last two years, is changing all of the legislation that has been on our books, so why are we using that as an argument to bring something forward just because it has been on the books for so many years. It is true that these powers might have been in the hands of Executive Council, it is true that it may not have been abused, but what assurance do we have that that is going to continue, because, let us remember one thing, we have debated here quite a bit on section 69 and section 69 includes the peadove, the whitewing and the baldpate. Now, it is reasonable to believe that certain areas where they are found in abundance someone could put a valid reason to Executive Council and they'll say, well, lets make that a sanctuary, and most of us know that the areas where you'd find these birds are usually areas that are being cultivated or areas that are being developed into housing projects and so forth, and think of the financial imposition that would be done on the people who owned those properties if this was then turned into a sanctuary. This is not far/fetched in the imagination, because it could happen, because we have named those as game birds and it could fall in under a protected area as a sanctuary.

The next thing is, Mr. Chairman, regardless of which way we look at it, in the past few years the integrity I would say, of this country has been eroded because so many people went to sleep one night thinking they had something and woke up the next morning and finding out that they didn't have anything. Because, we have had the decreased valuation of property in the past two

MR. JAMES M. BODDEN: (CONT'D): years caused by legislation which has either passed this House or is in the gestation period and about to pass; and we cannot continue to do this any longer. I am not saying that the Members in Executive Council would use this unwisely, but again they are humans, and I have no assurance that it could not happen, Mr. Chairman, and it could be detrimental.

The next thing is, I like to think that I represent my constituency to the best of my ability, and in the Bodden Town area for instance we have quite a few areas there that the Honourable Fourth Elected Member would like to call swamp areas and we call them ponds, and quite a bit of birds are in these areas. Now, people see this land for pasture land at the present time, and I wouldn't want to know that I had to go back and face my electorate in Bodden Town because all of a sudden it was declared that we had another two or three sanctuaries in Bodden Town. I do look on Bodden Town as being a sanctuary, Sir, because I think this is the best district in the Island, but I don't want to see it enlarged anymore by making these sanctuaries out of it, Sir, and I stand firmly against it, and I hope that the Members of this House will see with me.

MISS ANNIE H. BODDEN: Mr. Chairman, in 1967 we did not have all of this talk about Development Plan, all this conservation group, and all the rest of it who seem to want to take the power or the little bit of power that we have right clean out of our hands. I have read it, I have heard it talked that Little Cayman will be used as this bird sanctuary; Now, that has been broadcast for quite a long time, and for instance, I'm not saying that this present crowd we have there would do anything so rash at this stage, but do we have any assurance who will be occupying the seats in this Honourable House in 1972? We might get according to what I hear and see, we might get in a set of teenagers who want to destroy everything or we might get in sensible people, or some of us might come back, I don't know if I will or not, I'm not too sure that I will but I hope so. But I am saying that we at this particular last session or perhaps next to the last meeting of the Legislative Assembly should not do anything rash, and from now till November or whenever the Election comes off we do not need a bird sanctuary that urgently, and I feel that we should, if it is necessary to provide these bird sanctuaries, at least we should be treated with common courtesy, I'm sick and tired of hearing on the other side, on the other side, on the other side, We are as much a part of this Legislative Assembly as if you had I don't know who on the other side. If you had Moses the law giver we would be just as much a part of this Assembly, and I sick and tired of hearing this discord; we are not even credited with having good common sense, we're suspicious, We're this and that; it's a wonder they don't say we're trying to work ahead. Now, I'm saying this, Sir, I am not agreeing to that at this present time.

Thank you, Sir.

MR. JAMES M. BODDEN: Mr. Chairman .....

HON. W.W CONOLLY: Can we have the vote, Sir?

CAPT. C.L. MCCONNELL: Mr. Chairman, I cannot see why this particular Regulation, Regulation (a) why there should be so much controversy over it. I think it has been said, and I think both sides understand the other, and we must recognise that those of us on this side of the House could very well be on the other side in 1972. Being mindful of this, I in speaking for myself in the event if I should be there, I would like to share some of these decisions with the rebels who are on the other side I can see no big objection to the alteration of this particular clause.

HON. W.W. CONOLLY: Mr. Chairman, I think we have debated this quite a bit, for the interest of some Members I think in 1967 when our existing legislation was enacted I happened to be on the other side. So, I can assure Members that this was not done in any personal way whatsoever, I thought it was best to follow existing patterns without I had proof that existing patterns were not working; and I have not heard any of the arguments that have convinced me that it should be changed at this time, Sir. Could we put the question now, Sir, and have it wound up?

MR. CHAIRMAN: Well, there is a second amendment down to Clause 74, but perhaps we could simply take a vote on whether the Clause 74 (a) stand as drafted.

MR. G. HAIG BODDEN: Mr. Chairman, I would be prepared to withdraw the other amendment which was primarily that of the fees, because I know how that will go, and just leave the amendment to sub-section (a).

MR. CHAIRMAN: Well, if that has the leave of the House, then the second amendment under Clause 74 may be deemed to be withdrawn, and we'll take the vote simply on the question that Clause 74 do stand part of the bill.

QUESTION PUT: AGREED.

MR. G. HAIG BODDEN: Mr. Chairman, may we have a division on that?

DIVISION

AYES	NOES
Hon. D.V. Watler	Miss Annie P. Bodden
Hon G.E. Waddington	Mr. Claude M. Hill
Hon. W.G. Johnson	Mr. James M. Bodden
Hon. A.B. Bush	Mr. G. Haig Bodden
Hon. Trevor Foster	Capt. C.L. Kirkconnell
Hon. W.W. Connolly	
6	5

MR. JAMES M. BODDEN: Coming close.

MR. CHAIRMAN: The results of the division 6 voices for and 5 voices against. Therefore the Clause stands as drafted.

CLAUSE 74 WAS PASSED WITHOUT AMENDMENT.

MR. CHAIRMAN: We'll now put the question that Clauses 75 and 76 do stand part of the Bill.

QUESTION PROPOSED.

MR. JAMES M. BODDEN: Mr. Chairman, I stand against 'protected area' in Clause 75. I would like to know how that is defined and whether the Second Official Member could give us any idea on it, because in perusing it I find protected animals but I don't find the word as to a protected area, Now I'm wondering whether this protected are if we haven't got it mixed up with the Future Development Plan.

I am officially moving, Sir, that we strike out or in any protected area from portion 75 unless we can get a very good reason why it should be there, because there is no definition of it in the Law as I see it, and we cannot legislate at the present time on the protected area when the Law that covers protected areas is not put before the Legislature.

HON. G.E. WADDINGTON: Mr. Chairman, the reason why protected area appears was because the bill as originally drafted had provisions in respect of lobsters, and turtles and so on, and I think that was left in because there was a protected area in the turtle portion of the bill, and there had to be a protected area if the turtle portion was left in. So there is no objection to protected area being removed from the section, I think it should have been left out having left out the other turtle and fisheries portion of the bill, but by an oversight it was left in.

MR. JAMES M. BODDEN: Feel good now, we've got one victory today.

HON.W.W. CONOLLY: Yes, but it was struck out in mine anyway.

MR. CHAIRMAN: Well, I put the question that Clauses 75 and 76 as amended do stand part of the bill. The amendment is to exclude the words "or in any protected area ....."

HON. G.E. WADDINGTON: No, Sir, just protected area or.

MR. CHAIRMAN: Does that not leaves two or's in?

HON. G.E. WADDINGTON: The first "or" remains, thus the words "protected area or".

MR. CHAIRMAN: The amendment therefore excludes the words "protected area or" in Clause 75.

MISS ANNIE H. BODDEN: Mr. Chairman, (MIKE TURNED OFF) .....

HON. G.E. WADDINGTON: As far as I'm aware, our territorial waters are fixed at three miles.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, at the recent conference they held limits were changed from three to twelve and then from twelve to two hundred; are we not included in some of this legislation?

HON. G.E. WADDINGTON: Not as far as I'm aware of at this moment, Sir, this would have to come from the Foreign and Commonwealth Office, they would have control over our territorial jurisdiction.

MR. JAMES M. BODDEN: Well, if ours are extended to two hundred miles we should make a move before Cuba makes one on us, we should officially stake our claim to two hundred miles out, so we can claim Cuba.

QUESTION PUT: AGREED. CLAUSES 75 AND 76 AS AMENDED PASSED.

MR. CHAIRMAN: The question is that Clause 77 do stand part of the bill.

MR. JAMES M. BODDEN: I am against that, Sir.

MR. G. HAIG BODDEN: Mr. Chairman, there is an amendment offered to Section 77. Section 77 is just as bad as Section 74 (2), in that the powers are too wide and given to Executive Council alone. Section 77 empowers the Governor in Council to exempt for scientific, historic or educational purposes any person or institution from any of the provisions of this Law. And section 77 in effect nullifies the entire Law, if Executive Council is able for special reasons such as scientific, historic or educational purposes to exempt any person or institution from any of the provisions of this Law; we feel that such a wide power should not be in the hands of Executive Council. If such power must be written into this Law, we would say that the power to exempt should be left in the hands of the legislative Assembly as a whole rather than merely Executive Council.

HON. W.W. CONOLLY: Mr. Chairman, it is unfortunate that some of these points raised by the Members did not come up before, because, certainly the wording here of Section 77 is the exact wording of our 1963 Law, section 19, it's word for word, "Notwithstanding anything to the contrary contained in this Law, the Administrator may, by writing under his hand for purposes of conservation or for scientific, historic or educational purposes, exempt either absolutely or for such time and subject to such conditions as he may think fit, any person or institution from all or any of the provisions of this Law". This is an existing provision that has been in our Law from 1963 and surely the Members have either not thought it advisable to bring motions to change this, or they were not aware of this fact or something, it just happened/ that because it's coming in this bill

MR. JAMES M. BODDEN: Mr. Chairman, I know what the constitution is, you can believe that...I was the first one I think in this country to speak out against it.

HON.W.W. CONOLLY: Are you going to change it in the next Election?

MR. JAMES M. BODDEN: That's up to you, if you don't change it I won't.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I would like to state here, Sir, that I have not made any statement nor have I intended that there has been any abuse by Executive Council of any power in the past.

HON. G.E. HADDINGTON: Mr. Chairman, may I suggest that this is a very useful section. The powers of the Executive Council are restricted under this section purely to matters of conservation, scientific, historic or educational purposes. Now, if this section was deleted it would mean that if a scientific organization abroad required a half a dozen or a dozen special species of fish in our waters for instance, you'll have to solemnly prepare a bill to come before the House to amend the law to give them the power to get the half a dozen fish.

MR. JAMES M. BODDEN: But, Mr. Chairman, this isn't dealing with the fish this is dealing with animals, it has nothing to do with the fishes. And if we had this legislation left as it is the same thing can happen. I'm glad that the Member brought up over there about the gorgonian coral, because if I remember we had a very long debate in this Parliament about that a couple of years ago, where Executive Council powers were abused and permission was given for X tons of this stuff to be exported away from the island for nothing, so this has happened. (Interruption by Hon. W.W. Conolly) ... just a minute, I'll give you the floor when I'm through, when I'm through I'll give it to you.

HON. W.W.CONOLLY: That's a point of correction, a point of order.

MR. JAMES M. BODDEN: You find it and correct it then (Hon. W.W. Conolly - a point of order) .. you find it and correct it.

Mr. Chairman, it is true that people lose the confidence that they have in their leaders, that is no more true than looking at what has happened in the United States, in two hundred years they never had a President that was brought down, in the last couple of years what happened? The people lost confidence in the highest man in the country, the President of the United States and he was pulled down from power, and he was pulled down from power because the people had no confidence. And it is true, Mr. Chairman, I don't take my words back, that confidence is abused, and we have lost a lot of confidence.

MR. CHAIRMAN: We're dealing with the procedural matters, we're not dealing with people; we are dealing with the Executive Council powers or the powers of the Assembly, this is the crux of the debate, not the actual individuals that make up this Assembly or the individuals who make up the Executive Council are not really salient to the debate actually.

MR. JAMES M. BODDEN: Well they are a part of the whole, Sir, and they'll have to suffer in the whole when we make the observations if we do.

HON. G.E. HADDINGTON: Mr. Chairman, I should make an explanation. When I use the word "fish" that was an error, it could apply to birds or insects.

MISS ANNIE H. BODDEN: Mr. Chairman. I would like to say this, Sir, that if God is willing and I can learn to drive a car between now and November, and I get back in the Assembly I'm going over on that other side. (MEMBERS LAUGHTER).

Mr. Chairman, I would like it unequivocally understood that I Annie Huldah Bodden have not lost confidence in the people,because, I'm very sure these gentlemen here are getting like myself, old, they will not be there forever And we are here to protect the oncoming generation to try to get things working smoothly. I hate this discord, this ill-will of malice between one side from the other, the Bible tells you,"a house divided against itself

MISS ANNIE H. BODDEN: (CONT'D) ...cannot stand". We are on the verge of a collapse unless we have better unity in this House. I can't see this, I don't know what to call it, this arrogancy, this hatred, this what? I mean, aren't we here to decide among ourselves what is best for the island? I just can't swallow it, and I feel, Sir, that if we were treated with a little more courtesy we wouldn't have all of this discord. Those four Honourable gentlemen were put there I will say, by the vote of the other side, and why can't we act like human beings as a large family. When there's difference of opinion let us sort them out as sensible people, this continuous rowing - I hope and pray that in the next election when, if it's this new crew or others that we adopt the spirit of unity, because without this our Government will soon collapse.

HON. W.W. CONOLLY: Mr. Chairman, I would just like to say one thing on the statement that has been made, that the Executive Council gave permission for the export of gorgonian coral for nothing, that is not correct. And the figures in the Government Department of Finance can well bear out that this Government had a contract with a company and they paid for what coral they took out. This, Mr. Chairman, is a matter that a general objection from Members on the other side, every section in this law or any other Law dealing with the making of Regulations at dealing with the exemption that is usually given to the Governor in Council has been opposed, and there is nothing one can do to convince Members. I have said repeatedly that when this bill was remodelled and put together these fifteen or sixteen pieces of amendments and what not, that these sections remained, there was nothing in my mind and I had nothing written to the contrary to suggest that they should not remain. I had hoped that the responsibility or authority that was given under the Law in 1963, amended in 1967, 1968, 1969, 1970, and 1971 would have still remained and I don't see any arguments adduced that have changed that. The only thing that has been injected in this argument has been some rather superstitious and hypothetical reasoning and sentiments of distrust in the Governor in Executive Council.

And despite what Members say, and turn back and say, well, I didn't mean you and I didn't mean you, this anti feeling surely didn't originated from this side. It looks to me like it originated and it is being developed against the terms of the authority given in legislation to the Executive Council. I would only make one suggestion, which I think is the way out on it, if Members don't like this form of legislation or this form of constitution which allows the Executive Council to have certain authorities in all the right thing, to either change the constitution by going forward and providing for a Cabinet system of Government or going back to a retrograde step where that you have a committee system, where the whole House forms a committee as the Legislative Council and wearing the same hat, then it goes into a state Council as the Executive Council. But as far as I'm concerned I'm sure that this particular section was put in the Law with no ulterior motive, no feeling on who was going to adjudicate this Law or who would be in Executive Council, it was done because it had served the useful purposes, and I saw no real reason in changing something that is useful and working well.

MISS ANNIE H. BODDEN: Mr. Chairman, I would just like to say this, this is not the only occasion when the Executive Council was brought into this parity, if you went to use such a word. I remember I called it a Jim Matthews bill. The Executive Council had agreed that they'd have the bunkering station down at North West Point I think it was, and we sat in not this building but the old Town Hall 'till 11:55 P.M. a night in August, I can't remember which year, and defeated that because we felt that it was not in the best interest of the Cayman Islands, and this is exactly the same thing we're doing. Not because these four men are in Executive Council that we, or Annie Bodden has anything against it, they on that particular occasion fought with us because it was for the best interest of the Island. Now, if we make any suggestion we're jealous of their position or Anti or suspicious or such word, that is not the truth, it is because we are trying to get legislation that will provide for the betterment of the Cayman Islands, and if there is any little loop hole, surely we can't be wrong all of the time. And I'm saying this, that when the picture is reversed next year we'll have the same.

MR. JAMES M. BODDEN: Mr. Chairman, as far as being superstitious, the Member has brought that up about three times today in his arguments, and I will

MR. JAMES M. BODDEN: [CONT'D]: assure him that I am not superstitious, I don't think anymore that any Member in this House. And it's not superstition I'm dealing with I'm dealing with the Law or a bill that will become Law. And I would further remind the Member that if the Hansards of this House are researched we will find quite an argument on the gorgonier coral, and actually the small pittance that this Government got when it should have gotten a lot more. And I will further remind him that Esau sold his birthright for pottage and there is no reason why we should sell ours for pottage.

And, it seems to me like the only argument that the Member can really bring forward is because he has decided that this should remain from the old Law into the new Law. But the old Law as we're talking about has been on the books for thirteen years, this one may be on the books for fifty years and we'll be dealing with other minds and other generations to come, and there is no reason for us to continue to give this type of power without some control on it.

MR. G. HAIG BODDEN: Mr. Chairman, sometime ago the Member from Cayman Brac made a very valid point when he said that this section taken from the 1963 Law is not applicable to us anymore. In otherwords time has changed, we have out grown that. For example, in 1963 there wasn't the pressure on this Government from outside sources for scientific, historic and educational purposes. In other words we didn't get the many applications then that we are getting now, and I feel that this provision taken from the 1963 Law is outdated and we have now reached the stage in our development when the applications for conservation purposes or whatever other special interest purposes they may be, which those applications could well be dealt with by the Legislative Assembly as a whole rather than by the Governor in Council. And we should not in this Assembly give absolute power to Executive Council to make the decisions as to who or to what institutions could be exempted from the provisions of this Law. If we do that we might as well not have the Law. So I stand against this Section 77 regardless of whether it came from the 1963 Law or from the 1957 Law that we heard about last week. The very fact that it is taken from a Law that is thirteen years old should make us wake up and want to up date it and bring it into the year 1976, instead of merely copying word for word the provisions of the 1963 Law.

MR. CHAIRMAN: Well, I think this has been debated fully enough. I shall put the question that Clause 77 do stand part of the bill.

QUESTION PUT: AGREED. CLAUSE 77 PASSED.

MR. CHAIRMAN: The question is that Clauses 78 and 79 do stand part of the bill.

QUESTION PUT: AGREED. CLAUSES 78 AND 79 PASSED.

CLERK: PART VIII. CLAUSE 80. REGULATIONS.

CLAUSE 81. FEES.

CLAUSE 82. REPEALS.

CLAUSE 83. SAVING.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, there was an amendment to section 80 with regards to the fees, but that has been voted down so many times today that it would really be a waste of time for us to persue that. I know the votes will be six, five, so for once I'll accept defeat. I will withdraw the amendment.

MR. CHAIRMAN: If there is the leave of the House, I shall put the question that Clauses 80 to 83 do stand part of the bill.

QUESTION PUT: AGREED. CLAUSES 80 TO 83 PASSED.

CLERK: A LAW TO RESTATE AND CONSOLIDATE THE LAW RELATING TO THE IMPORT, EXPORT, CONTROL, LICENSING AND IMPROVEMENT OF ANIMALS AND THE PROTECTION OF ANIMALS AND WILD LIFE.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on the Animals Bill, and we shall resume proceedings in the Assembly. Proceedings are resumed.

ADJOURNMENT

MOVED BY HON. D.V. WATLEN.

SECONDED BY HON. G.E. WORTHINGTON.

QUESTION PUT: AGREED. AT 5:15 P.M. THE HOUSE ADJOURNED UNTIL WEDNESDAY MORNING THE 23RD OF JUNE, 1976 AT 10:00 A.M.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 23rd JUNE, 1976

[FIFTH DAY]

PRESENT WERE:-

His Excellency the Governor - Hon. Thomas Russell, CBE - Presiding

GOVERNMENT MEMBERS

Hon. J.V.Watler, CBE.,JP	First official Member & Leader of Govt. Business
Hon. G.E.Waddington,CBE.,QC.	Second Official Member, Attorney-General
Hon.W.C.Johnson,OBE	Third Official Member, Financial Secretary
Hon. A.S.Bush,J.P.	Member for Works, Communications and Public Transport
Hon. Trevor Foster	Member for Co-Ordination and Information
Hon.W.W.Conolly,CBE.,JP	Member for Tourism, Lands and Natural Resources.

Mr.John D.Jefferson	First Electoral District, West Bay
Miss Annie H.Bodden	Second Electoral District, George Town
Mr.Claude M.Hill	Second Electoral District, George Town
Capt. Charles L. Kirkconnell	Third Electoral District, Lesser Islands
Mr. Jacob H.Bodden	Fourth Electoral District, Bodden Town
Mr. C.Haig Bodden	Fourth Electoral District, Bodden Town
Mr.Craddock Ebanks	Fifth Electoral District, North Side

ABSENT

Hon. Benson O.Ebanks	Sick
Mr.T.M.Farrington,CBE.,JP	Absent with permission

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY
WEDNESDAY, 23RD JUNE, 1976

(FOURTH DAY)

1. TO BE LAID ON THE TABLE MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON 16TH JUNE, 1976, BY THE CHAIRMAN, THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY.

2. GOVERNMENT BUSINESS:

BILLS:

(i)	THE MATRIMONIAL CAUSES LAW	COMMITTEE THEREON
(ii)	THE PUBLIC LOANS LAW	COMMITTEE THEREON
(iii)	THE TRAVEL TAX LAW, 1976	COMMITTEE THEREON
(iv)	THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW	COMMITTEE THEREON
(v)	THE MOTOR DRIVERS' INDEMNITY LAW	TO BE WITHDRAWN

3. REPORT SELECT COMMITTEE ON GOVERNOR'S MESSAGE RE PETITION PRESENTED BY CHAIRMAN, THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY.

4. GOVERNMENT MOTIONS:

(a) GOVERNMENT MOTION NO.3 - PURCHASE BY GOVERNMENT OF ADDITIONAL SHARES IN CAL - MOVED BY FINANCIAL SECRETARY

(b) GOVERNMENT MOTION NO.4 - SUBSIDY TO CAL FOR INTER-ISLAND OR DOMESTIC OPERATION - MOVED BY FINANCIAL SECRETARY

TABLE OF CONTENTS

	PAGE
MINUTES OF MEETING OF FINANCE COMMITTEE - HELD ON THE 15TH JUNE, 1976 DEFERRED	1
THE MATRIMONIAL CAUSES LAW COMMITTEE THEREON	1
THE PUBLIC LOANS LAW COMMITTEE THEREON	17
THE TRAVEL TAX LAW,197C COMMITTEE THEREON	41
ADJOURNMENT	46

Wednesday, 23rd June, 1976.
10 a.m.

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

MINUTES OF MEETING OF FINANCE COMMITTEE.

HON. V.G. JOHNSON: Mr. President, Honourable members the Minutes of the Meeting of Finance Committee on the 15th June, 1976 are not yet completed and I would ask that this item be deferred to a later stage of the meeting.

MR. PRESIDENT: That's acceptable. Proceed to Government business and we'll resume proceedings in committee. Resume proceedings in committee and return to a bill intituled The Matrimonial Causes Law,

THE MATRIMONIAL CAUSES LAW

COMMITTEE THEREON

MOVED BY HON. G.R. WADDINGTON.
SECONDED BY HON. D.V. WATLER.

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT
CLAUSE 2 INTERPRETATION

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, in clause 2 I feel that we should have a better definition in the interpretation of domicile and ordinary residence. The reason being that the only definition given is one that domicile has a meaning ascribed to it from time to time in English Law. I feel that this interpretation is not sufficient. We should have some guide lines for what is meant. Perhaps we could put in that domicile means that the person has lived here for five years or seven years or one year, that the person perhaps has his residence here or place of business. This word has given trouble in our laws before.

I mentioned a case which had come before the court and the second official member, I believe pointed out that at least one of the judges was not in agreement, perhaps the majority had made up their minds. But this case actually reached the Supreme Court on this very matter and the reason was, I believe, because of a lack of a proper interpretation in the Caymanian Protection Law. The matter of ordinary residence has the same thing.

There was one interpretation given to that ever since the election laws were on our books and I understand that this year Government has handed down a new interpretation in the matter of registration. I think there's something in the election law saying that a peson with regards his registration has to meet certain requirements of ordinary residence.

One interpretation had been allowed all along and this year a new interpretation is being given to those very phrases. So I feel that in the matter of this important law, this Assembly, if they are giving an interpretation to the words they should give more than just to say that ordinary residence has the meaning ascribed to it from time to time in English Law.

MR. G. HAIG BODDEN (CONT'D): That is not broad and we could perhaps put in some guide lines as to what is ordinary residence. What does it mean? Does it mean living here for so many years? having a house here? having a place for business? or what does it mean? Why leave it so that when this law is passed one interpretation will be given, in a few years time we'll have another interpretation and perhaps every court will have a different meaning ascribed to it. I think we ought to do something with these two words or phrases and give some better interpretation than what is offered in the bill.

HON. G.S. WADDINGTON: Mr. Chairman, the first correction to what the second elected member from Bodden Town said about the interpretation by the court of appeal. First correction I'd make is that there is no problem before the court of appeal as to the meaning of domicile. The problem was as to whether domicile should be as construed common law domicile in the Caymanian Protection Law in respect to people who are seeking to get status at the time the law came into force under the ground of domicile, or whether the court should consider the previous situation that existed before the law came into force and the statutory definition of domicile in the law before that time. That was really the problem. There was no problem as to the actual law of domicile and as to who could be said to the domicile at common law.

Now I can state here and now that I am not prepared to give a definition of domicile because people much better qualified than I am, better lawyers have never been able to do so, they have failed and that is why domicile has been left from time to time to be decided in accordance with the decision of the court over the years and the same applies to ordinary residence. It is almost impossible as the legal experts will tell you to make any precise definition of these two terms. But the courts have no difficulty in ascertaining whether or not a person is domicile or ordinarily resident, having regard to the decisions handed down by the courts over the years.

MR. JAMES M. BODDEN: Mr. Chairman, that's true that its been very difficult to determine this, and it is true that I think most judges give opinions on the law of these. But it must be some way that we can define it in the law a little bit better than we have it here because this has been a serious bone of contention, locally because it seems no one is able to determine what domicile under the Caymanian Protection Law means and it does not seem that they're able to determine what ordinarily resident means. It's not the same thing as my colleague just pointed out in the election law.

All along I would say that the Cayman Islands were treated as one entity and a voter living in a certain area has been able to vote into another area and all of a sudden this year we find that it is apparently a different guide line set up for it and people for instance who are living in George Town and who also have homes in Cayman Brac would not be able to vote in Cayman Brac in this coming election, and the same thing may be living in Bodden Town and also having a home in East End. So I don't know who made these rules this year on the election law but the same thing could happen on this Matrimonial Causes Law if someone would come up and make an arbitrary decision which really could not stand up in court because it is not properly defined. Besides that, it refers to English Law and if we are going to peg it under the, let's say Cayman Protection Law, using that as a guide line then I think we should put interpretation as of Cayman Law rather than English Law.

HON. V.G. JOHNSON: Mr. Chairman, we have found the same problem under the exchange control because very often residents for exchange control purposes has to be considered, in cases where a person would like to know whether he is resident in a territory for exchange control purposes or a non-resident for that purpose and I should say that every case has to be examined and judged on its own merits because one cannot apply or use a general rule for every single case.

HON. V.G. JOHNSON (CONT'D): And I imagine that residence for other purposes could be viewed in the same manner.

HON. G.E. WADDINGTON: I have nothing to add Mr. Chairman, I am not prepared to make any amendments to these two clauses because it is a very difficult thing to define and the courts have no difficulty whatever in determining whether a person is domicile or ordinarily resident.

MR. JAMES M. HODGEN: Mr Chairman, if that is true, then why is it that we have these continuing cases in the court trying to determine what is domicile and what is ordinarily resident when applied to the Caymanian Protection Law.

HON. G.E. WADDINGTON: Mr Chairman, I know of no problems whatever in the court on those terms. The only problem that arose in the cases so far was whether the domicile to be considered was domicile at common law as was defined in the Caymanian Protection Law or domicile as it existed by the statutory provision before that law came into force. But there is no problem whatever in determining whether a person who was domicile at common law.

MR. JAMES M. HODGEN: Well, which ever way we slice a banana there's still a banana, and the problem has arisen, if I understand correctly. I have not followed the court cases but I have certainly read the newspapers and it appears that there is a conflict of opinion and a continuing conflict as to what is defined by domicile and what is defined by ordinarily resident. So I just wonder why we could not put it in here then that domicile would be someone who has been here for so many years and has a home or something, an ordinarily residence, whether it could not be applied to a person who has been resident for six months or something of that nature.

HON. G.E. WADDINGTON: I think the matter is much more difficult than the member from Bodden Town imagines. I would not go by what I read in the newspapers, but I can assure this house that the problem that arose in the cases was not as to who was domicile or who was not domicile, but as to whether the concept of domicile should be the concept at common law as stated in the Caymanian Protection Law or the concept as prevailed by virtue of a so called definition that existed by statute before that law came into force. That was the only difficulty in the case and as I said, these judges held that the domicile to be considered in those particular cases, those persons who were here at the time when the law came into force was a domicile as it was defined before the law came into force and not domicile at common law. That was the only problem.

MR. JAMES M. HODGEN: Well, that was the effect of retroactive legislation. Couldn't we have it then that ordinarily resident would be the same as defined under the election law?

HON. G.E. WADDINGTON: Well as far as I know ordinarily resident is not defined under the election law. Ordinarily resident has not been defined but construed by courts to mean the place where a person lives, where he sleeps most of the time of his life.

MR. JAMES M. HODGEN: Well, could you tell us who has defined it then for the election law this year to determine where a person ordinarily sleeps?

HON. G.E. WADDINGTON: Well, I'm afraid that I am not able to do that, but I suppose whoever interpreted it is interpreting it in, I think, the correct manner. Ordinary residence is a place where the person lives most of the time. Well if you have a weekend cottage for instance in the Brac to which you go on weekends but you live the rest of the week in Bodden Town, well that person would be deemed to be in Bodden Town.

MR. JAMES M. BODDEN: Well this is just a word of warning. Whoever has defined it for the election law better be certain they're on firm ground.

MR. T. RUTH BODDEN: Mr. Chairman, this is not a matter that we can brush aside by saying that we're not prepared to offer an interpretation because the fact remains that every election since the election law came into being, the words ordinarily resident were construed to mean that the people, the Cayman Brac people who were living in Cayman, who had moved here, say because their children were going to High School, those people were all allowed to vote in Cayman Brac until this year they have been told that they cannot do it. So what I'm saying is that the words ordinarily resident in that particular law had a different meaning for those people because they were living here, they had actually given up their homes in Cayman Brac, they were still maintaining them. But they were living here, they were allowed to vote in Cayman Brac. This year they have been told, I understand that Government has handed down through the supervisor or whoever is responsible for election, a ruling that those people are now ordinarily resident here and must vote in George Town and not in Cayman Brac. The same thing has applied for the other districts.

I know of a particular case in Bodden Town where in the last election a man, ordinarily resident, he had lived all his life in Bodden Town, he had moved to George Town because of his job but he still voted in Bodden Town. Now this year the position is different. He still maintains his home in Bodden Town but he will be forced to vote in George Town because the interpretation of ordinarily resident has just been changed and the same thing would happen here. We could have when this bill is passed, one interpretation for ordinarily resident and then next year when it suits somebody would be changed.

This is not good enough and if our legal department is not prepared to change it I think the elected members ought to change it, even if we have to go out and hire legal expertise.

HON. W.W. CONOLLY: Mr. Chairman, we are not debating the election law, we are debating the Matrimonial Causes Bill still. Nevertheless the case of residence and domicile comes up and it seems to have the meaning that has been put down here, or explained by the Legal Department seems to be unacceptable by certain members and they are comparing it with the election law.

Now in my opinion I do not think today that suddenly the interpretation of ordinary residence has been changed. I think the concept, I think the whole idea of rigging the election list might have changed in the minds of some people because I know in my particular constituency a person that has started to get registered there, they don't live in the area. Well I mean I just know this and the point of Cayman Brac coming up, surely four years ago or five years ago when the list was made we had Cayman Brac people living down here, but are those Cayman Brac people that want to register in Cayman Brac now are they people who are ordinarily resident in Cayman Brac and have just come to Cayman?, or are they people who have been living down here for six, eight, ten years? This is the point I'm trying to make. As far as I am concerned about it I have never worried about who is on the list or who is not on the list, I haven't checked the list to find out who was on the list or who wasn't on it. But I did know that there was an argument, I was told this, over one particular case or probably two particular cases in my constituency which I have paid no mind to.

The situation, I feel like we have to be guided by definitions that have been tested in courts, definitions that have found themselves adjudicated upon and decisions taken. Naturally, the learned Solicitor General to this body has a right to advise us on the legality, the interpretation of these terms which he has done and I am prepared to take that advice.

HON. W.W. CONOLLY (CONT'D): If there is a question of the interpretation of ordinary residence or domicile as far as the election law is concerned, well I would suggest that if members have that difficulty they could test. They could always make an application to the court and test the decisions of the Judicature whoever they may be. But we have here ordinary residence as the meaning ascribed to it from time to time in the English Law and it's one thing that we have to realize, that our legal system is a legal system that has originated in English Law and why we have legislations that are specific as far as Cayman is concerned, yet physically we are basically controlled by the philosophy of English Law and I don't see any problem here.

MISS ANNIE R. BODDEN: Mr. Chairman, I'm strictly against this bill so I did not want to comment on this. But when ordinary domicile was discussed in the Cayman Protection Law, when we had committee meetings, we were told that domicile is a state of mind and a state of mind could be anything as far as I understand, but I am strictly against this bill so I will have no other comment to make on it whatsoever except to oppose it.

MR. JAMES M. BODDEN: Mr. Chairman, it is true what the fourth elected member has just said about testing in court and going by court decisions and that is what we should abide by. But unfortunately it seems like this has been tested in court and found wanting and in my humble opinion the Cayman Islands is an entity of the whole and a person resident in West Bay is as much a resident of this Island as a person living in Cayman Brac and it should be a free choice. But what we are afraid of is just what is coming to light here this morning; that these things can be arbitrarily changed because there was a rumour that the elected member from North Side was being unopposed and maybe some of his ordinarily constituents would register to vote in East End and now we are finding out why the law has been changed or the definition has been changed. And when it can be changed so arbitrarily here we wonder what would happen under this law that is why we want it better defined.

HON. W.W. CONOLLY: The person I was speaking about is one of the declared opponent of mine who originally came from East End. I did not know anybody was coming from North Side.

HON. D.V. WATLER: Mr. Chairman, apparently a lot of this hinges around the election but just for clarification you have the registering officers who go out and register people in the various constituents. Sometimes it could be someone left off of the list, it could be someone put on to the list that a person resident in the district objects to.

Each member of the public and each one that is entitled to register has a right to request that their name be put on the list so that if it was a person into North Side wishing to vote into East End he could request that his name be put on the list for East End or if it was someone voting into North Side and someone in East End or someone there saw a name on the list and objected to it, that was then the decision then rest with the revising officer who would then hear the petitions whether the person can vote or not. It is not dependent entirely on what the registering officers put down because the revising officer can hear petitions to add the names on or to strike them off and our advising officer is the magistrate.

MR. JAMES M. BODDEN: Well I quite agree with that but yesterday we had a long lecture as to why certain portions of the 1969 law were being put into the 1976 law because of its age and because it has been tried and tested. Well the same seems to be true under ordinarily resident under the election law that has been tried and tested for years and was accepted, so why do we change it all of a sudden. This is what we are afraid of, that you could get an interpretation put on the marriage thing under the same basis. We do not want that, we do not want it left to discretion, we want it worded into the law just exactly what it means, whether it is a state of mind or a state of being just put it in.

HON. A.B. BODDEN: Mr. Chairman, I don't see, Sir, why such an issue is being made of this ordinary residence. I think the Second Official Member has explained the matter and surely I believe we should understand what he has said in that it applies to where the person lives his life most of the time and I think it is quite clear. I can't see any reason why we should contend about it. Hereupon in my mind it is quite clear to me and I believe it should be quite clear to others as well and maybe they are just raising an issue to make an issue out of it. I don't see anything in it at all, Sir. I am really in a state of shock in a way to see how else it could be described. I don't know how else it could be described in the law.

MR. JAMES M. DOBSON: But it does not shock us because you never seem to see anything else but just the way you're told.

HON. A.B. BODDEN: I am sorry, Mr. Chairman, I have a mind of my own too, and I have understanding, but it seems like some of us are lacking that too.

MR. CRADDOCK BOOKS: Mr. Chairman, I remember well when we were dealing with the Cayman Protection Law we spent two or three days in heated arguments over this word domicile and we still never got much further and as it has been pointed out by the Second Official Member that it is well understood and defined by the courts and the law experts and what not, and those that deal with it. Why then should it be put into this bill to be ascribed to it from time to time? Why some firm definition is not placed in rather than using it from time to time? It still to my indication then that it stands for more than one thing or it can be changed to mean more than one thing. But it looks like it ought to mean something that it stands for and not to be used from time to time.

However, you might term it or try to use it and then adding the ordinary residence and what not, that would mean one thing and another thing again. I feel that any born Caymanian whether he lives East End, Sunken Town, Bodden Town or any place he lives, he or she ought to have the privilege to register any place in the Island that they feel like they want to register and vote freely where they feel like they want to vote, whether they reside there, whether they live there or whether they don't go there at all, but they ought to be given the free privilege. Then if you can't do that, then what are you going to do? Deprive the people of their free movements? of their free thinking? of their free minds? of their free decisions?

No officers dealing with the election law as to registering, supervising and what not should dictate to any free thinking person that is eligible for voting not to register where he or she feels that they want to cast their ballot. That ought to be free without being encumbered in any way.

I can't see as the First Elected Member for Executive Council just said he doesn't seem to understand. It's too bad, that ought to have been looked in before now. I don't see why I have to accept everything said by the First Official Member, the Second Official Member, the Third Official Member or any other Member in this house. I accept according to the dictates of my mind. That doesn't mean to say that everything that I think or say is right but I don't have to bow to any and everything that any other member may say, not because they're in the Official capacity or they have their years of experience from their education and what not that I still have to go along with it.

So Mr. President or Mr. Chairman, I feel that we should try to define something as to what it means, not just use the word from time to time...

HON. R.O. DUSE: Mr. Chairman, I want to make it clear that I am not being misled by anybody as to their own opinion. It only goes to good reason, Sir, that what has been said from our legal adviser on this thing makes good sense and good common reason, that ordinary residence actually means where a person spends most of the time of his life and does not mean if he just goes from one district to another for a day or so, and has a home in another one that he is ordinarily resident in the district in which he just attends occasionally. It is where he spends the most of his life and this ought to be understandable by the members on the other side as well. It is common reason, it is not anything unreasonable at all and it is not anything being said by someone to snowbody else to believe. It just stands to good common reasoning.

MR. JAMES M. BODDEN: Well common reasoning tells us that the people from Cayman Brac have been more resident in Cayman Brac than they have been in Grand Cayman because it's only the last couple of years due to the economic recession that most of them have moved here. So if you're going to define it that way common sense would tell us then they should be registered in Cayman Brac. Eh?

MR. CRADDOCK ESTAKES: Mr Chairman, I am sorry if the member misinterpreted or misunderstood what I said. I did not try to contradict what the second official member said that ordinary resident did not mean where one spent the most of his time. I did not say that, Sir, and it's with regret then, the first elected member of executive council couldn't better understand what I said.

MR. JOHN D. JEFFERSON: Mr. Chairman, I offer my apologies for being a little late. I come in late into the argument here. But I would just like to clarify my own position, and I can assure you I don't say like the member from East End who says he hasn't checked the list, but I've checked the list and I can assure you that no member living in East and would be able to vote against me in West Bay.

Ordinary residence, I had people from the Brac that voted for me in the last election living in West Bay, and I feel that that should not be an argument at all. If you're a resident of the district, if I am from East End, I was born in East End and I'm resident in George Town, well it only goes without saying that I would be expected to vote for the candidates in George Town. It would be a different thing if I was there a month or something like that. But where you got people in the island living in a district for three, four, five, six years, I don't see any argument. As far as I am concerned there's not a problem. There's not really any problem as far as I am concerned.

MR. CLAIMS M. HILL: Mr. Chairman, I'm at a quandary right now as to whether we are studying the Matrimonial Causes Law or the election law.

MISS ANNIE K. BODDEN: Mr. Chairman, if I recall in the old election law where they called the people together and proceed for them to elect these people. Now calling the people at that stage meant calling the men, the women were so downtrodden they couldn't even vote and I've always heard it, that any member could vote any place that they had property, for instance if I were living in George Town and I wanted to vote in West Bay, providing that I had property there I could vote. But I don't know this new interpretation of the election law, what it means or I don't care personally because if I get back in the Assembly I'll be happy, if not I'll stay out. But I'm not going to make any issue of it, but I certainly would like to see this word domicile not for this particular law because I'm against it from A to Z.

I would like to see some definition put on it that those unfortunate people, men and women, could have the knowledge to know that these two phrases were not changed on each occasion they go to court. But as far as this Matrimonial Causes Law is concerned it shouldnever be befor this house.

MR. JAMES M. BODDEN: Mr. Chairman, we are not confused one bit as to what law we're dealing with. We're only trying to use one law to back up another law, which had always been done particularly by the Government side in their references to the bonwards and to other old laws. This is all we're trying to do. Now I would refer this house to subsection (2) of section 13 of the election law in dealing with ordinarily resident and then over to sub-section (2) of section 30 where it says that every person whose name appears on the official list of voters for a electoral district shall be entitled to vote in that electoral district, not withstanding that he is not resident in that electoral district upon polling day. Now this is section 30, sub-section (2) which contradicts what the basic argument is on ordinarily resident, that would be found upon sub-section (2) of section 13. And this is what we're afraid of that could happen and crop up in this law. The same thing could be done, the definition could be arbitrarily changed as it is not specified in the bill.

MR. JOHN D. JEFFERSON: Mr. Chairman, as the Lady Member just said and I would draw references at myself, if we were dealing with the word domicile and we had the Cayman Island Immigration Protection Law before me I would have alot to say about domicile. But dealing with the Matrimonial Causes Law I'm not really worried about that.

MR. G. HAIG BODDEN: Mr. Chairman, several members seem to have offered their definition of ordinarily resident. All we're asking is that some definition be put in the law. If I've heard correctly, the First Elected Member to Executive Council as well as my friend from West Bay have offered their opinions on what is ordinarily resident. All we're asking is that some definition of ordinarily resident be written into the interpretation and since the house has heard several opinions I think we ought to get together and find out which of those opinions would be most appropriate for a definition in this law and try to get it put in to the legal words so that it could be inserted in the interpretation. I'm not too concerned with a precise definition but I think we ought to have some guidelines and perhaps we could work on the ideas thrown out by the First Elected Member for Executive Council. He has given us what he considers to be his understanding of ordinarily resident and I more or less agree with what he said.

MR. CHAIRMAN: Well, if there's no further debate I shall put the question on clauses 1 and 2.

QUESTION PUT: Agreed.

CLERK: Clause 3. Powers of the court.
Clause 4. Rules of the court.
Clause 5. Jurisdiction over persons.
Clause 6. Foreign marriages.

QUESTION PROPOSED:

HON. G.E. WADDINGTON: There are some amendments of clause 3 which I don't know if they appear in the copies held by members. After if, the words appear and shall have, shall have should be has and has in addition.

MR. JOHN D. JEFFERSON: Say that again.

HON. G.E. WADDINGTON: After paragraph (f) in clause 3 the line starts, and shall have, instead of shall have it should be has. Strike out shall have and substitute has

MR. G. HAIG BODDEN: Mr. Chairman, I certainly have no objection to that, but in clause five we find that the words domicile and ordinarily residence reappear.

HON. G.E. WADDINGTON: Have we got to clause five Mr. Chairman?

MR. CHAIRMAN: The question has been put on clauses 1 to 6 so any points may be raised on any of these clauses.

MR. G. HAIG BODDEN: Yes Mr. Chairman, I was saying that the word domiciled in the island and ordinarily resident in the island reappear in clause 5, but they do so in a more complicated and in a more pronounced manner bringing with them difficulties that would not arise had they appeared separately. My understanding of this section is that the court has certain jurisdictions and can listen to either party, providing the male was domiciled while the female party would only have to be ordinarily resident. So we have here a clear or a very fine distinction, so fine that it is almost imperceptible to the ordinary human eyes. What do we make of a section like this when the court has jurisdiction over both parties and can have it over one party if he is domiciled while the other party only has to satisfy the test of ordinary residence. So this further strengthens our case that we need clear distinction, clear interpretation, clear definition of these two terms and although we have forcefully passed over the interpretation I think we still should go back to that and make a renewed effort to define or to clear up the meaning of these two phrases.

Now I know that the situation here, because of the Cayman Protection Law makes the foreign man who is married to a Cayman woman makes his situation as far as domicile is concerned or his residence is concerned or his Cayman status is concerned in a different position from the foreign woman who marries a Cayman man. So we may sweep these things under the carpet because it is a little difficult perhaps to put in definitions, but I don't think we're doing the job, we're not doing the job that we're put here for because anybody reading clause five of this bill would have to know that clause five cannot function unless the interpretation clearly sets out the difference between domicile in the island and ordinarily resident in the island when the only difference in the part is the sex of the two parties.

If one reads clause five and ever looks back to the interpretation one would be so confused that one would have to perhaps go out through the window. They could never come to any clear decision. Now I know the difficulties of lawyers, lawyers are like economists, if you put them all end to end you would not get one single conclusion, they would not come up with one single thing upon which they would agree. So despite the fact that in law perhaps it is difficult to have one interpretation, I think we should make a greater effort to define these two words because it is impossible for a court to have proper jurisdictions when the distinction between domicile and ordinary residence is more or less regulated by the sex of the person.

HON. G.E. WADDINGTON: Mr. Chairman, there is no difficulty whatever about clause five. The reason for the difference between the female and the male is this, that a wife takes the domicile of her husband and if the husband, for any reason, deserted her and took up a domicile elsewhere this clause gives the wife, so long as she has been ordinarily resident in the island for two years, the right to bring a petition and gives the court a jurisdiction to hear the petition, not withstanding the fact that the wife might not be domiciled in the island because her husband has left and has assumed some other domicile. This provision factors provisions in all Matrimonial Causes legislation so as not to penalise a wife who has been deserted by her husband and finds herself living in a country in respect of which she is not domiciled because her husband has acquired another domicile elsewhere. So there's no carpet sweeping anything on this. It's a perfectly provision and you'll find this provision in almost every other Matrimonial Causes Law.

MR. JAMES M. BODDEN: Mr. Chairman, how could we define it in section five and couldn't define it in section two and under section five we're saying that either party [illegible] for one year or if the party filing the suit is a female, has been ordinarily resident in the Island for at least two years, immediately preceding the presentation of the petition. In other words what I gather from this is that the basis on which you determine ordinarily resident is two years. So if it can be applied under section five, that's the way that they're going to get the divorce. Why is it under the interpretation then that there was a difference in putting the two years in.

HON. G.E. WADDINGTON: The two years, Mr. Chairman, specifies a period of ordinary residence. The material words are ordinarily resident and to determine whether a person is ordinarily resident then you go to the definitions which mean the meaning ascribed to it in English Law. Now once a person has been found to be ordinarily resident, in order to have jurisdiction under to bring a petition that ordinarily resident must continue for at least two years immediately preceding the presentation of the petition. The two years has nothing to do with the meaning of the words ordinarily resident.

MR. JAMES M. BODDEN: But what would be the present definition under English Law for permanently resident?

HON. G.E. WADDINGTON: The term is not permanently resident, the term is ordinary resident and the courts have determined from time to time what that means.

MR. JAMES M. BODDEN: Well, at the present time being time to time what would the interpretation of it be.

HON. G.E. WADDINGTON: That would depend on the particular facts of each particular case.

MR. JAMES M. BODDEN: In other words this law or this Bill is just like so many other laws, just agree to it, take the belly or the guts out of it and give you the front page.

HON. G.E. WADDINGTON: That does not require a reply Mr. Chairman.

MR. JAMES M. BODDEN: There is a question here Mr. Chairman because we got two definitions for the two different words. One is left to be interpreted by English Law from time to time and the other one specifies one year and two years. So there is definitely a difference in it.

HON. W.W. CONOLLY: Mr. Chairman, I would like to say that this Bill not say anything about domicile much one year. What it says the petitions must be brought within one year. But this does not say that one year makes you domiciled. It says that the petition must be brought within one year. This year does not define domicile. This is the time limit when which your petition can be brought. I think it's quite clear Mr. Chairman.

MR. CHAIRMAN: Deeming clause three to include the small amendment put forward, substituting the word "has" for "shall have" in the second last line, clause three.

QUESTION PUT: Agreed. Clauses 3 to 6 as amended passed.

CLERK: Clause 7. Foreign decrees.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, we have further complications in seven because the residence test has in it three categories, two of them almost new. One is instead of ordinarily resident that has habitually resident, whatever that may mean. (b) a national of that country, whoever she may be and (c) domiciled in that country under the law relating to domicile there appertaining.

So if we do not have any interpretation for domicil or for resident, how in the going to determine all these things. What is the difference between habitually resident and ordinarily resident? What is the difference between a national of that country and a citizen or whatever else you may use? We may as well accept defeat on this bill.

HON. G.E. WADDINGTON: On this clause Mr. Chairman, as I mentioned when I was introducing the bill, is a clause which has been rendered necessary to conform with the Hague convention on foreign decrees, and the clause in this form was the form in which the parties to the convention agreed at that convention and this is how all countries to the convention have stated the clause, in their divorce laws.

MR. G. HAIG BODDEN: Mr. Chairman, it still seems to me that we have to put into the interpretation the meaning of habitually resident.

HON. G.E. WADDINGTON: We have not got to Mr. Chairman, that's a matter for the court to determine.

MR. G. HAIG BODDEN: Well why is the matter, Mr. Chairman, for ordinarily resident and a matter for the court to determine, I can't see the difference.

HON. G.E. WADDINGTON: But the court will also determine that in accordance to the English Law.

MR. G. HAIG BODDEN: The court will determine that in accordance with the interpretation, but when it comes to habitually resident they won't have any interpretation.

HON. G.E. WADDINGTON: Oh yes, the court will interpret that in accordance with the interpretation placed by foreign jurisdictions under the protocol of the Hague convention.

QUESTION PUT: Agreed. Clause 7 passed without amendment.

CLERK: Clause 9. Grounds for pronouncing decrees for nullity of marriage.

QUESTION PUT: Agreed? Clause 9 passed without amendments.

CLERK: Clause 9. Presumption of death.
Clause 10. Grounds for pronouncing decrees for dissolution of marriage.

QUESTION PROPOSED:

HON. G.E. WADDINGTON: There's one amendment I'd ask for Clause 10, Mr. Chairman, and that is, after paragraph (c) the word "and" appears, that should be struck out and the word "if" should be added in the next line just before the words "the court", so it will read "if the court".

MR. CHAIRMAN: Well that minor amendment; strikes out the word "and" after 10 (1) (c) and inserts the word "if" at the beginning of the next line leaving "if the court after inquiring so far as it can"etc.

QUESTION PUT: Agreed. Clauses 9 and 10 passed as amended.

CLERK: Clause 11. Grounds for pronouncing judicial separation.
Clause 12. Effect of certain decrees.

QUESTION PUT: Agreed. Clause 11 and 12 passed.

CLERK: Clause 13. Collusion.
Clause 14. Impediments to the grant of a decree.
Clause 15. Proceedings for dissolution after judicial separation.
Clause 16. Co-respondent to be cited.
Clause 17. When damages and costs may be awarded against co-respondent.

QUESTION PUT: Agreed. Clauses 13 to 17 passed.

CLERK: Clause 18. General principles to be followed by the Court in ancillary matters.
Clause 19. Orders pending suit.
Clause 20. Declarations of legitimacy
Clause 21. Ancillary orders.

QUESTION PUT: Agreed. Clauses 18 to 21 passed.

CLERK: Clause 22. Duration of periodic payments.

QUESTION PROPOSED:

MR. G. MAGE-SOOKER: Mr. Chairman an amendment was offered to that section and I have withdrawn that amendment upon the advice of the Attorney General and am submitting an amendment drafted by him which takes care of it, and I would ask the House to consider that amendment.

HON. G.E. WADDINGTON: I think members have the amendment before them Mr. Chairman.

MR. CHAIRMAN: The amendment is that a proviso is inserted at the end of 22 (1), is that correct?

HON. G.E. WADDINGTON: 22 (1) Mr. Chairman.

MR. CHAIRMAN: A proviso reading. "Provided further that where a child of the marriage is at the time of pronouncing a decree under disability of such a nature as to preclude it from maintaining itself independently, the court may order that the payment shall be continued throughout the period of disability, notwithstanding the age of the child."

HON. G.E. WADDINGTON: I ask that a colon be substituted for the full stop after twenty-one years and then the proviso follows.

MR. JOHN D. JEFFERSON: Mr. Chairman, I think I should clarify my my own position here. I have spoken that I am against the law in toto. Nevertheless the majority, the democratic process in an action, majority rule. But I would like to say this that I would definitely support the inclusion of this section in this law because I think it is essential that the child is looked after. But on the other hand as I've said I'm against the law altogether. I regret that it's before me.

QUESTION PUT: Agreed. Clause 22 pass as amended.

CLERK: Clause 23. Variations of ancillary orders.
Clause 24. Notice of appeal.
Clause 25. Powers of the court of appeal.
Clause 26. Right of parties to remarry.
Clause 27. Procedure.
Clause 28. Appeal of cap. 41.

QUESTION PROPOSED:

MR. JOHN D. JACKSON: Mr. Chairman, I have an observation here. Nobody brainwashes me, I got my own mind. Mr. Chairman, since it is a fact that divorce is rampant in our courts, and I use that word because it's something foreign to us, it is regrettable to think that in so many instances where there are couples filing for divorce in the courts and when we think of the laws where innocent children are affected in the procedure in 27 (4), it says "the court may from time to time adjourn the hearing of a petition and may require further evidence thereof if it thinks fit, and may require ancillary matters to be dealt with in chambers".

The question that comes to my mind is what benefit does the court derive or anybody else derive from any of these cases being heard in open court. It's not a matter of the country, it's a matter of two individuals and anything that can be done to save the dignity of the home ought to be done, anything that can be done to save an innocent child the pain that sometimes not even life can erase. I feel that I would like to see / it is a fact that it does take place, these matters dealt with in chambers. I would like to see that rather than an open court because to be quite honest with you., there are people who go to court just to listen to these cases, to hear the awful tales that are told by a husband against his wife or a wife against her husband, and that does not help the court, that does not help the country and it does not help anybody's home and I would definitely like to see something placed in this law, - a procedure here that would remedy that. If John Jones was filing for divorce and he and his wife are going to court, and he is charging his wife with act of adultery, what good does that do me to go in and sit down and listen to that kind of case? what does that do the child that is exposed to this father against his wife / wife against her husband very very strongly recommend that we look into this matter and make some amendment that would not only just say "maybe".

The other morning I accidently walked into a juvenile court and sat down, and I sat down, little while I looked around and the officer of the law was looking at me and I wondered what I'd done., And he said well are you connected with anybody here in a juvenile court because it's closed to the public and I said no and I apologized and left. I think it ought to be the same way with these divorce cases because it does not do the country any good. the court derives no benefit and like I said the hurt, the pain that is left on the innocent child. It's too much to ask for anybody. I'm asking Mr. Chairman, the second official member in his capacity if we could not write into this procedure and make it a part of the procedure of the court in the cases of divorce, that these are heard in chambers and not in open courts.

MISS MARIE D. BODDEN: Mr. Chairman, I promised to have nothing to do with this divorce bill or Matrimonial Causes or whatever the name is because I think it's a step backward. It is not doing what I think we should do. I have never been married unfortunately, or fortunately, I would question which, I don't know but in any case I must agree with what has been said by the second elected member from West Bay.

I have gone to court as an attorney at law and I have heard the opposing lawyers get together and say let us have this matter heard in chambers. It is not in the interest of the Cayman Islands as a whole to have this thing heard in public, let us go, (in those days it was in the Town Hall), let us go in one of those rooms and see if we can have this thing settled because it is too filthy to be heard in an open court and especially where young people are. So I would agree, although I have nothing to do with the law personally I feel that the suggestion made by the elected member from West Bay is quite in order.

I heard not too long ago that there was a case in the court where two detectives had been employed from Jamaica by a man, sent down to watch his wife and another man, and the grounds that were filed in the court were so filthy that people who were not officers of court were asked to leave.

MISS ANNIE B. BODDEN (CONT'D): so I think his suggestion is quite in order. Although, I must repeat, I'm opposed to this law one hundred percent except I would offer that contribution.

HON. C.F. WADDINGTON: Well the position Mr. Chairman, is that the courts are public places and the law requires all cases in court to be heard in public, it's only as regards the juveniles law which provides a special court to hear juvenile cases. When it comes to court like the Grand Court it is a public court, it has to be held in public, but I should point out that under the, well it's a criminal procedure code actually so it couldn't apply to divorces. In criminal cases the court has the power and in certain cases to preclude members of the public from the court, to exclude them from the court but from time immemorial the courts have, in divorce proceedings been public and the courts have no power as presently constituted to sit in private - to exclude the public. It is necessary that the work of the court should be observed in public and when we begin to tamper with that provision and allow courts to sit in private it may well reap more harm than it would in not allowing the public to be able to see how the courts function and see what goes on in court. It would be a very fundamental departure from the principals of public administration of justice to provide for matters of this nature to be heard in private.

MR. JOHN D. TEPPERSON: Mr. Chairman, well I've heard the mind of the legal second official member in this matter. But judging from the experience of other countries and other people I think it is somewhat timely that we realize that in the Cayman Islands that there's something unique about the Cayman Islands and as for me I am concerned, as I have said before, the Matrimonial Causes Law before me this morning is a very regrettable piece of legislation in my opinion. But when we think of the damage divorce has caused, where there are two parties, that's bad enough, but when there are children involved. Many times in these cases there are stigmas attached to children, to youngsters that I cannot in my rightful mind sit here and accept that they should through life with the hurt and the pain, that they can receive in an open court.

Since I'm satisfied that an open court, in my opinion would not affect, and I say in my opinion) a closed court would not affect the fact that justice was done because we're not adjudicating a law with the mass in that particular instance. It is only between two individuals and if John Jones makes an application, he and his wife for divorce and regardless of how the court rules that does not affect me, it does not affect the other man on the street. What I'm saying is as far as I'm concerned it is a personal matter that the court deals with, and I think that we ought to be able to sit here and say how we think these personal matters ought to be dealt with. There is such a provision, such a juvenile. Well what would be wrong with saying that the case of divorce could be dealt with in chambers? It helps the country, it does no harm to anybody. If my wife and I were filing for divorce, if we had a court room filled with people it would not be the mass in the court room that would get hurt, it would be either her or myself or both of us. And what I'm saying is that I do not support the divorce law at all because I don't believe in it. But what I'm saying is since it is a fact that it happened I feel that I would like to see placed in the procedure of the court provisions where it would be held in chambers instead of an open court. I can't see where there would be any injustice, I can't see whether it would hamper the cause of justice in the least, in my opinion and I feel that we have something to protect. I think when we think of the youth and believe you me I don't believe any country in the world ought to take more time in any legislation we pass dealing that would inflict any damage at all or reflections on the youth. I don't think any country in the world ought to take more time, ought to be more serious, ought to be more considerate about anything that would affect its youth and I am

MR. JOHN D. JEFFERSON (CONT'D): making this application that in this procedure that this legislature says that these divorce cases be held in chambers. That's my submission, Mr. Chairman.

MR. CRADDOCK ELAMAY: Mr. Chairman, I see the argument of the member. I can agree to an extent in principal but I don't think that there are so many more members in here have argued for the rights in principle of young people anymore than I have. I well remember the many of times in debate and I defer my reference to dealing with movies, theatres and pictures and when we talk about the light that goes on the screen that older people scramble to/ the young scramble faster and further. We're told that this is the rights and the privilege of the people and that parents can take their children if they so desire to see these things, so I can well say why I agree in principle with the feelings of the member, its what is the privilege of an individual, whether he wants to see or hear or the rights to go any place and if the public should be excluded from the court they'll say we're not fair, seemingly as I said I used as the reference that other people that they want to go they are privileged to go and hear for themselves. So I don't know what we might be able to do about this other than what has been pointed out here.

The feelings of the court might be dealing with a case, whether it's through the lawyers or through the judge that may be sitting, to whether certain parts of it should be moved to chambers or what not I don't know but I don't see that there is very much that can be done about it knowing that we got wide open scope in other areas but we cannot think of interfering with the movements and the privileges of our people.

MR. JOHN D. JEFFERSON: Mr. Chairman, I don't see how the movements or the privilege of the people would be affected at least, because as I've said before it's only a matter of a man and his wife. It's not a matter affecting the whole country and it is a principle. I would not want to go in and sit down in a divorce court and listen to a man accusing his wife of running around or some of the things that go on in the court. What I've heard people, they had to leave the court because of the disgraceful way which a husband or wife attacks one another openly in court. It's a disgrace, it's a stigma on our community. And I say that nothing would affect fair play or movement of our people in relation to saying that these cases of divorce would be heard in chambers.

MISS ANNIE B. PATTEN: Mr. Chairman, on one occasion I was in court in the old court house. There was a young lady there who had been married at the age of thirteen years and she put up quite a story. Well the husband was sitting next to me and he said you just wait until I get these pictures that I have to be shown. I said man you should be ashamed of yourself to want to expose your wife, this young girl in public this way, he said Miss Annie you don't know her type, I said I would not like to know her type but please, for god sake do not show these pictures that you have to be shown. Well he said you want to see them, I said no thank you I don't indulge in such stuff.

Well, first and only time in my life I had ever looked in the divorce law. I took a look at it and there it was that you cannot be married until you have attained the age of sixteen years. I showed it to the clerk of courts, who was sitting next to me, he showed it to the judge and the lawyer next day that marriage was annul because the girl was married when she was thirteen years of age. Now had those pictures been shown in the court that day that would have been a terrible reflection on the woman. I don't think she would have gotten two or three husbands after that but evidently it didn't harm her from getting more men. But I am telling you the woman produced a child when she was fourteen years of age and what man, her husband was going to say about that her in court it was disgraceful for ours to hear. Now that is not helping our society, certainly not, because I figure that a man and woman's affair must be man and woman between themselves.

MISS ANNIE H. DONNEW (CONT'D): I don't think it should be exposed to the public. But there are people who delight to go to court to hear such stuff. They take it for fun and I think that it does not affect because as I said, G'd didn't provide me with a husband unfortunately, or fortunately I don't know which it is. But in any case if I had a divorce to be entered in court which I would put up with him I'd kill him or he'd kill me, one or the other. I would not go and expose myself like I've heard people do in the court house and I feel, Sir that if it could be inserted in the law, I don't know, I have no interest in the law other than protecting the people of the Cayman Islands, that something should be done. I don't know if it will make the law any more effective or not, but I am saying that there are things that are heard in the court house that certainly do not uplift the people of the Cayman Islands and I would support up to a point it it's legal, I don't know if it's legal or not because as I said before this divorce law to me is one of the worst steps that we have taken. It makes divorces, I see, too very easy and now if you go to court practically every week you will hear people there want to get a new wife or husband as the case may be. There's a case publicly talked in George Town now a beautiful girl at her age, helped the man get where he is, now she's too old and flabby he wants a sixteen year old and he'll get a divorce.

MR. CRADDOCK ADAMS: Mr. Chairman, just one brief moment of your time. The lady member was telling us this morning in the coffee room that she had a telephone call from a fellow who said I'll be down in a few weeks for us to get married but I don't know whether she changed her mind or what. What I want to say Mr. Chairman, as I said I quite understand and agree in principle but I don't think it's any member in here who visits the court any more often than I do, and my opinion I don't think any divorce case can be much more ridiculous than I have heard into the petty court between a man and a woman. It generally arise out of women making applications for maintenance of children, but when you listen and get to the end of it the language and the things are said and the things that are exercised it cannot in my opinion be very much different than what would arise out of a case of divorce because I heard not too long ago one case in there, the petty hearing that the girl got on so nasty and ridiculous that the judge told her, he say even the grounds that you had got for maintenance with your behaviour your disrespect and bad dirty language, he say you don't get anything now. So I don't think it takes altogether the divorce case to hit you. I understand that when one is married and got a child or two children or three children the stigma that can fall on the children, similar them in the petty cases that so many of the girls, and many of them not married are asking for maintenance and help and what not, this same stigma falls on these innocent children and what not because many a time the children are there hearing what is going on in the case. So I don't say very much we can do about it, I just thought I'd make that one more observation Mr. Chairman.

MR. E. CRAIG BODDEN: Mr. Chairman, I have to stand in favour of a public trial. In this law provision is made for the petition to be heard in whole or in part by affidavit and there's also provision for certain ancillary matters to be dealt with in chambers. I don't believe in straining at a gnat and swallowing a camel. Only this week, this Assembly passed a law which I fought against, known all the Joint Trial of Juveniles which will expose juveniles to public trial. So what are we talking about now? What we fought all of yesterday to protect the privacy of the home, to prevent a constable from entering without a search warrant. So what are we fighting against now? Luckily we were able to prevent that. I feel that in a divorce case the damage isn't done at the trial, the damage is already done to the children long before it reaches the courts.

MR. G. HAIG BOLDEN (CONT'D): I believe that if these cases were tried in chambers there would be far more of them, publicity alone keeps alot of them out of court and we also have to remember that in this law we have done away with trial by jury and all the divorce cases from now on will be tried by the judge alone.

The member from West Bay in his debate argued that we should not have a divorce law. I won't go along with that. We must have a law for divorce as long as we are going to allow marriages because the human factor enters into it and there's just a plain case that not all two people can get along. Once there's provision for marriage on our statute books there must be also provision for divorce. If we abolish marriages then we won't need the divorce law, but as long as we are going to uphold the institution of marriage and as long as we're going to believe the teachings of the bible we got to have both because the bible teaches not only about the institution of marriage but it recommends a bill of divorcement as well. So if we're going to get religious on it I would think that we will have to tolerate it. I'm not saying that it is the most pleasant thing that could happen but I believe that we must have a trial in open court, no two ways about that. There are certain matters that could be dealt with by affidavit or in chambers if necessary but I think if we're going to preserve the system of justice we must fight for open court trials regardless of the cost.

MR. JOHN H. JEFFERSON: On a point of order there, Mr. Chairman, I don't think anybody can rightfully say that the bible teaches anybody to have divorce, at least my bible does not tell me that. It tells me there's one case that a man can put away his wife but in the same language it goes on to say that if he wants to marry something else happen. I can't accept that as biblical teaching and I am saying that I would like to move an amendment to that section.

MR. CLAUDE M. HILL: Mr. Chairman, I listened quite intently to this debate on the Matrimonial Causes Law that brought the argument up concerning the hearing in open court and I voiced the sentiment of the second elected member from Bodden Town. It is truly said that we sat in this chamber legislating laws or tried to get amendments and now we're speaking against what we wanted done yesterday, and I feel that the second elected member's point is quite made clearly. Thank you, Sir.

QUESTION PUT Agreed. Clauses 19 to 20 passed as amended.

CLERK: A LAW TO REPEAL AND REPLACE THE DIVORCE LAW.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on the Matrimonial Causes Law. We shall now suspend proceedings for fifteen minutes.

Proceedings in committee are resumed. The next Bill to be considered is the Public Loans Law.

THE PUBLIC LOANS LAW.

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT.

CLAUSE 2 INTERPRETATION.

QUESTION PUT: AGREED: CLAUSE 1 AND 2 PASSED.

CLERK: CLAUSE 3 POWER TO BORROW.
CLAUSE 4 LIMITATIONS ON BORROWING.
CLAUSE 5 PRINCIPAL AND INTEREST TO BE CHARGED ON GOVERNMENT REVENUES.
CLAUSE 6 EXEMPTIONS FROM STAMP DUTY ETC.

QUESTION PROPOSED.

MR. JAMES M. BODDEN: Mr. Chairman we have circulated an amendment to section 3. The reason for circulating this amendment is to try to make a change in the wording of section 3 after the word "funds". We feel strongly that this should be done on approval of the finance committee. Our reason for that is in reading section 3 we find that there's reference all the way through to the (e) which refers to the Governor which really means the Governor in Executive Council , and this gives the power to borrow and to pledge whatever Government securities are necessary to be pledged, and to borrow in any amount up to the amount that is into the law which would be one eight ten million and the other one twenty-five percent of the annual revenue.

My interpretation of this law would be this, I know that approval of finance committee has to be given on certain expenditures but I wonder how far we could get overruled if this section was to go through as it is now. Past experience has shown us that this can happen and I would stand strongly in objection for section 3 unless it did have after the word "pay on approval of the finance committee inserted.

HON. V.G. JOHNSON: Mr. Chairman, in the debate on this bill I think it was pointed out that section 3 of The Public Loans Law which we're now considering, is no different from any other loan law provided or legislated in the past to raise loans on behalf of this Government, and I think to substantiate this I went as far as to read section 3 of The Loan Capital Projects Law 1973 which authorizes this Government to raise one of the largest sums in the history of the Government of the Cayman Islands, and the wording of that section was that the Governor in Council was authorized to raise by the issue of a loan a certain sum of money. That provision is contained in all loan laws because the Governor in Council is the body in Government authorized to arrange all the transactions pertaining to the borrowing of funds in Government.

Of course it was also stated that finance committee had it's particular function in dealing with expenditure raised by loan and that is that finance committee must approve of projects and must approve of the financing of those projects from the proceeds of the funds raised under the law. I could not agree that in this law which we're now considering that the provision should vary so that all the administrative arrangements for the raising of the loan or borrowing of funds, be placed in the hands of the finance committee, this would be in a way contrary to all the other arrangements in the past and in fact it would be somewhat cumbersome and not as convenient as would be desirable. And I would request members, Mr. Chairman, that they consider the provisions contained in this law, that is the provision in section 3, that the authority should rest with the Governor in Council. If for some reason there's no confidence in the Governor in Council, in performing the functions which had performed over the past that is another matter, but I doubt very much that there is any question of this especially from the fact that the Cayman Islands has enjoyed the reputation of having a very reliable Government. I recommend, Mr. Chairman that section 3 of The Public Loans Law remains in the words that it is now made up.

MR. JAMES M. BODDEN: Mr. Chairman, in considering this amendment I think we have to look deeply into what makes up Executive Council at the present time Executive Council is made up of three official members which are civil servants and four elected members who represent the people. The official members as such do not have a mandate from the people and this is the people's fund that we will be dealing with, this is the maximum step. It's the biggest step that the Cayman Islands Government has ever taken forward yet. Once this law is approved as it is now we, the elected members are the people's funds and the people's wishes. Once this goes through as it is now we have virtually lost that control.

MR. JAMES M. BODDEN [CONT'D] - I would like to point out another telling thing. The quorum of Executive Council, as I understand it, consists of four members. Those four members can be three members of the official side and one member of the elected side, and it would be a legally constituted meeting. Those four people could authorize you to put the Island in debt for the ten million dollars we're talking about without the real sanction and approval of the Legislative Assembly and such action can be done by the recommendation of only one elected member or one member representing the one twelfth of the body of this house, and such member could be in the position that that member would only represent maybe about three percent of the population of this country. This is what I think we have to look at. This is a serious situation, Sir.

If the Executive Council was composed of all the elected members who had a mandate from the people, then they can be removed. They are subject to the whims and fancies of the electorate. But as it is now, if we allow this to happen, we are in essence sanctioning what the official branch of Government would like to do and we have no further authority over it. So I wish the members of this house will give this some serious consideration because I think that this is one of the most serious matters that we have ever dealt with since I have been in the house.

HON. V.S. JOHNSON: Mr. Chairman, there's no confidence in official members of executive council. I would not like to comment on the difference between official members and the elected members, but what I would say is that what the executive council comprises of today need not be what it would comprise of in next five, ten years. There are three officials here now but this need not be so in the future, it depends on the constitution and constitutional advances. What we must bear in mind or consider is what really is the Government and what function each section of Government should perform.

MR. JAMES M. BODDEN: That is why I am putting forward my argument. What is Government? My opinion of Government is that Government is the fifteen members who occupy those seats chaired by the President of the Assembly. But it is so and it's not the point of whether we have confidence or not. It is hard in this day and age to trust the judgements of many people and I don't see any reason for it to be taken as a personal affront because it is not intended in that way. What I am saying is this, we must look forward to the future. The future of this island will probably mean a change in the constitution, but at the present what we are dealing with is a constitution that grants the power of an elected person to an official member and the official member, in a sense is not responsible to the electorate but cannot be removed. If an elected member does something in this house that is contrary to the wishes of the electorate in his district he may be removed by the vote of the people at the next election or the election after that or whenever it may come. But there is no control Mr. Chairman, and we must think about eventualities, and it is no way of getting around it. Under the present set up it could happen that three members of the elected side of this house would be absent from the Executive Council Meeting. They could be absent because they wish to be absent or they could be absent because of illness or many other reasons, only having one elected member. And when I make the reference now, I am not trying to make this with any aspersion, but the smallest electorate in the Island is the district of East End and it could that the member from East End might be on this particular day the only member of the elected Executive Council who would be present, and with the electorate of East End probably being only about, say five hundred registered voters out of maybe twelve thousand in the colony, I mean six thousand in the colony, it puts the elected side in a very much of a disadvantage and I think there's very good reasons, I cannot understand why that there should be a hassle over this because the finance committee should be dealing with this.

MR. JAMES M. BODDEN (ACTING): This is an important matter and it would only mean a very small change into this bill, to insert that this would be done on the instructions of the finance committee. We're not trying to tell you exactly who to deal with or who to talk to. You have alot of latitude that you can work on this. All we are saying is that we would like to know that when this Government is committed that you came to us and say fine we need ten million dollars, we have a chance to borrow it, here's how we plan to use it, here's the interest rate we plan to pay for it and so forth. Let us know, show us common decency.

MISS ANNIE H. EBANKS: Mr. Chairman, we must have faith in somebody. Now what apparently to me is this that we do not propose to borrow this ten million dollars in one shot it says from time to time. So I presume that no sensible Government would borrow ten million dollars plus this other business here, unless they really had very urgent, important business to perform that would take that amount of money.

As I understand this bill, it will be borrowed from time to time and I take it, or I hope I'm correct in this, that the finance committee would be told or asked to decide what you're going to spend this money on. I mean I do not take it that the Government would borrow this money and without any further say they will improve the airport to take ten million dollars or will build the roads to take ten million dollars or the docks or schools or that I take it before this money would be spent that the finance committee would have to meet and decide if they accept this proposal as put forward. If I'm correct Sir, I would like to know that, I mean if it's that the Government can borrow this ten million dollars and without any word from the other side as we are unfortunately called then I would be most supposed to it. But if it is that it comes back to be dealt with by finance committee which should consist of twelve members, that the quorum seven, if the other five did not want to attend, that would be their affair, but I feel that, as I understand this, that before this money could be spent we would have to be in a committee and say, well you spend so much for this and so much for that, so much for the other thing.

But I would never agree that any of it should be borrowed to pay salaries. I figure that this ten million dollars would be for improvements generally, and neither would I agree for any of it to be spent on scholarships because I don't think that we are doing just the right thing in giving scholarships that we are giving abroad, in other words depends on who is who to get what is what.

Now this might be a little beside the point, Mr. Chairman, but I was approached on several occasions by a young lady who went to, I think Trinidad to do something about training to be a traffic control officer, something to do with the Airport. Now three boys that went along with her got their two hundred and seventy-five dollars a month or whatever the allotment was and up to now that young lady hasn't got a penny. Now that is not fair. You see that is what is causing and breeding alot of trouble in this island, depends on who is who to get what is what. Now why was not this young lady given her eight hundred or nine hundred dollars as soon as the men? I mean that's not right and if this loan is to be used to spare to people depending on their capabilities, their sex or else, I'll never agree to it. But I agree it has been long muted that this Government needs money to perform certain things and I feel that the Governor in Council this present Governor and / present elected members and so on, I don't think this island they would be foolish enough to really plunge in debt to waste. I don't believe that, I must have better faith in them. But what I want to know is that when it is to be spent it comes to the finance committee to say we intend to do so and so with this and that. And I feel, Mr. President, we are entitled that much and I feel that we will get that.

MR. JOHN D. JEFFERSON: Mr. Chairman, the lady member in my opinion who made a point and yet she was asking questions. Well as far as I'm concerned section 3 is very clear to me. The Governor in Council will have permission to borrow, but the Governor in Council, just say they decided to go out and borrow ten million dollars. As far as I'm concerned if they borrowed ten million dollars it could only be transferred from one fund to another because the finance committee has the authority to say what the money will be spent for and when. And as far as I'm concerned that provision, section 3 does not bother me the least because the Governor in Council cannot exercise the powers of the finance committee.

HON. W.W. CONOLEY: Mr. Chairman, first of all I would just like to say this, that a member brought up the point of my being on Executive Council representing some very infinitesimal percentage of the population. I would like to inform the member that it is true that when I was returned in the last election I was returned for the constituency in East End. But when I was sworn in a member of the Legislative Assembly I became a member of this house and further then, when I was elected as a member of Executive Council that my role here is to represent the Cayman Islands.

I would like to remind the members of this house, when they are talking about spending money and raising money and doing this with money, I would like to remind members of our constitutional setting and that is this, that His Excellency the Governor, and I don't think there's any misinterpretation of the meaning of Governor that is quite clear. But if I can read the constitution correctly and if I can read the regulations governing this house correctly it looks to me, and I think I'm correct in saying that the Governor of the Cayman Islands is the person responsible for the finance of this country. And if we look at our motions, what a member can do, what an elected member because a lot of note has been made over taking power out of the elected members' hand and putting it in the hand of the Governor in Council. No elected member in this house can raise a motion on the floor of this house to charge, to impose or to increase or anything of any finances without first having obtained the permission of the Governor.

The constitution says in section 37 "except on the recommendation of the Governor the Assembly shall not proceed on any bill including any amendment to a bill which in the opinion of the person presiding in the Assembly makes provision for imposing or increasing any tax for imposing or increasing any charge on the revenues or other funds of the island". I mean it is implicit, and I don't think that there is any misunderstanding with this law. I think what the lady member said and I think what the honourable member for West Bay said is right. This is the form, somebody has to be given the instructions on the legislation to raise these funds, when funds are raised and when we have before us the appropriation bill, surely before, (and I think this has been, I've been here quite a long time), surely when an appropriation bill or a supplementary motion is put before it goes to the finance committee and the consent of the finance committee is sought. There are times when the finance committee suggest, make changes and surely if the Honourable Financial Secretary in his wisdom would be guided by what is best for the Cayman Islands. And I think that those members who opposed this are only making a mountain out of a mole hill, and I think today that a lot of them are measuring somebody's corn by their own bushel. I'm glad Mr. Chairman, that all this has gone over and while they say I don't mean it, I think while you are there it's alright and while the present members, there's no doubt in my mind that the members are trying to poison the populace in Grand Cayman against the Executive Council.

MR. JAMES M. BODDEN: Mr. Chairman .....

HON. W.W. CONOLLY: I'm not finished yet. Just hold a minute.

MR. JAMES M. BODDEN: Alright you hold it then.

HON. W.W. CONOLLY: You just hold a minute. I'll finish. You'll have all evening to talk. I'll be here.

MR. JAMES M. BODDEN: Mr. Chairman. I'm calling on a point of order.

HON. W.W. CONOLLY: What .....

MR. JAMES M. BODDEN: This man is impugning the dignity of the members of this house now.

HON. W.W. CONOLLY: I think that this has been impugning Executive Council quite long enough now under standing order. I think you have gone far enough now.

MR. JAMES M. BODDEN: We have been pointing out the facts and we are going just as far as you can.

HON. W.W. CONOLLY: You have not been pointing but any facts. The facts is .....

MR. JAMES M. BODDEN: I point out the facts under the constitution.

MR. CHAIRMAN: One member at a time please.

HON. W.W. CONOLLY: Mr. Chairman, what I am saying, and I think I said it yesterday, that it should be clear in members mind, people who have sat in this chamber for four years and more should know how the business of the Government, the business of the legislature proceeds. And as I suggested to members yesterday, if members fail to have confidence into any member or in the whole body they have a right under the constitution to bring a vote of no confidence. If they fail to accept the constitution as it is written and they would like to make amendments, make a motion to change the constitution and I'm sure Her Majesty's Government will listen to any request made and do accordingly, but I think today that this has gone a bit far.

We are discussing a bill which has been introduced by the Honourable Financial Secretary. It is in accordance as far as this particular section is concerned, similar to what is on our books. In 1961, our loan law of 1969, I don't remember exactly the day, it is, but it says the Administrator in Council shall raise a sum of money. In 1969 when we passed the loan to do the airport, to do the ports, to do the roads and to do the administrative building, I think it is word for word. And why all of a sudden this has anything happened? I am saying, Mr. Chairman, that this is only an attempt to poison the minds of the public against their constitution which in my opinion is working fine. It is possible as members said, that no member that is here elected be here in the next election, you might not be in the house. But I think today that the members and most of the members on the other side must have been in their rational good senses when they elected members to this side, and don't tell me they did not vote for some members on this side when I know it was [illegible] seats, if my memory serves me correctly. What has brought the changes? Where is this no confidence coming in?

HON. W.W. CONOLLY(CONT'D): And Mr. Chairman, I feel today that this is a form and I feel confident, Sir, in you that in your time here, and I have felt that confidence coming down the line, back from 1963. I have confidence in those people who have been appointed to administer the affairs of this country that if in their opinion that these members of the Executive Council had been all of this, what is happening and all of this no confidence that they would have made recommendations to the House or Her Majesty's Government so they could do something about it.

MR. JAMES M. BODDEN: Mr. Chairman, I'd like to clear up a few points. First of all, let me say this, I've been in this house now for nearly four years and when I've to speak I don't care if it was my father across there I would speak if I saw fit. Your predecessor in this house, Sir, if I remember correctly the will bear me out, the last meeting that we attended here, I would say protocol, maybe dictated that I should have got up and thanked him and been very benevolent, but that is not my spirit. The hansard will bear out, sir, that I said to him I hope I would never have the pleasure of welcoming him back to the island as a civil servant particularly as the Governor. So if anybody has any doubt in their mind as to whether I'll tell a man something, they're wrong. Let me say something else. If we were going to measure the member's bushel, I have a grand son two and a half years of age. I would have needed to bring him in here to pick up his bushel because it would have been too light for me to pick up. (HON. W.W. CONOLLY: Words are cheap.)

Now Mr. Chairman, I'm going to deal with what I see is the merits. We are allowing discretion, this is what we're doing under this law or under this bill and it may be o.k at the present time, maybe it might not be o.k. but we could get someone here, Mr. Chairman, who could say that he is not really going to abide, not going to call the finance committee in and it is nothing in this bill that says he must do it, Sir there's nothing. And that side of the house told us several times, particularly in this session, that you must act more or less on their recommendations. Now I'm conversant with the constitution also, I fought the biggest constitutional battle I guess been fought in this country so I should know something about it. And Mr. Chairman, that constitution says that you must more or less listen to them and if you act contrary to their recommendations you must report to London. I know what the constitution says. So if that member over there thinks he's going to argue the constitution and make a fool out of me he is wrong.

Now Mr. Chairman, ...
When I'm through then you can start again and I'll get back at you.

HON W.W. CONOLLY: I didn't say that.

MR. JAMES M. BODDEN: He also said about the vote for Executive Council, let me clear that up and refresh the minds of this house. The present Executive Council would never had been constituted the way it is today if it had not been the mandatory way under which we were told we had to vote and I will refresh that member's mind by telling him this that I saw him sit over there in that chair and swerved on a tie vote and the only reason was because we were told that it had to be four votes or the ballot was spoilt. So if that member is trying to say that he had the confidence of the whole house let us remind him he did not have the confidence of the whole house.

Now, Mr. Chairman, the gist of my argument is this, if you're talking about having faith I can have faith in anybody until they let me down. If I'm wading out to sea and have my hand in the hand of someone else and he suddenly goes in the white hole and I go over my head my confidence is going to be dispensed.

MR. JAMES M. DOOLAN (CONT'D): And for the past year or so we have had, and I'm going to point them out, three things that have come before this house that have been very controversial and I feel like if it had been dealt with by the members of this house as a whole body some of this could have been averted, and I will speak about the loss that was incurred on work in the harbour. No. (1) The hundred and forty thousand dollars approximately that we paid McAlpine for an over-sight in the contract that we should not have paid and the present situation of Cau.

MR. CHAIRMAN: We're drifting very far away I'm afraid from the .....

MR JAMES M. DOOLAN: No, it is getting my argument forward, Sir, as to why we would have the feeling of no confidence.

HON. A.J. DOYLE: Mr. Chairman, I don't see really the fears of members in this law. I believe if we prepared let us say to trust the government. Of agree that ten million dollars should be borrowed, there is a limitation on this and this is ten million dollars; and if we can agree on this (a) is ten million dollars the aggregate amount upon the security of Government bonds or (b) a figure based upon twenty-five percent of the average annual Government revenue receipt over the past three years, If we can agree on that I don't see why we should be so concerned as to how this is going to be borrowed. I feel like members should have some confidence in somebody to carry out what we agree to in this law and surely the Government has an executive body and it could be entrusted to no one better. I think the Financial Secretary has explained this in other loans that were raised. It certainly does not mean that Government could indis criminately take ten million dollars and appropriate it to some use which they, or let us say not Government, the Executive Council or the Governor in Council and appropriate it to something which they themselves wanted done. Surely it goes to the finance committee, they approve all the expenditure of the Government. But this is a different thing, it is to raise by way of loans, by way of bonds and treasury bills at an aggregate amount of ten million dollars, and I really don't see the argument in it at all.

I know of the lack of confidence and I have expressed this many times and even cautioned against it because it is nothing good for us, nothing good to get out to the public that the members have no confidence in Executive Council, I know this but as the member said if they have not got the confidence in Executive Council why don't they come forward, straight forward and move a censure or why don't they say why they have not got this. Is it because Executive Council has performed so magnificently in the past four years that they are surprised to know that so much could be done from so few a bunch which they themselves put here. I fail to see what they are talking about and why do they find fault? I am sure that it's not one or four that you could put from that side over on this one that could have done as good. I feel so. I have my feelings on it, Mr. Chairman, and I would say that their fears should be annulled if they agree that this is necessary in order for Government to continue on its progress of development in the Island, that if we agree to permit Government to raise an aggregate amount of ten million dollars by way of treasury bills and bonds, that there should be no question as to what is going to happen to this ten million dollars because they themselves as elected members, members of the finance committee will have a say on any expenditure which is done from this amount. Thank you.

MR. JOHN D. JEFFERSON: Mr. Chairman, I also want to make a contribution on this. I don't know whether members are doing these things knowingly but I must say that I am very distressed to say the least.

MR. JOHN D. JEFFERSON (CONT'D): In the constant, and I repeat, in the constant attack, the constant/of breaking down confidence, it is very distressing in a territory like ours to find that in your legislature which we are here as elected members, we have a function to perform and that is to represent our various constituencies. It goes without saying that we will disagree, certainly we'll disagree. You put eleven lawyers in a court room and nobody interprets something the same way no doubt. But the point that I am making Mr. Chairman, the constant way of moving, the constant expression of suspicions, the constant statements of mistrust can do the territory no good and let me say this, Mr. Chairman. With the greatest of respect Mr. Chairman, with the greatest of respect, I have a function to perform and be it friend or foe, with God's help I'm going to perform that function. And I think it is high time that if members have reasons to suspect or have reasons to mistrust Executive Council that a motion is brought on this floor that motion of censorship because we're constantly dealing in laws with suspicion, suppositions and what have you, and what can we hope to do? Can we for political reasons stir up or rouse in this country the mistrust among the people as it has been in so many other countries where so many Governments are suffering from today and people because of their mistrust. I am very perplexed, Mr. Chairman in the least, I am very perplexed to find that so much mistrust when nobody has anything concrete to offer.

Now Mr. Chairman, as far as I'm concerned if I had any evidence or any serious reason to suspect that the Executive Council was not dealing with money and what have you in the best interest in this country, and since I have helped to elect them to that body, make no mistake about it, there's no member in this chamber that would be more adamant about that and would be moving a/ censure motion in this chamber without any question of doubt put forward the views or the feelings that I had in relation to the Executive Council.

MR. CHAIRMAN: Well I'm going to suspend proceedings at this stage for luncheon - and proceedings in the Assembly will be resumed.

HOUSE SUSPENDED AT 12.55 P.M.

HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT: Proceedings are resumed. We'll continue business in committee. Proceedings in committee are resumed.

MR. JOHN D. JEFFERSON: Mr Chairman, I quit on that we could adjourn but I was far from being through. Going on to what I had said till the moment of adjournment it is said that if we tell ourselves something though whether it be true or false after a while we will believe it as the truth. What bothers me is the continued statements in the chamber that the constitution does not work or is not working or words to / that effect. I feel that any member that feels that the constitution of the Cayman Islands is not working in the best interest of the people, then that is a matter for the populace to decide. But what I am afraid of, that with the continued attack, with the continued never let up of, with the collective responsibilities, the mistrust in Executive Council, the statements that it'll never be different unless we change our constitution. But I say Mr. President it this is a constant thing, that after a while the people will no doubt or many of them will no doubt feel that the reason that we are having all this is because the fact that the constitution does not work. This might move them into doing something drastic. I for one member feel that the constitution works, it is working.

MR. JOHN D. JEFFERSON (CONT'D): I for one member want to go on record again saying that I oppose as the lady member used to the bill, any change in our constitution at present. And as far as I'm concerned, I personally see no time in the future where I would want to change or advance the constitution to take care of some of the things that we are saying here.

MR. PRESIDENT: I think I must remind the house at this stage we're not debating the merits and demerits of the constitution. But a narrow question of whether certain powers should be vested in the Governor in Council or as proposed in the amendment with the prior approval of the Finance Committee.

MR. JOHN D. JEFFERSON: I appreciate that statement Mr. President. I appreciate that. But what I'm saying is that if we are not satisfied with the provisions that the Governor has in Council, then let's go to the people and let that be an issue. But I'm saying not coming here and attack everything on the guide of that and get out there and use it for political reasons at a time of election. I support the provisions of the law as it is. The constitution plainly lays down the functions of the Finance Committee and I am saying that with that provision if the Governor in Council goes to borrow ten million dollars or if they go and borrow a million dollars at a time they can only transfer it from the bank from which they're borrowing it to the Government revenue until such time as the Finance Committee gives authority on how that money should be spent and when. Thank you very much.

HON. V.G. JOHNSON: Mr. Chairman, to reply to the lady member's concern this morning about section 3 of The Public Loans Law I would like to restate again that the law is introducing two new forms of loan, one is the treasury bill and the other is the loan by bond issued. It was explained that the treasury bill would not in any one year exceed the equivalent of twenty-five percent of the average annual Government revenue over the past three years and the reason for that is Government must ensure that any funds raised by a treasury bill issue must be paid within the current financial year. It was also explained that the treasury bill issue would be purely to facilitate bridging finance arrangements within Government in probably the early part of the financial year when large projects would be undertaken or perhaps when the Government's cash position would be such that we would perhaps have to operate an overdraft of the bank, it would be more economical at that stage for Government to do a treasury bill issue, raise money at a lower rate of interest rather than paying the higher rate of interest and bank overdrafts.

These arrangements are something that would be recommended by the Financial Secretary to Executive Council whenever the occasion arose and perhaps Executive Council under this authority would grant permission for the issue to be made. No doubt at some stage it would be reported to Finance Committee, but in the case of the bond issue, although the Governor in Council would give the authority for a bond issue whenever this is necessary. The bond issue would be based upon specific projects to be financed by this method and this could not take place until Finance Committee had given its approval for the projects to be implemented and to be financed by the proceeds of a bond issue. Therefore Finance Committee would play a very important part as far as the bond issue is concerned and the bond issue is limited to a sum of ten million dollars at any single time.

These limitations, Mr. Chairman, are put here and Government has no authority to exceed this at any time unless the law is amended to provide further loan facilities.

HON. V.G. JOHNSON (CONT'D): The arrangement under section 3 is purely administrative arrangement which is given to Executive Council because it is the most appropriate body in Government to deal with this. But there is also the important function performed by Finance Committee whereas or wouldn't the Finance Committee will have to approve that the projects are financed by means of a bond issue whether the bond issue is approved by Executive Council or not. Finance Committee would have to give that overall approval. So we are dealing with a subject here which has various forms of authorities in it, (1) by the Legislative Assembly which is to approve of the law, the other is by Executive Council to grant permission for the issue and the other by Finance Committee to say whether the project has to be implemented, whether it is to be financed by the loan and to what extent. So there's no question about it. it is administered by all the bodies of Government.

MISS ANNIE R. BODDEN: Mr. Chairman, that is exactly how I understood it and I still say that we have to have faith in somebody, and I'm very sure that this Government would not go anything wrong to force the banks to borrow money to waste and I have said it, that's how I understood it and I was only asking the question if I was correct or not.

MR. G. HAIG BODDEN: Mr. Chairman, this will come as a surprise to the house but this is the first time that I am interjecting any comments on this Amendment , the reason being that I did not want to take part in that Crown out constitutional debate, I only want to deal with what is before the house.

The third official member in his first reply to the member who moved this amendment said that the provision in this law is in keeping with the provision in other loan laws. I think he made reference to a specific law with regards to the one that established the five million dollar loan. However, there is one important point that we must not lose sight of and that is that this law is altogether different from all the other loan laws that have previously come before the house. The other laws were specific laws to borrow specific amounts to cover specific projects while this is a loan law for all times in that it empowers the Executive Council as/ the law says to raise from time to time funds for Government in this manner.

The member from East End made it very clear when he pointed out that the other loan laws said that the Governor in Council shall raise a sum of money, now notice how differently that is worded from this law. If you want to refer to the hurricane law of 1932 or to any other specific loan law you may see that the wording is "shall raise a sum of money" while this particular bill says "may raise funds" there's a vast difference; in other words what has up to this time come before the house is a bill requesting the house to empower the Executive Council to borrow a specific sum. This bill is asking for a blanket approval for the Governor in Council to raise funds/time to time for so and so. So there is a very big difference between the other laws which we have passed and this one today. Not only that, there is another big difference in the mode of borrowing. The other laws sought money to be borrowed in the conventional manner. This law is seeking to borrow money in a manner never before used by this Government. This law is seeking to borrow money by the issuance of treasury bills and Government bonds. So with these two big differences between this loan law and other loan laws we must pay special attention to the wording of section 3.

Now the amendment sought is to say that the Governor may raise on the approval of the Finance Committee, the Governor may borrow on the approval of the Finance Committee. This is a reasonable request in this law because without such a provision in the law this matter of raising funds would be entirely out of the hands of the Assembly.

MR. G. CRAIG ROBDEN (CONT'D): In all the previous laws the Executive Council was empowered to borrow only one time, although the funds could be taken over a period, as in the case of our recent capital loans law. In the former bills of this nature the details were spelt out word for word in each law as to what you would borrow, what you would borrow it for and so on, but in this law everything is a blanket-type permission. It says that the Government may borrow from time to time from the public such amounts of money as he, (that is the Governor) deems expedient on such terms as he decides against the issue of Government securities. So there is a big difference between a specific law which seeks the approval of the House to cover a specific project. There's a big difference between that and a law which seeks approval for all times to borrow for any purposes whatsoever, any amounts, on any conditions, and I think this is the reason why the member who moved this amendment together with members who are supporting it and I trust that the majority of them are, the reason why they want this provision is so that they can have some control.

Remember it is not only a matter of borrowing ten million. You can borrow as many ten millions as you like under this law. All this is saying that you can't borrow more than ten million at one time. This, when we get down to section 4 you will see that the aggregate amount must not exceed ten million dollars, but you can borrow that ten million, you can pay it back, tomorrow you can borrow again. So really the amount that can be borrowed under this is not limited to ten million, it is limited to ten million outstanding at any one time, and then as far as the other section of the bill is concerned, while at the present time we could only borrow the three or four million which would be twenty-five percent of the gross revenue, you must remember that in a few years time that the members for Tourism has brought the figures for Government revenue up to say, forty or fifty million, the amount that could be borrowed under that twenty-five percent will not be the three or four million that we could borrow today. So this is a law which does not empower Government to borrow the little bit of money which one might think Government could borrow at first glance. If you examine it closely you will see there's almost unlimited powers to borrow and borrow and borrow. Unlimited sums of money are limited perhaps to twenty-five percent of the revenue and to ten million dollars at one time. But if you further examine this bill you will find that on one type of borrowing we could borrow ten million dollars but simultaneously with that you could borrow an amount equal to twenty-five percent of the revenue under the other form of borrowing because in the memorandum to the bill in the last paragraph it is shown that this bill would confer upon the Government which simply means upon the Governor in Council, two separate and distinct powers, (1) to borrow by way of treasury bill and the other to borrow by way of bonds, and this would be done in such a way that the Government would be able to finance capital projects approved by the Legislative Assembly without having to go through a special procedure on every occasion, and I think that is really what the members are against. They want it so that if there has to be a capital project that Government will have to go through the special procedures on each individual occasion.

So the amendment proposed, the amendment tabled to section 3 is a reasonable request. It would be a safeguard in the law whereby the borrowing powers given the Government under this law could not be abused. Mr. Chairman, I fully support the amendment. I think the amendment is expedient to good government, I think the amendment is absolutely necessary in this bill because if we were embarking upon a road which we have travelled many times before we would at least have some precedent to follow, but here we are venturing into, as far as this Government is concerned, into new fields of investment, into new types of borrowing funds, into new ways of raising capital.

MR. G. HARRY BOWDEN (CONT'D): And there should be safeguards, to control and to check and to double check whatever may be needed to be checked, and we should not at this time give a wide open check to the Governor in Council to start upon this new system, to start upon this new effort as I may put it without some guarantees in the law that this Assembly would have a means of checking whatever is done. Now I know a certain member is ready to reply. I don't mind any reply on section 3 but I hope I won't be subjected to a constitutional lecture again.

HON. W.W. CONOLLY: Mr. Chairman, I believe that the member is referring to me and I will speak just on the amendment, and while I am no lawyer I would like to know, first question I would ask is this: are not the members of the Finance Committee the members of this Legislature who will now, if this law is passed, have given the Governor the approval to raise these loans? To me to write what the amendment says in this law would only be superfluous words. It would have absolutely no effect because if I understand the amendment to say after the word "Governor" insert by approval of the Finance Committee and the Finance Committee is the elected members of this body who are here now. So by writing those words in, as far as I am concerned makes absolutely no difference because if you give the Governor the permission now the authority now under the law to raise the loans I don't see any difference in meeting in a Finance Committee, next week the same people and giving the same permission.

The member really in raising this amendment, I would consider it splitting hairs with the interpretation of words. One law say to raise by the issue of a loan the other one says raise funds, now funds and loans and money or whatever it is, is the same as far as I'm concerned, and I disagree with the member because of saying that there is no ceiling because if I read section 4 correctly there is a ceiling placed on the amount of loans that can be raised at any one time. You cannot supersede that and if I would just direct the member's mind to law 3 of 1973 when the capital projects loan was raised, that said exactly the same words, an amount sufficient either at one time or by instalments up to a ceiling of so much, and I think this law is actually saying the same thing, whether you raise this ten million at one time or whether you raise it a million at a time, but it's one thing certain that you cannot raise more loans than those ten million. And I was very interested in the point that it might only be three or four million today and twenty-five percent of our revenue, and another ten or fifteen years could be forty million. This is true. But I'm sure that the Government would not raise funds, the percentage there would go up equally to the capability of repayment. The reason why twenty-five percent of the revenue is put on the ceiling of securities as explained by the Financial Secretary, is because there has to be a limit on this, because you could charge a revenue to where that you could not pay it back, and if our revenue was forty million and we went up ten million we would be in the same position as far as capability is concerned to pay back as if the revenue is four million and we raised one million, as far as the percentage is concerned. So as I see it, just writing these words into a law wouldn't make one row of piss as far as I'm concerned. I don't think it is good legislation to do it and I don't see the necessity because if we are the members of the Finance Committee here today and if we give the approval today for the Governor in Council to raise a sum of five million or ten million as the case may be, I don't see any difference when calling a Finance Committee tomorrow and giving the Governor in Council the authority to raise that same amount.

As far as I'm concerned I think what has been said and repeated several times, the Finance Committee has a function to play, the Finance Committee approves all of the expenditures under the Appropriation bill and any supplementals.

HON. W.W. CONOLLY (cont'd): And I think this is where it is controlled because surely it's not a bad thing as the Government raises the money, the Government borrows the money or raises it or whatever you want to say by securities or bonds or what, and the money is there, surely the most important part to play in this is how the money is going to be spent, what are the priorities? whether it is school buildings or whether it is Town Hall in Bodden Town or whether it is a missile station out in West Bay or something else. This is the important part and I think this is where the Finance Committee comes in. As far as I'm concerned, I cannot support the amendment because I don't think it is necessary and I think it is just mere words.

MR. JAMES M. BODDEN: Mr. Chairman, I could never have believed that when we raised such a simple amendment just asking for what we think is the right of the elected people of this house that it would have provoked such an argument. Now I look on this as probably one of the biggest steps that this island has ever taken forward that why I was so willing to lend my support to this bill. But I cannot agree to this and I'm going to try to explain myself. One member said that he could not understand our continued stand in opposition, but let me say this, that I will oppose anything as long as I think it is wrong. If you can prove to me I'm wrong well then maybe I might support you. I try to make up my own mind and my colleague here with me does the same and no one in this house is going to make up our minds for us, we're going to do that on our own. And no one in this life can be wrong all the time, but I think the [illegible] for the last four years will prove one thing, that the Bodden Town members can be wrong all the time or we are the biggest fools that ever sat in this house, one or the other.

Now I'd like to answer the member just one point and I'll assure you, Mr. Chairman, I will not expound on the constitution with my colleague across the street. But section 6 (f) of the constitution does say that we have the right of moving a vote of/but that also says that it must be by a two thirds majority, and that is two thirds of the elected members but that's not Executive Council, and this Assembly has twelve elected members which means that we would have to get the complete eight on this side to vote in favour of such a censure motion, and unfortunately that cannot be obtained because Executive Council appears to have five members instead of four. So we would look very stupid to bring a censure motion to this house regardless how much little faith we had in them. But, Mr. President, my stand is strictly this, we as elected representatives have an inherent right to know the full detail of every commitment that this Government has. Now we have fought for this ever since we been in here and every time we fought for it we were [illegible] and so forth and so on. As long as long as I occupy this seat I feel it is my right to know the major commitments that Government makes. I don't want to know whether you bought five pounds of nails today and you bought them from Thompsons instead of buying them from Kirkconnel Brothers or something. I don't want to know that, that is not my business. But the major commitments that this Government makes are my business and I'm going to stand on that point as long as I'm in this house

If we refer to section 3, Sir, we will see that that section plainly says as Executive Council deems expedient and as Executive Council decides, not the Finance Committee, not the Legislative Assembly but as Executive Council. Now I know I might get caught up on that and I'll explain myself. It does not say Executive Council but it says the Governor as he deems fit and the Governor as he deems fit/interpreted to be the Governor in Executive Council. It means it can be done without the decision of the Finance Committee.

HON. V.G. JOHNSON (CONT'D): And Government would be repayment of the bills themselves, must be taken into consideration and must be charged against the intake of revenue for that particular year. So the financial arrangement must be made for that issue before it is recommended to the Governor in Council. As far as the bond issue is concerned it can be for any period up to twenty years. Again, before a bond issue is considered the financial arrangement must be considered, the servicing of the loan must be taken into consideration, Government must be at all times capable of repaying its loan. One can't just recommend that Government take up ten million dollars in bond and three and a half million dollars in treasury bills because the very next year you're going to be faced with a very heavy interest repayment not taken into consideration the principal repayment aspect of it and this must be a point which must be borne in mind at all times Government's capability of financing these loans. And further more Mr. Chairman, with respect to the bond issue members have said all sorts of things about a bond issue, but the bond issue is the same as any other loan arrangement. If there are projects which will be financed by a bond issue there certainly will be incorporated in the annual estimates under capital expenditure. There are three sections of capital expenditure, one finance from local revenue, the other from aid funds and the other from loan funds. Well, these projects will be put under the section financed from loan funds, they would be recommended to the Legislative Assembly and they would be incorporated in the appropriation law and then the authority would be sought for the bond issue to cover the financing of these projects. But there is no question about these issues being made and the Assembly not knowing anything about it or members not knowing anything about it. Members will know about it and everything about these issues.

MISS JENNIE H. BODDEN: Mr. Chairman, I was barely inquiring for information, that's all because personally I'm afraid of debt but I see to get anything now a person like me who is content to live in a dumb half furnished and so on, I don't get anywhere because I'm not bold enough to venture on these debts. But I'm asking for information, not questioning the honesty, the ability, the anything of Government. I'm merely asking what I asked, for information. And I would say, Sir, this might be a little bit beside the point that if we in this wonderful hall, if we tried to adopt the spirit of little unity and try to iron out our differences and don't be an arrogant on one side and so? (Quarrelsome) on the other we could get a far far way better than we are doing now. I would feel that that is most of our trouble in this Assembly. We just fail to understand each other and try to misconstrue everything. I'm asking only for information to satisfy this thing you call a head here.

HON. W.W. CONOLLY: Mr. Chairman, being a member who has been in this house for quite some time I would just like to give this bit of information. The name CAYcomes up all the time that arrangement had been made with this Government and members did not know anything about it, that statement is quite incorrect. When an application was made to the Government on behalf of forming an association with Cayman to bring forth what is now known as Cayman Airways Ltd., the first thing that was done was a survey was made by a competent person and members of the then Executive was brought into an informal meeting, they met the adviser, we asked him to do and everybody was satisfied and the then members of the Legislative Assembly approved and agreed to that arrangement. It's unfortunate that the member who is bringing this up was not in the house at that time and if the Hansards of the house can be investigated I think my words can be proven correctly. So I don't know that this should be any reference because I'm sure in this particular case the financial arrangement in respect of the formation of Cayman Airways Ltd was full knowledge to the house.

MR. JAMES M. BOGGEN (CONT'D): Now we can all remember the fight that certain members in this house have waged on the CBL operation. Every time we brought it up we were given an argument that we had no reason to delve into this, it was none of our affair or we were given answers that/sent the final a little bit further. Well the only time that we could really say anything and get anything done is when that came to Finance Committee because that is where we deal with it, that is where the elected members on this side of the house has a clout, is in the Finance Committee and it's only when it came to Finance Committee that we can get any of our wishes heard. Now another point, Mr. Chairman is this. Just think of the public ridicule that the members on this side of the house would be subjected to. When it comes up that the Government has borrowed/about it a certain amount of money people in our constituency ask us/and we can tell them that we know nothing why the money was borrowed, we don't know who it was borrowed from, we don't know what rate of interest is being charged on it, we really don't know where it's going to be used because it can be used without the consultation of this house. If that money was raised, Mr. President, it given you the power under section 4 (b) to raise up to twenty-five percent of the/annual time revenue. At the present/that would probably be around three and a half million dollars. It is easy for us to imagine that in a very foreseeable future our national budget could be as much as forty million dollars which means that you would have the right to borrow on short term up to ten million dollars. We would have no control on that because the Finance Committee/meets once a year. This is short term borrowing to be repaid up to six months and I can see us being in the position, Mr. President where, like the position CBL is in now and some of our other commitments that this money could be borrowed on a short term loan and maybe/loaned to Lacsa and what we're going to know about it? not one God's thing until maybe it's even repaid. and I for one will never agree that I would not know or would be-- little myself enough to put myself in the position where I agree to a law passed by this house whom such commitment can be made and I know nothing about them because the day I get to that then I am not truly representing my people and I'm going to represent my people to the best of my ability, that's why I came in here for, and I am not an extension cord for anyone and by God I'm going to stand on what I think is my rights.

MISS ANNIE H. SOBDEN. Mr. Chairman, am I to understand, sir, that we can borrow this ten million dollars from time to time and suppose it was thought necessary to borrow this ten million dollars at one time and then in addition would we be also competent to borrow three and a half million or whatever it is that would be twenty-five percent of this Financial year, in other words would we really be so stupid as to borrow fourteen million dollars at one time, we would not do that or I hope not.

HON. V.G. JOHNSON: Mr. Chairman, there are really some ridiculous statements being made. The statement made a while ago that there was no reason why Government could not borrow money, loan it to Lacsa and the Assembly knows nothing about it is most ridiculous and irresponsible, too, if I may say. Mr. Chairman, I have outlined over and over the purpose of this law. There's nothing to hide in it, it is prepared in a simple form in which we can read and understand. I said that it was a new form of loan, it introduced, in fact, two new forms of loan, one/the loan was on short term which a period of must be repayable within/one hundred and eighty days, that is the treasury bill, the other form of loan is by bond issue which must be repaid within a period of twenty years. Now the short term loan is repaid by the intake of revenue within any year and before any issue is made, Mr. Chairman, consideration must be given to the expense involved and the issue, the interest which is payable on the issue on redemption.

HON. W.W. CONOLLY (CONT'D): Since that time there have been motions. I don't know the reason underlying these motions, but there were motions coming before the House which the Chairman of the Board of Directors of Cayman.....

MR. G. HEIG BODDEN: Mr. Chairman, on a point of order, can he stick to section 3 of the Bill?

HON. W.W. CONOLLY: I'm sticking to the debate that has been created here about everything, when everybody else sticks to it I'll stick to it.

MR. CHAIRMAN: I think before we go deeper into C.A.L. affairs, I would remind the House we have an official motion on this later.

MR. JAMES M. BODDEN: Mr. Chairman, my reference to CAL was only using if I could have used Mariculture, I could have used many other things, it was only to draw a parallel. If the Member wishes to debate the CAL motion now, I'm prepared to do it, if not I'll do in when we come to the other one.

MR. CHAIRMAN: But I'm not prepared to let it be debated at this stage. We're dealing with Clauses 3 to 6 of the Bill, and we've had a great deal of, if I may say so, some repetitive argument on it, and I think really the pros and cons of the motion, both for the clauses as they stand and for the amendment have been pretty fully set forth by both sides. So I think I'll put the question reminding Members that if they vote for the words as in the original motion, that is they're voting for the clauses in the Bill and voting against the amendment.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I would like to ask clarification of one point, Sir. Section 37 (3) our Constitution an amendment of this Section 3, will this not be in contravention, Sir, of the Constitution?

MR. CHAIRMAN: Did you say 37 (3)?

CAPT. C.L. KIRKCONNELL: Section 37 of the Constitution states quite clearly as far as I understand it that your recommendations and no imposition or increase of any charge on the revenue can be done except with your permission.

MR. CHAIRMAN: This permission has already been given to the Honourable Mover of the Bill to present the Bill before this House.

CAPT. C.L. KIRKCONNELL: Therefore Sir, what I'm now asking, can we now ask for an amendment, which is not in keeping with this section?

MR. CHAIRMAN: I don't think that the wording of the amendment is such as to create any additional charge that is not stated in the Bill itself. It's only had the amendment been such that this would have obliged the Government to raise another million dollars or whatever it was, then the mover of the amendment should have sought the Governor's permission under Section 37 of the Constitution. The amendment is in order, and equally so is the Bill itself which has the Governor's recommendation

CAPT. C.L. KIRKCONNELL: Thank you, Sir.

QUESTION PUT CLAUSES 3 TO 6 STAND PART OF THE BILL AS DRAFTED: AYES & NOES THE AYES HAVE IT, CLAUSE 3 TO 6 WERE PASSED WITHOUT AMENDMENT.

CLERK: CLAUSE 7 DENOMINATION IN CAYMAN ISLAND DOLLARS.

CLERK: CLAUSE 8 MODE OF ISSUING PUBLIC LOANS.

QUESTION PUT THAT CLAUSES 7 AND 8 STAND PART OF THE BILL.

MR. JAMES M. DODDEN: Mr. Chairman, we have tabled an amendment to Section 8, and the reason for tabling this amendment would be the similar argument that went forward in Section 3, and we stand on the same point, that we feel we're giving too much power without having any control over it.

MR. CHAIRMAN: If there's no further debate I shall put the question, the two clauses as drafted, again I remind Honourable Members that if they vote for this they vote against the amendment.

QUESTION PUT THAT CLAUSES 7 AND 8 STAND PART OF THE BILL, AYES AND NOES. AYES CLAUSES 7 AND 8 WERE PASSED.

CLERK: CLAUSE 9 PROCEEDS OF "B" LICENCES MAY APPLY.

CLERK: CLAUSE 10 APPROPRIATION OF PROCEEDS OF AN ISSUE.

CLERK: CLAUSE 11 SINKING FUND.

CLERK: CLAUSE 12 CANCELLATION OF GOVERNMENT BONDS AND TREASURY BILLS.

QUESTION PUT:AGREED: CLAUSES 9 TO 12 WERE PASSED.

CLERK: CLAUSE 13 GOVERNMENT SAVINGS BANK AS BROKER.

CLERK: CLAUSE 14 GOVERNMENT NOT PREVENTED FROM BORROWING OTHERWISE THAN UNDER THIS LAW.

CLERK: CLAUSE 15 REGULATIONS.

CLERK: CLAUSE 16 REPEAL OF CHAPTER 33.

QUESTION PUT THAT CLAUSES 13 TO 16 STAND PART OF THE BILL.

MISS ANNIE E. DODDEN: Mr. Chairman, do I understand to say, that nothing in this Law prevents the Government from borrowing otherwise than by invitation or subscription from the public. I would really like, Sir, if I may have the interpretation of what that actually means. Nothing in this Law prevents the Government from borrowing otherwise than by invitation for subscription from the public. What exactly does that mean?

HON. V.G. JOHNSON: This Section means Mr. Chairman, that for instance under the present Loans Law you can still continue to borrow funds there. You can introduce another law if you wish to, another Loans Law to borrow funds for other specific purposes. This Law is dealing specifically with treasury bill issue and bond issue. The Government may find it or may not find it convenient to use say the bond issue for a specific project for reasons that the bonds may not be taken up if an issue is made. Whereas the Government may be able to negotiate a loan with a commercial institution or with a consortium of commercial institutions to borrow funds for a specific project, in which case a special loans law would be introduced to the Assembly.

MISS ANNIE E. DODDEN: Mr. Chairman, if that is the case, I can't agree to that because now we have loan laws for the five million or what the rest of it maybe, we are passing this Law for this ten million dollars, and set me straight people over there, this says from time to time this ten million, I have quite enough sense to understand you're not going to borrow ten million one time, because the difficulty I see is who's going to lend it. But I can't agree that we still can leave it open, and we can still continue to borrow other money, I could never agree to this Section 14 Sir.

HON. V.G. JOHNSON: Mr. Chairman, in the first instance, no other funds be borrowed unless there is a specific law to do so, and that law would need to come before the Legislative Assembly. The present Law is dealing with specific projects, and the funds raised under that Law cannot be used for any other projects. It may happen that when there are projects to be financed by loan arrangements it's not convenient to do so by a bond issue, it happened already in the earlier years, in 1970 when we investigated the possibility of a bond issue, and this was just not possible at that time. This is the reason why the Government had to investigate loans from commercial institutions, and eventually we were able to negotiate a local loan from a consortium of banks. Well, the same thing could happen even in the currency of this law, that it is not possible to do a bond issue to finance specific projects in which case we would have to introduce a new loans law to cover those specific projects.

MISS ANNIE M. BODDEN: Mr. Chairman, could we have inserted somewhere in this paragraph fourteen, specifically stated that no more money can be borrowed unless another loan law come up. I would like to see that inserted otherwise I shall have to vote against this whole bill.

HON. C.B. WADDINGTON: That's not necessary, Mr. Chairman because the Government can't borrow money at All unless they have some statutory authority to do it.

HON. V.G. JOHNSON: If you go to a bank or any other financial institution to negotiate a loan the first thing they ask you is for your authority and the only authority that we have to borrow is a law, and unless that law is produced you cannot raise a loan.

HON. W.W. CONOLLY: Mr. Chairman, as I see it here, this particular legislation that we are dealing with is giving the Financial Secretary or the Governor in Council authority to raise money by the floating of bonds and securities. No one at this present time know whether they're going be taken up or not. It could be that next, say these go on the market now, and it could be they are not subscribed to. If Government needed money for a specific purpose, I could see very well why this particular section is in because this is not borrowing money you're only selling bonds as it were and as I see .....

MISS ANNIE M. BODDEN: Mr. Chairman, I quite understand the English language thus far. I know what it says. I don't need any lecture from the fourth elected member.

HON. W.W. CONOLLY: Mr. Chairman, I was not trying to lecture anyone particularly, I'm making a statement in the committee and I'm saying that this is a good section because no one here in this house now can guarantee whether we talk about ten million and twenty-five percent and three and a quarter billion and all this, but these bonds and securities might not sell, people might not take them up and if the Government needs some money it might be possible that they have to come back in this house here and pass other legislation empowering the Governor in Executive Council to make special loan arrangements.

MISS ANNIE M. BODDEN: Mr. Chairman, I have gone along with this bill thus far, but unless something is done to this number fourteen here I shall vote against it.

HON. A.B. [illegible]: Mr. Chairman, it is quite clear to me Sir, without such a provision Government would not be able to borrow money or to raise money otherwise than what it is raising under the Bonds and treasury bills.

HON. A.B. BUSH (CONT'D): So I think the provision is absolutely necessary. I don't think there's anything more to be done to it. I certainly agree with the former Official Member that it is as good as you would want it as it is.

MR. CHAIRMAN: Well there are amendments down on the Order Paper, to sections clause 13, 15 (a) and 15 (e).

HON. G. HAIG BODDEN: Mr. Chairman, the amendment to section 13 does not seek to curtail the power of the Governor in Council. That amendment seeks to curtail the power of the manager of the Government Savings Bank. That amendment is saying that the bank as broker should not issue and purchase Government's securities in the open market without the approval of the Finance Committee. This is again a most valid amendment, when we consider the limited facilities of the Government Savings Bank. It is until quite recently a bank in name only, not having any experience, I would say in the International Market of Securities, and not having any experience in the open market, not having done any business abroad, and this is a most valid amendment. All it is seeking is to protect this Government as far as is possible in that they do not take up worthless securities. This is an amendment which I know if it had not been for an oversight in the drafting of the bill we would not have to put and certainly when this is examined by my learned friends across the way, they will probably recommend it, perhaps in different terminology as usual, but anything that they are able to put forward I would support, but it is certainly needed.

HON. V.G. JOHNSON: Mr. Chairman, I put forward that the section remains as it is.

MR. JAMES M. BODDEN: Mr. Chairman, I don't.

Mr. Chairman, it is too late to close the gate after the bull has already got into the pasture, and I'm afraid that if we let this one slip through, we could be in that position. Now this is a serious part of this bill. We've been ridiculed enough on the other two sections as where it wasn't worthwile, we were trying because we didn't have confidence and so forth. I don't know what the argument is going to be on this one, but here is the gist of this argument, Mr. Chairman, once this passes as it is, it gives the Governor in Executive Council the power to appoint the manager of the Government Savings Bank to do and commit this Government by issuing our security, pledging this Government's resources and we have no control. He has the power then, once you in Executive Council say to the manager of the Government Savings Bank, we want to get ten million dollars, he has the power then to pledge and commit this Government to that amount of money, and to issue whatever type of debentures that he may see fit more or less at that point. When he issues, that word "issues", means that it's a commitment at that point, because he's got to give something in return for getting the money. The same argument holds with him in regards to purchasing these securities. We all know that the security market is one of the most fickle markets that it is in the world today, yet we are telling this man, go out council the Government, and purchase the securities that you wish to purchase.

Now, I don't want to get into a long argument on this one, but I'm prepared to do it. But we do know that Government at this time has committed itself, has purchased securities on the different markets of the world, which today have lost tremendously in value. Our Government has securities in the form of government bonds I think, which have been issued in Guyana, Jamaica and places like that, and history will prove today that those bonds are probably not worth the paper they're written on, because you've got a Leftist Government in Guyana, you've got a failing economy, and I am pretty sure that if the truth is known, that on the balance sheet of this Government, if it was pulled off today, it would find that those securities could not be valued at probably more than fifty cents on the dollar. And besides that Mr. Chairman, it does another

MR. JAMES M. BODDEN (CONT'D): thing. It gives him the power to purchase on the open market these securities that he may see fit, which is then taking our money to go to build up another country, when that money could probably be used more at home. I think we've given too much power here, and if it's any place that the Finance Committee should be able to sit in and discuss this, before committing it, it should be at this point.

HON. V.G. JOHNSON: Mr. Chairman, could I clear that point, please. I hope the Cayman Islands will not eventually get to the stage where the treasury bills and the bonds which the Government is proposing to issue will not be worth the paper they're written on. We have to watch this - well, this is what you say about other countries.

MR. JAMES M. BODDEN: Yes.

HON. V.G. JOHNSON: Well, this is what I'm saying about the Cayman Islands, and I hope we don't get to that stage.

MR. JAMES M. BODDEN: Let's hope we're trying to keep it from getting there.

HON. V.G. JOHNSON: Yes, good.

We are not issuing debentures here either, Mr. Chairman; I don't know how debentures got into it. We are dealing purely with treasury bills and bond issues. And the security which section 13 refers to, are the Government securities, it's defined in the interpretation section of the bill. Mr. Chairman, in these issues the Government certainly has to appoint an official broker to be responsible for the issue and redemption, and all the other administrative arrangements in the issue of treasury bills and bond issues. Unless we had a treasury which was properly staffed, with proper expertise and the rest of it, to deal with this, then we would have to perhaps go to one of the commercial banks, or to some financial management institution to arrange for them to be the official government broker for such issues. The fact is, there are a number of banks here vying for this job now, after they saw a bill being introduced to the Legislative Assembly for the issue of treasury bills and bonds, and they want the job to do this, and we've said no. Since we're trying to promote the Government Savings Bank, we think that the Government Savings Bank is the proper organisation within the Government system to do this particular job.

Reference was made to the manager of the Government Savings Bank, but the manager of Government Savings Bank is not mentioned here. It is a body which is appointed the official broker for the purposes of a treasury bill or bond issue. And that official broker is the Government Savings Bank, and the Government Savings Bank is the manager, it's the institution itself which is the manager, they're not referring to any one individual who's going to be responsible for this, and certainly it's a government department, a section of Finance and Development, and a section of the department which I am the Head. This is the section of government which will be responsible for these issues, and the department is responsible for the issue and purchase of Government's securities in the open market. I mean this is all a part of the bond issue and the treasury bill issue. Nothing is wrong with that, unless members may think that the Government Savings Bank is not the right organisation to do so, in which case recommendations can be made to leave that blank, and perhaps a private institution can be appointed, in which case you know commission has to be paid for these various jobs, and we thought it was best to give the job to Government Savings Bank , rather than to give it to a private institution.

So I can't find anything wrong with it, the Government Savings Bank is now operated with a qualified manager, a man who is very experienced in banking and in the field of finance, and I should think that the institution is quite capable of issuing and redeeming, and generally administering a bond issue and a treasury bill

HON. V.G. JOHNSON (CONT'D) issue.

MR. JAMES M. BODDEN: Mr. Chairman, I never heard a more ridiculous answer, because I raised no point in my argument here in favour of any outside source or any outside bank to handle this. I quite agree that Government Savings Bank, if it's any money to be made, or any money to be saved, or any prestige to be gotten, that's the one to get it. that was not my argument sir. I would like to point out one thing, if when we issue securities, it must be in the form of bonds, it must be in the form of debentures, or it must be a mortgage. At that point it is certainly a commitment to repay, any way we cut this issue, and talk about the issuing of securities, there has to be a commitment to repay, and there has to be worthwhile security pass hands before this issuing can be done. Now the Government Savings Bank in my opinion is the proper place to handle this. What we are saying to you is this, that the Government Savings Bank should take direction From the Finance Committee. I personally do not know Whether the Government Savings Bank or what type of charter it works under or nothing like that, whether it's a separate entity like CAL, where we only use it and say it's an outside source or whether it is a complete Government body with a complete board of Governors which is appointed From the Government circle. I don't know but I am taking that the Government Savings Bank is owned by the Cayman Islands Government and that the board of Governors are members of the Cayman Islands Government and I still say regardless of who is the .....

HON. V.G. JOHNSON: Mr. Chairman, could I draw the Member's attention to section 10 of the law dealing with the appropriations of proceeds of an issue. He is constantly referring to these loans being made to Lacsa and to Cayman Airways.

MR. JAMES M. BODDEN: Since we want to get on that let me put my point forward then Mr. Chairman on that. You're telling us then that we have so much power in the Finance Committee. Now I'm going to put a hypothetical case here which can happen, I'm not saying that it is going to happen. It's purely a hypothetical one, but as long as human beings are involved in any subject there's a chance for mistakes to be made.

The Finance Committee normally meets Around November or December. We could meet in November or December, deal with the Finance Committee as we deal with it now and at that point the Government's revenue is not committed for the issuing of any securities on a short term basis for six months. In February Lacsa could come by and say we're in trouble, you have a better chance of raising money on your collateral than we have, we will pay you ten percent interest for a loan, you can repay it at eight. Here is our collateral, two aeroplanes. We will repay this to you in four months, you are borrowing it on six months. And it could happen, Mr. Chairman, and it would come back to this house, when it comes back we might be lucky it might be paid back. But don't tell me under this law it could not happen. Now you might tell me it's not going to happen because we get the confidence in you gentlemen that you're not going to do it, but that loop hole still exists as long as this law is this way and I will say one thing, that I hope I live long enough to hear the Government side come back to this house and admit that there have been mistakes under this law if this bill goes into law as we have it today. I'm going to see that happen sir, just like I've seen a lot of other bills that has come back to this house.

HON. V.G. JOHNSON: Mr. Chairman, in the first place Government is not allowed to speculate on any of these deals, that would be a case of high speculation. To borrow and to onlend making a profit of two percent of the deal, mean Government is not involved in this sort of deal. Commercial Banks might do this but not Government.

HON. G.E. WADDINGTON: Mr. Chairman, may I just point out that I don't know whether the first elected member for Bodden Town has read section 13 correctly. He uses the word "securities" and refers to mortgages and debentures etc. But the word "securities", it's not the word "securities" it's "Government securities" and Government securities is defined as meaning the bonds or bills issued under this law.

MR. JAMES M. BODDEN: Mr. Chairman, I read that, I understand it but what I'm trying to point out to him in case he does not understand it, is if I go to the bank today to borrow money I've got to put up some type of security. When the Government of this country goes to borrow money you're putting up the security of this country which is going to be your expected revenue, either that or you're going to put up these buildings which are already mortgaged, which you're already paying on. You've got to have some security so don't argue the security point on me because I don't think you understand it.

HON. G.E. WADDINGTON: I think the member had earlier on expressed a fear that the manager of the bank should not be given the power to issue and to purchase foreign securities, securities in Guyana and elsewhere but section 13 does not give him any such power. It only gives him the power to issue and purchase Government securities.

MR. JAMES M. BODDEN: Mr. Chairman, what are we really quibbling hairs on? I'm going to read section 14. "The Governor may appoint the Government Savings Bank as its official broker for the issue and management of public loans and as manager of the sinking fund and the bank as broker may issue and purchase Government securities in the open market". When I referred to Guyana and Jamaica I drew it as a reference of where it could happen. He could buy the bonds from Cayman, Brac or any other place, United States, Canada, we just put Canada out of Federal Government here .....

HON. G.E. WADDINGTON: I'm afraid that I cannot get into the mind of the member Mr. Chairman. I can't take it any further. It ~~was~~ quite elementary to me Sir.

MR. JAMES M. BODDEN: I'm afraid that your mind is elementary if you're going to start that kind of talk here, Sir.

MR. CHAIRMAN: We're getting a bit personal I think, I .....

MR. JAMES M. BODDEN: Well let him keep his to himself sir, I'll keep mine. I'll stand on my point.

HON. V.G. JOHNSON: Mr. Chairman, the issue and purchase of Government securities mentioned here are really the bond issue and the treasury bill issue. They have to be issued by the Savings Bank in the first instance to members of the public and then the Government Savings Bank will in turn have to repurchase these bills and bonds from members of the public, and that is all this is referring to, that the bank will have that authority to sell and to purchase from the public.

HON. W.W. CONOLLY: Mr. Chairman, that's my understanding, that the bank will sell and buy back what they sold. That's all he is instructed to do, that's all he can deal in. If he sells a security he can buy it back. If he sells a bond he can buy it back. He can't buy no bond in no foreign country.

MR. JAMES M. BODDEN: Why not? You're given the power under this. Show me the section you're limited on then.

HON. W.W. CONOLLY: Well, government securities may issue and purchase - may issue and purchase government securities. And if you look in the interpretation government securities mean bonds or bills issued by the government under this Law.

MR. PRESIDENT: I think this might be a suitable time to suspend for fifteen minutes.

So far we've debated Clause 13 fairly extensively. The Honourable Lady Member has raised matters on Clause 14, and we're to deal with two amendments on the Order Paper on Clause 15. I think possibly the easiest way to deal with this is to take them clause by clause, unless Members have anything further to say, I would put the question on Clause 13 bearing in mind that there's an amendment down, and if people vote for the clause as drafted they're voting against the amendment.

QUESTION PUT: AYES AND NOES. AYES. CLAUSE 13 PASSED.

QUESTION PROPOSED ON CLAUSE 14.

MISS ANNIE H. BODDEN: Mr. Chairman, I had made a suggestion, I don't know what could be done about it, but I feel Sir, that with this Law before us, that we certainly should be able to raise some loans, and I don't think that other wise we should really plunge the Government into anymore debts. I would like if some connection could be made on this, saying something that it would, only if necessary or some such word - I suppose I shall not get any support.

HON. V.G. JOHNSON: Mr. Chairman, I can assure this Honourable House that no loan other than what is authorised under this Law or any other law now in force can be raised without the need for new legislation, which this House will have to approve.

MISS ANNIE H. BODDEN Mr. Chairman, I'm going to take the word of the Financial Secretary, because I believe he is telling the truth, but if it ever comes to the House, when I hear that any money has been raised other than what comes under this Law, by any other manner or means and then ask us to approve it, I shall lose all confidence in him. But I hope I will not.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.
CLAUSE 15.

MR. PRESIDENT: Clause 15, there are two amendments down on the Order Paper.

MR. JAMES M. BODDEN: Mr. Chairman, these two amendments were prompted in the same reason that 3, 9, and 13 came into being, and it's very little bit more that I could add to our reason for bringing this in, than what we've already done. So I'll let our case rest on that point.

HON. V.G. JOHNSON: Very little more I could say too, Mr. Chairman.
CLAUSES 15 & 16.

QUESTION PUT: AYES AND NOES. AYES. CLAUSES 15 AND 16 PASSED.

CLERK: A LAW TO MAKE PROVISION FOR AND REGULATE THE RAISING AND MANAGEMENT OF GOVERNMENT LOANS BY WAY OF TREASURY BILLS AND BONDS.

QUESTION PUT. AGREED. TITLE PASSED.

MR. PRESIDENT: That concludes examination in Committee for a Bill entitled The Public Loans Law. We turn now to The Travel Tax

MR. PRESIDENT (CONT'D): Law, 1976.

THE TRAVEL TAX LAW, 1976

COMMITTEE THEREON

CLERK: CLAUSE 1 SHORT TITLE.

CLERK: CLAUSE 2 INTERPRETATION

QUESTION PUT: AGREED. CLAUSE 1 AND 2 PASSED.

CLERK: CLAUSE 3 RESPONSIBILITY OF CARRIERS.

CLERK: CLAUSE 4 DUTY OF AGENT.

CLERK: CLAUSE 5 CONSEQUENCE OF NON-COMPLIANCE.

CLERK: Clause 6 REGULATIONS.

CLERK: CLAUSE 7 REPEAL OF LAW 1 OF 1965.

QUESTION PROPOSED.

MR. G. MAIZ BODDEN: Mr. Chairman, on Section 4, I feel that the words "with effect from the first day of January, 1977" should be deleted, and leave this part of the Law to come into effect whenever the Law is passed. This is a Bill to raise revenue, and it has always been the custom of this Government to put the revenue bills into effect immediately. When the cruiseship tax was passed some months ago, the Member for Tourism said that that tax should not be implemented at that time, because the cruiseship companies would need some months to add this tax into the new rates, and I believe this House was advised at that time that the month of August, 1976 would be the month when we could put this into operation. Now I see with the re-writing of the Law that August, 1976 has been extended to January, 1977. I don't think that we should give any further consideration, I don't think we should give any concession by an extension of the date of coming into effect of this Law.

I know how the Member feels for Tourism, he has expressed himself quite clearly in the Assembly, and this business of tourism we've been told is a very fickle business, but it is a bad governmental policy, to be always succeeding to the requests of special interest groups. All revenue bills heretofore come into effect immediately, as soon as the law can be put into operation, and we have already given one concession. Instead of the law coming into effect many months ago when it was passed, the Assembly decided to go along with the Member for Tourism and make the effective date of that Law sometime in August, 1976. Now we are again asked to extend that date until the 1st of January, 1977, and undoubtedly if there's a meeting in between now and then, we may be even asked to extend it to August, 1977.

I am asking, Mr. Chairman, that this item in this Bill be treated just the same as other items in other revenue bills, and the cruiseship companies should have had sufficient time to put this into their schedules. I don't see any reason why we should further extend this date.

HON. V.G. JOHNSON: Mr. Chairman, at the present time cruiseship passengers are treated as transit passengers, and therefore they are not subject to travel tax under The Travel Tax Law. The introduction of a tax on cruiseship passenger is something new, something that is just being introduced, and it was explained last year when the amendment to the Travel Tax Law was being made, the reason for the recommendation. It was also stated that cruiseship usually arrange its business on a yearly basis, and that this was usually on a calendar year basis, that is from January to December. It was through my insistence last year that the arrangement was

HON. V.G. JOHNSON (CONT'D): made to come into effect on the first of August, but the Member said that the cruiseship people were not prepared to pay this tax until they had had sufficient notice to build the arrangement into their programme, so that the passengers would pay for the tax rather than the companies paying for it themselves. However, we thought we would let them know that under the law they would have to comply and pay this tax effective first of August.

There was some delay in getting this message across to all the cruiseship operators, and when they were all notified it was during the early part of the year, when their programme for 1976 was in full operation, and as the Honourable Member for Tourism explained, but the provision of the Law been put into effect that is to say for the tax and cruiseship passengers to come into effect the first of August, then it meant that the operators would have to pay the tax rather than the passengers themselves, and this would bring a bit of hardship on the operators; and they have all come forward and asked Government to reconsider this, and we thought it was a reasonable request, because we have heard that the cruiseship business is something worthwhile and it is contributing to the economy of the country. It is perhaps something we should encourage rather than discourage, and while Members may say that the early introduction of this tax will not discourage the business, yet it may not affect the business, but it may annoy some of the operators if we are not able to comply with their request. And their request is to delay the effective date of the arrangement until the first of January, 1977, by this time they will have sufficient time to build it into their programme for 1977, effective on the first of January, and all passengers would know this, and would be asked to pay it. The fact is, it's not a single item which they have to contribute to, it's paid in the whole travel arrangement and a package deal, and the cruiseship agent here will pay to the Government the sum equivalent to the tax payable by the number of passengers on each ship entering the waters of the Cayman Islands. I think it is a reasonable request Mr. Chairman, and something which we should consider.

Members will also recall that contingent on this arrangement coming into effect on the first of August, there was to also be an adjustment of the present tourist accommodation taxation law to re-define "accommodation" to exclude meals. In other words, tourist accommodation tax would only include the accommodation element of the cost of accommodation at hotels, and this was because at the present time there are some hotels which have separated the operation of their restaurant separate and apart from the hotel operation, and so no tax is being paid on the food which is dispensed by the restaurants in these hotels, because it is a distinct and separate entity. Well, my opinion of it is, that it was just a gimmick to avoid paying the tax on the food element of accommodation, but nevertheless it is quite legal, and we can't do anything about it. And we thought that once the tax on cruiseship passengers was introduced, then the Government could go ahead and amend tourist accommodation tax to remove the element of food from accommodation. This will not be done now, until the tax on cruiseship passengers is introduced on the first of January, so again, you know we will continue to collect a bit more tourist accommodation tax in the mean time.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I regret Sir, that I did not mention earlier on Section 2 - I did not realise we had passed up section 2, and in particular (b), "a child under 12 years of age", but I do no think Sir, that it would be out of order now if we could have children, the Bahamas, they are charging children one fifty U.S. each. The United States they are making us pay the same on a child as they are on an adult, and at the moment Sir, about twenty percent of passengers coming into the Island by air make up the load on any of the aircrafts, and this is going to be a considerable loss of revenue, and I would like to recommend here Sir, that we put in some clause here, and make a charge of one sixty per child under twelve years of age.

HON. V.C. JOHNSON: Mr. Chairman, it's not going to be a loss of revenue because this is the position existing at the present time. A child under twelve years of age is exempted from provisions of the law. But the question as to whether a child under twelve years of age should be exempted or not is another Question. That is open for the house to debate.

MR. JOHN D. JEFFERSON: Mr. Chairman, I could a week I had one week ago coming out of the states when I had to question the airlines personnel and they said my son was a little over three years and they said travel tax six dollars. I said where is the six dollars. They said your son has a ticket and as long as he has a ticket he is charged the same as an adult. And I think the argument put forward by the member is a valid one. I would support the same myself.

HON. A.B. BUSH: You did not like it, did you?

MR. JOHN D. JEFFERSON: I did not like it but I paid it.

HON. A.B. BUSH: Mr. Chairman, I regret that I'm against this, Sir. I think we have had this like this for a long time and I don't think we should change it. I think the child under twelve years old should be exempted from the travel tax.

MR. G. CRAIG HODGEN: Yes I agree with the first elected member for Executive Council. I think we should exempt children while it is true that we get large tourist families, we also have to remember that local people do travel with their children and a child is not earning money, Any tax payable would be paid by the parent. It is true that we can milk people if we look around for ways to do it. On the books we have had this travel tax law for a long time, so far we have not seen fit to charge children. It is true that the United States, the Bahamas or maybe Jamaica are charging all persons, but I don't see any reason for following them. If this was going to put a substantial amount of revenue, well that would be a different matter but it is not. What it is going to do is put increased hardships on these families that travel together. You know even the tourists coming here, many of the families prefer to come, say in the summer when they can bring their children and it is very expensive, a lot of these people are not rich. Despite what we heard here a few days ago we are not reaching the upper income group, no two ways about that we are not. We might be spending alot of money on advertising but I would say most of the tourists coming here are falling within the middle income group and when they travel with large families this departure tax that they would pay comes pretty hard on them, and I would say that we should leave it as it is, at least we'll have one avenue that we can find new revenue if we get in trouble, say at a future date.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I cannot agree with the Second Member for Bodden Town's , that this is not going to represent a substantial amount of revenue. It certainly will when you consider seventy percent of your passengers coming here by Air. It will increase the revenue and we are not a country like the United States that has other resources. Our resources are very limited and if a country like the United States sees it necessary to impose a tax on a child, full tax, same as an adult and a country that, where we have not even got a drop in the bucket, they have it by the billions they can throw around. I see not reason in the argument, I can't see the argument at all why we should be so generous to Americans when they are not generous to us.

HON. W.W. CONOLLY: Mr. Chairman, if I could make a few contributions on this. While it would be good to collect this tax on children I would like members to bear in mind one particular thing, and that is this, the United States today which is our greatest market is also our greatest competitor. And the United States puts on a tax on people going out because if they could better do they would keep their people in the United States. It's a big,big emphasis on saving your United States rather than going out to Cayman or any place else and I can see it's like a prohibited tariff to protect a certain manufactured item. Secondly, the Bahamas I know carry about a dollar and a half on a child under twelve. This I think contributes quite a bit when we think of the Bahamas as a place that attracts one and half million tourists a year. They have quite a large number of tourists going there. In Cayman I think, I cannot agree with what the member said that we spend alot of money on advertising, I don't think we spend very much money on advertising. We spend all we probably can afford to spend, but I think that we should encourage, I agree with the member in encouraging families because I believe that the attractions that we have here ought to be in the form that would be more attractive to family type. Well whether it would bring a hardship or not I would not at this particular time suggest that we put it on children. It is something that could be borne in mind. I imagine that when the time comes that it can produce a substantial revenue to us and when we are attracting people on demand then it won't be too, I would say difficult to collect this. And we have to not only bear in mind the tourists, we have to bear in mind the local people, quite alot of our young people that travel off, particularly the school children and people going away for medical treatment and what not and I believe that we encourage our people to go off and this might be a deterrent even though I don't think that a dollar and a half would stop anybody from taking a trip.

Nevertheless I feel that even though the point raised by the honourable member from Cayman Brac is a good one and it is something that has been done elsewhere. I feel like it might be a little premature for us to implement it down here but it is something we could keep in mind and when the time comes gradually bring it in.

On the other point the cruise ship tax. If the legislature had passed the legislation in time for us to get this notification out to the ship owners I'm sure there would not have been the necessity of having this extended. The fact was that when the proposal went up to Government the machinery of having to come to the house to get it amended by that time we find that one of the prominent cruise liners had already put in their summer itinerary and as such it would not affect the other ships because they did not cruise in the summer here, and it was thought that to extend it till January which they have been notified this tax is coming into effect in January. So they will have already written it into their winter schedule and if we extend it now we'll bring things in line, I think we'll ease a situation that is justifiable. I don't think that we can be accused of conceding to any special interest groups. I don't think this is the case at all, while on the other hand if you have a good customer surely it's the best interest of business to see that that customer is satisfied and the customer is not in any way treated unfairly. This would have given the customer an unfair treatment, not the charges but the customer was not notified in time and all we're asking the house to do now is to extend this time so they can have ample time to put it in their itinerary.

MR. G. CRAIG BODDEN: Mr. Chairman, I believe in the same session in which we introduced this cruise ship tax, we also increased certain taxes, some of them by as much as twelve hundred percent.

MR. G. HAIG BODDEN (CONT'd): Nobody was notified, nobody was given any consideration, nobody was told that this was coming and despite the fact that representation has been made to Government by way of petition and all that nothing has been done so I can't see why this should be extended to these particular people.

HON. V.G. JOHNSON: Mr. Chairman, we have already passed section 2 anyhow you know.

MR. JOHN D. JEFFERSON: Mr. Chairman, I see here in the travel tax law there are certain diplomatic immunities. I wonder what about where the members of the CPA, would be considered as far as their immunities are concerned at the tax that represent the Government abroad. Should they not also be exempted?

HON. V.G. JOHNSON: Mr. Chairman, exemption is possible by the Governor in writing under the interpretation of diplomat.

MR. JOHN D. JEFFERSON: That may be true but isn't that an awkward way to go about it when here it is stated categorically, "Diplomat" means a person accorded diplomatic immunity under the Diplomatic Immunity Law, and would not Government members travelling abroad, members of the CPA, travelling abroad representing their own Government, shouldn't they also be accorded the same privilege?

HON. W.K. CONOLLY: In the interpretation look at (b)," A person specifically exempted by the Governor in writing". This is exactly what the old Law was. There are certain categories, the "traveller" means a person, and it says the "traveller".

HON. V.G. JOHNSON: But I think Mr. Chairman, that this will have to be done by a specific administrative arrangement, where the Governor grants approval whenever a request is made for exemption.

MR. JOHN D. JEFFERSON: I think so though Mr. Chairman, when you stop to think, there's actually no privilege. Now I know this might be - which it's still dealing with the same problem. The other day I hastily had to make a trip, and I had to have a Waiver, a Member of the Legislative Assembly, right, for me to be able to get Waiver from the Cayman Islands Government, I had to go to the Police Department to get a Police Record. I went to the Police Department, to get a Police Record after paying my dollar into the Treasury. You might say well, it would probably only happen maybe once out of a year, but I went there, there was no officer present at that time that could sign that Record. Now here is an Elected Member in Government, and Elected Member by the people, and even that little privilege is not accorded to any Member of the Cayman Islands Legislature. We're not talking about something great, but isn't it time to give some recognition? Isn't it time to think that Elected Members should be accorded some privilege? You know I had to say to some body waiting there, which I didn't have time to wait, I had to go and come back, I said think that we're not even trusted that much. Wouldn't Government know that if any Member of the Legislature had a criminal record? I think that some recognition should be given, after all Members of the CPA travelling abroad should be accorded the special privilege by this Government, it is in other countries.

MRS JANET H. BODDEN: Mr. Chairman, the prestige that we receive when we travel as CPA Members, is something that you can't pay for in money. I remember the First Elected Member to the Executive Council and myself travelled to Bermuda, and we were treated like royalty. We had every concession given, and we were like royalty, the prestige we received, and the goodwill that we extend to this Government, if I had had to pay for it, as poor as I am, I would have been very happy to do so. Very fortunately Government gave us some money that we could travel, and I could

MISS ANNIE M. BODDEN (CONT'D): ...even buy a little extra pack of powder with it.

MR. JOHN D. JEFFERSON: But Mr. Chairman, that's exactly the point I'm making now, we are extended that in another country. Now why couldn't we extend that same privilege to our own CPA Members travelling abroad.

HON. V.G. JOHNSON: I think this is extended to all CPA Members, Mr. Chairman. The thing is that administrative arrangement must be made before hand, for the privileges to be extended. You can't write this into any law.

MR. JOHN D. JEFFERSON: Mr. Chairman, would I sit down and write to the Governor for such a permission to save me three dollars. Would it be worth it?

HON. A.B. BUSH: No, I think the Secretary does all of this work for you, and makes sure that you get every privilege.

MR. JOHN D. JEFFERSON: I still feel very strong, Mr. Chairman, that the Members of the CPA should be accorded that much.

MR. CHAIRMAN: I think the real proper time to consider this is when allowances and privileges of Members of the House are being considered, then if it is agreed that this privilege should be granted, provisions certainly exist under the Laws drafted for this to be extended to them, and it would simply be an administrative matter dealt with by the Clerk.

MR. JOHN D. JEFFERSON: But I'd like to see this brought before us in the not too distant future, because I think it is time that we upgrade a little bit the Elected Members of Government.

HON. A.B. BUSH: Or else we be given diplomatic passports.

HON. W.W. CONOLLY: Not until we get independence. After the next election you know they might have that.

MR. G. HAIG BODDEN: Mr. Chairman, I believe that that concession is given now. I have a faint recollection that when I went to Sri Lanka, that the Clerk gave me something to give the travel tax people, but I don't remember these trivial things. I want to speak, since we've gone back into Section 2 that under (g) there is need for a further exemption. A person travelling abroad for medical treatment will be exempted from the travel tax if he's travelling on the advice of a Government Medical Officer. What about those people who travel on the advice of private doctors, shouldn't they be given the same concession? I mean if a private doctor is given a licence to practice in this Island, and we as a public are using his services, and if a private doctor advises somebody to go abroad that person going abroad for treatment, should be in the same position as a person who's going on the advice of a Government Medical Officer, and I would make a motion that we delete from Section (g) the words "on the advice of a Government Medical Officer", from there onward, or another possible amendment would be,....

MR. CHAIRMAN: I remind the Honourable Member that we've already passed Clauses 1 and 2.

MR. G. HAIG BODDEN: I know we've passed it, but we have apparently gone back into it, and we discussed children under 12 and ....

MR. CHAIRMAN: I've allowed debate on it, but I'm not so sure that under Standing Orders that that isn't a...

MR. G. HAIG BODDEN: Mr. Chairman, I know I could formally move that this be put back in Committee when we finish it I could do that, but I didn't want to go through that process.

MR. CHAIRMAN: That would have to be put to vote of course.

MR. G. HAIG BODDEN: Yes, and I know my chances at this hour.

HON. V.G. JOHNSON: Mr. Chairman, I think the reason why it is stated specifically that it should be in the advice of the Government Medical Officer, is that so far you have a few private medical practitioners in the island, but really they haven't got the facilities that you find at the Government Hospital. For instance x-ray, laboratory facilities, the rest of it, operating facilities are all at the hospital, and one wouldn't know really whether the patient can be properly treated at the Government Hospital, rather than going abroad, unless the patient was recommended by the Government Medical Officer, and this is the reason why it is necessary up til now, and I suppose for some while yet, that patients leaving the island should be recommended by the Government Medical Officer before the exemption can be granted under this Law.

MR. CHAIRMAN: Well there are two suggestions both referring to Clause 2, one is that the proposal by the Honourable Member from Cayman Brac that the definition of "traveller" be amended by deleting (b). The second proposal is that "Government" be struck out in the definiton of "a person departing from the Islands in order to receive medical treatment", "and the advice of any Medical Officer certified in writing will suffice to exempt that traveller from travel tax". I'm quite prepared to put either of these to the vote as amendments in light of the decision of the House to decide whether to reopen Clause 2, but if the Members wish to withdraw these I'm quite prepared to take that rather than put it to a vote.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, in view of what has been said Sir, I don't think it would be any point in pursuing my amendment any further.

MR. CHAIRMAN: Thank you.

MR. G. HAIG BODDEN: And Mr. Chairman, I may add that I'm positive, any suggestion from me will be voted down. I may as well not put it.

HON. V.G. JOHNSON: I thought you would have said Mr. Chairman, in view of what the Third official Member said, he was prepared to withdraw his motion.

MR. G. HAIG BODDEN: Well, I withdrew the motion. It's not worth it.

MR. CHAIRMAN: I think this is correct, we've have already passed Clauses 1 and 2, I think it would be a bad precedent to back track, it might get us intotrouble later on. So we'll deal now with Clauses 3 to 7 inclusive. There has been debate on the date from which the travel tax should be collected, I think answered on one side and debated on the other.

MISS ANNIE H. BODDEN: Mr. Chairman, in view of the fact that this industry of tourists arriving by ship is something new, and I don't think that we should really do anything to cause any trouble or any discord or any bickering, and the money that we would receive, six months or four months from August onwards is really not worth it. I feel

MISS ANNIE M. BODDEN (CONT'D): that if these ships ask for this concession that we could really let them have it. I will agree that when you are taxing the public, we did not ask if we could or we should or what, but that is passed and gone and the cruise ships coming here, it's nothing else to my mind, seeing a big beautiful ship out in the harbour really adds something to us.

MR. CHAIRMAN: I'll put the question on the clauses As they stand. If the vote is for them then the amendment falls away.

QUESTION PUT: AGREED. CLAUSES 3 TO 7 PASSED.

CLERK: A LAW TO REPEAL AND REPLACE THE TRAVEL TAX LAW.

MR. CHAIRMAN. The ayes have it. That concludes proceedings in committee on all bills on the Order Paper.

MR. A.D. BUSH: No Sir, there's one more thing, two more?

HON. W.W. CONOLLY: One more yes.

MR. CHAIRMAN: I'm sorry there is one further more . The Juvenile Joint Trial With Adults Bill.

MR. JOHN D. JEFFERSON: Mr. Chairman, it is already past five and .....

HON. A.B. BUSH: It's a very short Bill, Mr. Chairman.

MR. JOHN D. JEFFERSON: I withdraw Mr. Chairman, it's very short.

MR. G. HAIG BODDEN: Mr. Chairman, while it's very short it's by far the most important Bill of the entire and I have a considerable amount to say on it. Of course I can stay until midnight, it does not matter to me.

MR. JOHN D. JEFFERSON: I would again move that Mr. Chairman, that we adjourn until tomorrow.

MR. CHAIRMAN: If that motion is going to be put I will adjourn out of committee to consider it.

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

ADJOURNMENT

Mr. JOHN D. JEFFERSON: Mr. President I move an adjournment to the house until nine o'clock tomorrow morning.

HON. D.V. WATLER: Second.

MR. PRESIDENT: The question is that this house do now adjourn, debate may now ensue.

MISS ANNIE M. BODDEN: Mr. President, what I was going to ask you is this, how are we going to have this meeting conducted from two o'clock till eight o'clock tonight if they can't stay till five.

HON. W.W. CONOLLY: I agree with you.

QUESTION PUT: AGREED: AT 5.00 P.M. THE HOUSE ADJOURNED UNTIL THURSDAY MORNING THE 24TH OF JUNE, 1976 AT 10 o'clock.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 24th JUNE, 1976

(SIXTH DAY)

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON.THOMAS RUSSELL,C.B.E. - PRESIDING

GOVERNMENT MEMBERS

HON.D.V.WALKER, CBE.,JP	FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.
HON.G.E.HADDINGTON	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL
HON. W.G.JOHNSON,OBE	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON. A. B. ENGLISH,J.P.	MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. T. FOSTER	MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION

ELECTED MEMBERS

MR. JOHN DILWYN EVERSON	ELECTORAL DISTRICT OF WEST END
MISS ANNIE H.BODDEN	ELECTORAL DISTRICT OF GEORGE TOWN
MR.CLARCIE HILL	ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. CLARKCONNELL	ELECTORAL DISTRICT OF LESSER ISLANDS
MR. JAMES M.BODDEN	ELECTORAL DISTRICT OF BODDEN TOWN
MR. G. HAIG BODDEN	ELECTORAL DISTRICT OF BODDEN TOWN
MR. CRAWFORD EBANKS	ELECTORAL DISTRICT OF NORTH SIDE

ABSENT

HON.BENSON O.EBANKS	SICK
MR.T.W.FARRINGTON,CBE.,JP	ABSENT WITH PERMISSION

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 24TH JUNE, 1976

(SIXTH DAY)

1. TO BE LAID ON THE TABLE MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON THE 15TH JUNE, 1976, BY THE CHAIRMAN, THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY.

2. GOVERNMENT BUSINESS:

(i) THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW — COMMITTEE THEREON

(ii) THE MOTOR DRIVERS' INDEMNITY LAW — TO BE WITHDRAWN

3. REPORT OF SELECT COMMITTEE RE GOVERNOR'S MESSAGE RE PETITION PRESENTED BY CHAIRMAN, THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY.

4. GOVERNMENT MOTIONS:

(a) GOVERNMENT MOTION NO. 3 - PURCHASE BY GOVERNMENT OF ADDITIONAL SHARES IN CAL - MOVED BY FINANCIAL SECRETARY

(b) GOVERNMENT MOTION NO. 4 - SUBSIDY TO CAL FOR INTER-ISLAND OR DOMESTIC OPERATIONS - MOVED BY FINANCIAL SECRETARY.

5. PRIVATE MEMBERS' MOTIONS:

(i) TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN - CARIBBEAN UTILITIES COMPANY LIMITED TRANSFER OF FRANCHISE.

(ii) TO BE MOVED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO BE SECONDED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN - ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY SHOULD NOT OCCUPY POSITIONS AS DIRECTORS OR OFFICERS IN COMPANIES.

(iii) TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN - WRITTEN AGREEMENT BETWEEN CABLE AND WIRELESS LIMITED AND THE CAYMAN ISLANDS GOVERNMENT RE REPAIR OF ROADS DAMAGED.

TABLE OF CONTENTS

	PAGE
MINUTES OF FINANCE COMMITTEE HELD ON 10TH JUNE, 1976 LAID ON THE TABLE	1
THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW, COMMITTEE STAGE	1
DIVISION	14
THE MOTOR DRIVERS' INDEMNITY LAW WITHDRAWN	15
REPORT OF THE SELECT COMMITTEE - RE GOVERNOR'S MESSAGE LAID ON THE TABLE	20
ADJOURNMENT	35

THURSDAY, 24th JUNE, 1976

10 A.M.

MR. PRESIDENT: Proceedings are resumed.

MINUTES FINANCE COMMITTEE, 10TH JUNE, 1976

HON. V.G. JOHNSON: Mr. President, Honourable Members, I beg to lay on the table of this Honourable House Minutes of the Meeting of Finance Committee which was convened on Thursday the 10th of June, 1976. Sorry, it was rehedduled to be held on the 10th of June, 1976 but it was later postponed until Tuesday the 15th of June, 1976. The meeting dealtwith two motions which will be dealt with in this meeting at a later stage.

MR. PRESIDENT: So ordered. Proceed with Government Business. The proceedings in committee will be resumed on the Juveniles Joint Trial With Adults Bill. The Assembly will adjourn in the committee.

JUVENILES (JOINT TRIAL WITH ADULTS) LAW

COMMITTEE THEREON.

CLERK: CLAUSE 1. SHORT TITLE.
CLAUSE 2. INTERPRETATION.
CLAUSE 3. WHEN JUVENILES MAY BE JOINTLY TRIED WITH ADULTS.

QUESTION PROPOSED:

CAPT. C.L. KIRKCONNELL: Mr. Chairman, the term juvenile Sir, in this law has the meaning ascribed to it in the Juveniles Law and the Juveniles Law Sir,means a person under the age of seventeen. I made a little research Sir, and in English Law they also put a limit, it is now eight years, from eight years up to seventeen and they have been advocating that this age from eight be raised from twelve to fourteen. How would this affect us, Sir?

HON. G.E. WADDINGTON: I don't know what the member is driving at, Mr. Chairman. What does it mean by how would this affect us? I really don't understand the question.

CAPT. C.L. KIRKCONNELL: What I'm driving at, Mr. Chairman, juvenile is up to seventeen but at what age do you consider a juvenile, eight, starting at what age?

HON. G.E. WADDINGTON: From birth, the age of eight is the age below which a child cannot be criminally responsible but a juvenile is a person from birth, but up to the age of eight the child cannot be guilty of any criminal offence.

MR. F. HAIG BODEN: Mr. Chairman, during the debate on this bill I put up a fairly long argument against the juvenile being tried jointly with an adult. I still feel that they should be charged and tried separately. And I have strong objections to section 3, of course realising that if section 3 was deleted there would be no need for this bill at all, it would automatically kill the usefulness of section 1 and 2. But as I am against the bill and its entirety, I will have to vote against all three clauses realizing that if section 3 is amended in the manner I would want it, it would substantially change the entire bill. I'm against all three sections of this bill.

MR. JOHN D. JEFFERSON: Mr. Chairman, certainly the democratic process has been exercised so far.

MR. JOHN D. JEFFERSON (CONT'D): The second official member cited a case to the legislature a few days ago where this law had merit. But let me cite another example where a law similar to this has been introduced and it looks to me like this is exactly what it would be like.

There was a young girl that was raped by an adult, he went to court and the application was made that it be tried in chambers. The application was refused by the court. Here is a teenage girl, has been raped and every detail was brought before the open court, the clothes she had on, everything else that went along with it and you know what the results were, Mr. Chairman, the family had to leave, he had to take up stakes and leave. How can you live in a community like this? Something like this took place, it's open, it's thrown out to the world, every detail, every spoken word, every action recorded openly. And this is why I fear this bill and while there might be merits in my opinion the demerits would outweigh the merits in a small community like ours, say you're dealing with a metropolitan area of population of two million people. Well who is who? You know people see one another, it's strange to even speak but in a small community like ours, Mr. Chairman we have to think. We have to think in terms relative to our population and that's why I would have to vote against this because I feel that it would do more damage than good.

HON. G.E. WADDINGTON: Mr. Chairman, I really can't see the relevance of the case that was cited by the last speaker because in that case the young girl who was raped was an innocent victim. She wasn't a person accused. But what would be the position if she raped by, say a gang of men included in which was a juvenile, wouldn't it be expected that the juvenile would be charged along with the other jointly for the offence?

MR. JOHN D. JEFFERSON: The point I was making was that here was a juvenile girl, been raped by an adult and yet it was tried in open court, same thing could have been done in chambers and that's what I'm saying I'm afraid this law says that the judge may when an application made before, the judge may refuse also. So that's what I'm worried about, is the provision that gives the judge the authority or the discretion to say yes or no.

MR. C ERIC BOWDEN: Mr. Chairman, I agree with the point made by the member from West Bay with the matter of this law not having the same application in a small place as it has in, say London or any other metropolitan city. This is still a small community where everybody knows everybody else and once a juvenile gets in trouble despite even the protection under the juvenile law that child is marked for life and what we are trying to avoid is the publicity, the stigma that would be attached and in our present juvenile law there is certain protection against the case being publicised, being aired on the radio, being published in the newspaper, being spread for everybody to hear it in court and the point the member from West Bay made is a very strong one. This law may be alright in, say a city of eight million people or something like that or two million people where the person before the court would be known just to the immediate family, just a few friends. Here the juvenile and the juvenile's family would be well known to every nook and corner of these islands. So I think this law is not suitable for us. The second official member quoted two very extreme cases, one in his debate where he referred to the juvenile blowing off the head of a policeman and another one here a hypothetical case where a juvenile would be in consort with a gang of men. So these are very extreme cases and although they could happen or may have happened I don't think it is sufficient weight for the passing of this bill.

HON. G.K. WADDINGTON: Mr. Chairman, although those cases might be extreme coming nearer home a very popular method are breaking into shops and places in this part of the world is for a burglar or a group of burglas to get a juvenile small enough to push him through a window or an opening and then he opens up for them and they go in and rob. Now in cases like that surely unless the juvenile can be charged jointly with the adults the possibility would be there that the adults would go scot free while the juvenile would have to be tried in a juvenile court.

HON. W.W. CONOLLY: Mr. Chairman, my contribution to this is simply that I consider that a criminal, whether he's an adult or a juvenile is a threat to society regardless of whether it is a big metropolitan city or a very small area and I feel today that discretion has to be given or I feel like if discretion is given to the judge of the court where that he can in the administration of justice decide against or in favour of a joint trial, he has to take into consideration according to this legislation the protection of the juvenile. But I think it is really important, the most important part when we're dealing with any criminal matter that the administration of justice is carried out and if in the discretion in the court it is found by making a joint trial the administration of justice could be better carried out, I feel it is our responsibility as Legislators to make that vehicle possible.

MR. JOHN D. JEFFERSON: Mr. Chairman, the fourth member of Executive Council so doubt made a good point, it might be true, we can't disregard it but on the other hand we have to place two factors on a balance, on a scale and see which out balances the other, the merits or the demerits. And I'm saying that in a small society like ours we have to be very careful because it is a fact that in almost all courts that judges are prone to have open trial and the point that I'm making is that an open trial such as the one I've quoted would do our society no good and not only would it do the society no good, there would be such a stigma attached to the youth or the juvenile, that he'd probably never live it down. What I'm saying is that if one life can be spared the horrible nightmare of having been forced into court, even a victim of circumstances, gone out there and had his influence or his life ruined. If we could just save one of them. I'm willing to take a chance on some of the others.

HON. T. FOSTER: Mr. Chairman, I can see the point the member is trying to make. However it is another method of looking at it according to my feeling really. An open trial might be in the future deterrent to other juveniles getting in trouble and one thing we have to remember, once whether it be juvenile or adult he is in problems or in trouble before the court. There's a stigma there that he won't shed overnight in the first place whether it is tried in chambers or tried in the open. It's like the old saying, if you sleep with dogs you're going to wake up with fleas somewhere along the line and I think an enhancing of better justice, I think it is a good law and as I said even though it might be the future of one it might be the saving of the future of many core of our juveniles in years to come. So that is another angle that the member might look at.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I agree, Sir, with what the first elected member from Cayman Brac has just said, that it could be a deterrent to others in that category.

CAPT. C.L. KIRKCONNELL (CONT'D): I also have taken into account what the member for West Bay has said. But any community such as ours Sir; whether it is tried in chambers or whether it is tried in open court it's open knowledge. There is nothing done on this island that one can say is done in secrecy. Further more, Sir, in many countries offences committed by juveniles constitute a major part of the criminal statistics; in the United States for example it says fifty percent of the arrests for burglary are for juveniles, three tilths of this for automobile theft and two fifths for larceny. So I was one of the members who abstained from voting in the first instance but I think after a careful review I am in favour of this Bill.

MR. CLAUDE HILL: Mr. Chairman as I see it in my small way the law provides the law jointly for trials of juveniles and adults. I feel that this will become a deterrent if tried jointly and as the member from West Bay drew the illustration, that he did not feel that it was right for certain things to be in this law. I cannot see where making an amendment to this law can make anything else but an encouragement to our adults to encourage young people As the second official member stated, he could make an entrance into a place big enough to let the juvenile go in and after he is in he opens the door and admits the adult in. This if hampered with this law as I see, if hampered with. It only makes more criminals out of our youth that what we have today.

MR. JOHN D. JEFFERSON: Mr. Chairman, I don't brush anything that has been said, any contribution been made lightly away because I see there is alot of merit in what they're saying. I agree with that but it places me in a very difficult position to sit here and agree for a joint trial of the juvenile and the adult, in some instances and whereas I would agree in another instance. And I wonder if it would be possible that we could offer some amendments that would say that in instances similar to the one I quoted, that a juvenile would be heard in chambers. I would not want to do anything that would adhere or would deter the force of justice being able to work while on the other hand I have to look out for situations in a small community like ours that can happen. There have been cases of rape here in the country and would not it be a terrible thing to find some sixteen year old girl raped by an adult heard in open court, All the details, I mean the girl would never live it down, let's face it, she would never live it down. Maybe there's a case like I know there was one some time ago in the past where an adult person used a young boy. Now imagine that in an open court, would he ever live it down? even though he was a victim he'd never be able to live it down.

HON. C.R. WASHINGTON: Mr. Chairman, the power is at present in the Criminal Procedure Code to cope with cases such as were referred to by the last speaker because the court has the power under section 9 of the Criminal Procedure Code in cases of that nature to exclude everyone from the court room except those who are directly concerned with the case.

MISS ANNIE E. BODDEN: Mr. Chairman, the last issue of the Caymanian Compass I noticed that there was a father and son charged for ganja of their possession. The boy was seventeen years old, according to the paper he was dismissed and the father had to pay some three hundred dollars. Well when a father would take his son to commit a crime I do not think that any consideration should be given to that boy or the father either because a seventeen year old boy or girl, I would say has a knowledge of the world today. When I was seventeen years old I was a child, things that I hear nine and ten year old children talking today, I am sixty-eight, don't know anything about. And in this day when a person is seventeen years old they're fully equipped with the knowledge of the world, good or bad and while I would hate to have the reputation of any girl or boy smeared, I hate it, and I feel very concerned about it and when I go to court and hear happenings it makes my blood run cold.

MISS ANNIE R. BODDEN (CONT'D): But if this law can be a deterrent to things that are happening in our island today while in the first place I didn't feel that it should be aired publicly, but if it is a deterrent, because let us be realistic about it, crime is on the increase in this island and unfortunately it's not coming from broken homes altogether, it is coming from what we term the best of the society and if this can be a deterrent while I would really hate to see such exposures in court but it's like my sister always told me, if you don't know anything about it you won't know what it means. So that's what we'll have to go by and I would really not like to do anything that would encourage crime in this island today. I'm very concerned about it, in fact I'm getting to be afraid living alone in my house because some teenagers might come and break in my house and open the door. Up to this very morning I saw two girls and I don't think they were seventeen, trying to pull my wire to let my dogs come out evidently to bite them. So I don't know what to say except that we must do everything possible to try to prevent crime if it is at all possible.

MR. GLAUDE HILES: Mr. Chairman, one thing that members should always bear in mind, this is a small place and we're having big ideas. We are growing and we are getting like anywhere else in this world. It's not like the days of ma and pa. The younger generation come up with new ideas continually and this law that is placed before us here today provides for ma and pa to be tried with son and daughter. Thank you, Sir.

MR. JOHN D. JEFFERSON: I have made the contribution that I have to make towards this debate. My mind is made up and as far as I am concerned it can be put to a vote at any time.

MR. JAMES M. BODDEN: Mr. Chairman, before we put it on a vote I'd like to just say something about it. This is one bill that is before the House that I must confess I have mixed sentiments but maybe by me being a few minutes late I missed the introduction of this and the reasons for it. But I have a question which I really would like to direct to the second official member and that is does it really serve just as more if it's a joint trial? I mean this is what I am not quite clear of in my mind and the next question to him would be that the juvenile tried under a joint trial with an adult, . . the sentence imposed, say on the adult was ten years? Now we have another juvenile law besides this which is sort of a reduced sentence in other places that they can be put rather than an open jail, and how would the sentence run in regard to the age of the juvenile? There are the two questions that I would like, I'm not in any way trying to condone crime because I feel like I stand very much against that. But I feel like we have to protect the right of the juvenile which has been enhanced in our laws for many a year. But I also would like to know whether this can really be a great benefit to the country?

HON. G.E. WARWINGTON: To answer this, the last question first Mr. Chairman. The sentencing of the juvenile would have to be in accordance with the Juveniles Law, in other words no greater sentence could be imposed on the juvenile if he was found guilty along with an adult in a joint trial. No heavier sentence could be imposed upon him than would allowed by the Juveniles Law. The first question is, am I quoting correctly, the speaker Mr. Chairman that it would be necessary in the interest of justice to have a joint trial in order to be able to have punishment meted out to the adult. Was that the question?

MR. JAMES M. BODDEN: Yes, but what I'm really trying is to find out is , if we had a juvenile and an adult that committed a crime together and it is evident that the juvenile was coerced by the adult, and let's say that we had the trial of the juvenile first.

MR. JAMES M. BODDEN (CONT'D): Now I'm not too much on court procedure but I believe that that evidence which is submitted in that case probably points of it could be used in the trial of the adult and I can't see really whether if you can prove that he is guilty whether it is going to make much difference whether you try the two of them together or you try them individually if you can use that, sort of a transcript way of the trial, not to give the full evidence in court but limited versions of it.

HON. G.D. WADDINGTON: No Mr. Chairman, that would not be possible at all. That would be completely contrary to the rules of criminal procedure. If a joint offence has been committed and all parties to the joint offence must be tried together. You can't try seperately. What can happen with the joint trial the court can of course find one guilty and the other not guilty. But when it comes to the trial all joint participants must be tried together.

MR. JOHN D. JEFFERSON: You see Mr. Chairman, that's the point I was making. That's a point that I'm aware of, it's a point that's very strongly before me. And if an application to the judge is made that it be heard in chambers, as far as I'm concerned the majority of the time it would be refused, it would be heard in open court and all I'm saying, the point I'm making is not that the law would not hold murder crime, I'm not saying that, I would no doubt agree with that but I've got to balance one against the other. I've got to balance a life that could be saved as well as a trial where a person was sent to prison. You see this is very complex as far as I'm concerned. It exercises your mind, it makes you want to really think. On one hand you want to deter crime and on the other hand you want to save a stigma that could be attached to a juvenile for the rest of their lives.

MR. JAMES M. BODDEN: Mr. Chairman, I'm still seeking information. Let's take a hypothetical case, a juvenile is used by an adult to, I'll put it this way. There was a recent happening where a youngster about thirteen years of age accompanied by an older brother about twenty years of age, went into a certain supermarket and the youngster was accused of shoplifting and in the evidence that was presented it was brought out that the brother had more or less pushed him, the younger brother to do this. Now what I would like to know is in a case of that nature if that is a joint offence, you've got an adult and you've got a juvenile, do you mean that if we don't pass this law that you could not try either of them?

HON. G.D. WADDINGTON: You would perhaps try the juvenile if the evidence was that he was actually the participator or the actual person who committed the crime. You see the joint trial arises in this way, you have three or four people committing, let's say a burglary, one stands outside with his motor car with the engine running ready to make a get away, while the others are inside actually doing the robbing. Now the one who is outside in the car, is just as much guilty of the robbing, and if somebody was shot inside as a result of the robbery, if the owner of the store was for instance surprised and was shot, the man outside with his car, could just as much be found guilty of murder, because he is a participant in the crime, and so that is where the joint trial comes in. Now the actual person who is found to have actually done the robbing or the breaking is an active participant, in other words he could be found guilty whereas the man outside could be found not guilty if the court was satisfied that he was waiting for his girlfriend, and not taking part in what was happening inside. So that's where the difficulty comes in in these joint trials where you have to prove what is called a common design to commit the offence.

I don't know if I'm clear - let's take the case of a child who was pushed in through a window to open up a shop. Now that child is an active participant he actually did the breaking because he opened the door, so he could be found guilty if tried alone in the Juvenile Court.

HON. G.E. WASHINGTON (CONT'D) But the adult who pushed him through the window would get off scot-free, because he couldn't be tried unless he was tried jointly as a participant in the crime.

HON. W.M. SMITH: Mr. Chairman, the Member from West Bay said this as a very complex situation, and I agree with him, because I think what we are trying to do or what he suggests that we do here, is something that has to be left to the discretion of the court. If we provide the machinery where that the joint trial can take place; the circumstances of each individual case will have to be reviewed by the court, and if the court is satisfied that the trial should be jointly, or separately, then this is a matter for the decision of the court, and much emphasis has been stated here in open court, this amendment doesn't say this, it says "may order a joint trial upon such terms and conditions as he may decide to impose having regard to both". It is possible that a joint trial might be in chambers, he might decide to take the joint trial in camera, this is discretion that would be left to the court, and I don't think as legislators that we can do anymore than to provide the machinery giving the court the option to review each individual case as it comes up, and make the decision on how the trial should proceed.

Mr. CRADDOCK BRANCH: Mr. Chairman, it does seem that the further we go in this the deeper we get and more we find seemingly needs to be considered. There have been cases cited as to what could happen, what might take place, now Mr. Chairman, I'll make this statement, I don't believe that you would find a juvenile fourteen or fifteen years of age - twelve years, dragging an adult to commit a crime. I don't believe that would happen, I can well agree and accept that adults would drag juveniles to commit offences, crimes, like has been pointed out by the Second official Member, I remember during my last years to sea when I was operating down in the Nicaraguan waters our ship lost the propeller and we had to stay in the area there for an indefinite time. I had some relatives and my clothes were put into their home and it happened that during that time, it was a small family, they were not home one night and when they went home the house was raided. It happened to be some of my clothes gone and it was found that two adults had used a small boy, pushed him through a pigeon hole for them to get in. Well those latin countries deal different with people than we do but it all seems to / more active. they don't hunt around with what they want to do or going to do. What I'm trying to say this boy would not have committed this offence or this crime if it had not been for the adult and it was soon discovered, they did not take a whole week to find out who did it because one of the adult fellows took the camera that he took out of the house to a jewellery place to try to sell it. The jeweller was smart enough to tell the fellow that he must leave it there for a while and then come back and I'll pay you for it and it was not too long after that when the owner happened to go by the jewellery store and he asked this lady if this is not a camera of a family. She said yes. So they quickly got on to who was who.

Mr. Chairman, if this bill read where a juvenile and an adult that had committed an offence or a criminal act to be dealt with, heard in chambers not to be left as is with the discretion, whether the judge would want to or not, I may be able to go somewhat along with it. I know we have alot of our young people juveniles committing alot of offences and doing what not and we have a juvenile law, and it has been stated in this very session that the public is not allowed to listen to a juvenile court. How would any parent feel because two or three juveniles committed an offence, their children are heard in chambers while the parents can sit in. Then if some other juvenile getting into trouble with adult or adults, how would that parent feel for their child to be heard or tried in public when other children committed the same offence out with adult but the same offence and are tried in chambers. If it's enough evidence surrounding why the adult and the juvenile have been brought before the courts, I would not ask other words than if the adult's going to defend himself by saying everything against the child, but I think the court ought to give the juvenile the benefit of it and if an adult is

MR. CHADDOCK BANKS (CONT'D): charged having some part in an offence, I can't altogether see why he can't be tried to that extent because if one adult, you bring them before trial, then it's on the evidence surrounding gutting the two then why they can't be separated for trial in chambers.

The case has been cited on to rape with that does not go only with teenagers. Rape goes way further than that. That's an offence when a female is forced and used against her will and other proof that she had been taken advantage of, though rape does not come wholly and solely under a teenage but I do admit that we should try to hold up the standards or use as far as possible and give them the best of everything that we can. But I can't see that I can agree with this as is that both should be tried jointly. If that could wipe out crime in our country, not be just a deterrent to it I might think a little different but a lot of other machinery needs to be in operation to help deter crime and the first setting of that is in homes when parents are irresponsible for children when a nine and a ten and a eleven year old boy and girl is roaming the street till hours in the morning and the parent is some place else or sleeping. If that is not an open instruction, guidance for juveniles to commit offences and criminal acts and what not. So Mr. Chairman, as I said, the only consideration that I feel that I could honestly give at this time if the two are going to be jointly tried, it should be in chambers.

MR. G. HAIG ROBDEN: Mr. Chairman, a fundamental issue is at stake in this bill, it is whether we try the juvenile as we have always done as a juvenile or whether we treat him as an adult, as a common criminal brought before the courts. It is my belief that if we pass this bill as it is we would be making a retrograde step with regard to the treatment of the youthful offender. It is true that juvenile crime is growing. The Member from East End said earlier on this morning that the juvenile is a threat to society.

HON. W.M. CONOLLY: Who said a juvenile? I said a criminal juvenile.

MR. G. HAIG ROBDEN: Well, if he wants to battle in semantics, he gave us the impression that the juvenile who would come within the provisions of this law is a threat to society. But if we treat him in the manner suggested by this bill he will no longer be a threat to society, we will make him a liability to society because we would be adopting the system, the age old custom which we are trying to get away from that of making a hardened criminal out of a youthful offender rather than the desirable system of rehabilitating the juvenile, helping the youthful offender to start out on a new life. We heard all sorts of nonsense this morning about in the interest of justice. If this law would help the interest of justice I could support it but this law would create far greater harm than the evil which it is intended to remedy. An trial of the juvenile in open court is not going to help the society one bit. You may as well say that the x-rated picture, The Man From Hong Kong which is being shown at the Cinema this week and which has been advertised as rated is going to help this society. Exposure is never going to help and the trial of the juvenile in open court as suggested by this bill would expose the juvenile, and the family and immediately the juvenile to publicity by radio, publicity by the poisonous pen of the press, publicity to those people who attend the trial. And this law would not be any deterrent to crime.

Mr. Chairman, I'm not quite finished. If this bill had been presented as the Member from North Side were suggest making it mandatory that a joint trial be held only in chambers, I may go along with it but we know full well the attitude of judges in their belief that it is in the interest of justice to try as many cases as possible in open court. If I had seen with the presentation of this bill a report from our probation officers and our department of welfare or whatever it is, if I had seen a report suggesting that we should expose the youthful offender to a public trial I might be going along with it.

MR. G. HAIG BODDEN: (CONT'D): But it is my opinion that this Bill is intended to destroy all that the Probation Department has done in the last few years and I cannot go along with this Bill; because, I do not feel it is fair to society as a whole. It will not do this society one bit of good to expose our youthful offenders to all this publicity. I know the problem of juveniles being involved with adults and crime is a growing one: they have a situation in the state of New York now which they are trying to cope with since the introduction of a new harsh Dope Law, the criminals there are using teenagers to peddle hard drugs, because the teenagers are not subjected to the harsh penalities under the Law. But their answer to that problem is still not exposing the juvenile to a public trial; why do we jump at this remedy? This Joint Trial which has heretofore never been done since the introduction of a juvenile Law is a backward step, we are admitting defeat because the problem of the juvenile offender is a problem touching upon the moral fabric of our society, and we have to get down to the root of the problem in helping the juvenile offender to straighten out his life.. This is the area in which we have failed for many years, and in fact I must say, that not until within the last four years has anything seriously been done in this area.

I would want to say that nothing has been done until the advent of the two Sodden Town Members in this Assembly, but I do not want to draw any attraction on to myself, but it is a fact that it is only in the last four years that Government has really gone to town on attacking this problem; and it has only been within the last four years that Government has been spending any large amount of money on this problem. It is only within the last four years that we have established a National Council of Social Services, and it has only been within the last four years that we have been voting any substantial sums for the Probation Department. And, here today we are seeking to destroy what little good has been done by the hard work of our Probation Officers: many youthful offenders - I wouldn't say many, but a few have been straightened out and one of the reasons have been because they have been treated for the first time in the history of this Island as children should be treated; and Government has just begun to realize its responsibilities to juveniles, and here we are seeking by the stroke of a pen to destroy all the good work that has just started to be done in the interest of justice.

Now, I would like to call attention to the Bank Secrecy Law, and how this Government in its Court .....

MR. CHAIRMAN: To which Clause is the Honourable Member speaking?

MR. G. HAIG BODDEN: I'm referring, Sir, to the protection of people named in trial involving cases where our bank secrecy might be exposed; and we have gone all out in our courts in referring to people as a Mr. X, or Mr. X or Mr. Y ..... .

MR. CHAIRMAN: I cannot see the relevance of this to any clause in this particular bill.

MR. G. HAIG BODDEN: Mr. Chairman, I'm saying that on the matter of exposure when it is a matter involving a trivial thing like the violation of bank secrecy, if we can afford such protections, are they more important than our youthful offenders? And if we seek to protect them by masquerading them in the camouflage of X, Y, and Z, why are we doing this to our youthful offenders instead of affording them more secrecy, instead of wrapping them in a mantle where they would not be exposed? We bring before this Assembly a Bill which would put a juvenile offender on public trial, this is wrong. I don't want to hear an argument that these bills have been presented upon good advice, because I know it isn't so. We have on the agenda for today the withdrawal of a bill, and I am saying that this bill could also be withdrawn because it is more hideous than the Motor Indemnity Bill; and legislation such as this bill is not in the best interest of society and should be withdrawn along with the other bill that is being withdrawn.

So the powers that be, the Legal Department, the Drafting Department, the Executive Body can go wrong: they can present bills that should be withdrawn instantly. And I am asking that this bill be withdrawn; I see that we are strong enough on this opposition side to

MR. G. HEIC BONNEN: (CONT'D): over-ride the edict of Executive Council which has presented this bill, and I hope that we will be able to do it. This bill seeks to introduce a new concept into the trial of juveniles, a concept that is foreign to these Islands. May be this works alright as I've pointed out earlier this morning in a big metropolitan area, but it is not good enough for our little two by four islands, and this bill must be withdrawn. Because it has always been a fundamental principle of British Justice, that it would be better for ten thousand people to go free than for one innocent man to be hanged. And, I am saying that it is better for a criminal to escape punishment rather than to expose the youth of our community to the shrinkiveness of open trial. I have no support for this, Mr. Chairman, and I hope even if I am burnt at the stake with my good friend here from West Bay, that I will live to see the day that we have some concern or more regard for the juveniles in our community; or as the Member for East End wants me always to add, for the juvenile offenders. Because, these juvenile offenders are not all bad people, in many instances it might be the first offence. And we have a right as parents and as leaders in this community, as men and women of responsibility to seek to do not what only is just but what is merciful and what is right.

Mr. Chairman, I have a lot more to say on this, because I'm expecting a little criticism for my remarks, but I feel strongly about this bill; I feel that this is an invasion of the rights of the children and the juveniles whether they be good or whether they be bad. And, it is our responsibility here to make better the juvenile offenders. We have recently passed A Law to deal with the warehousing of prisioners and the whole essence of that Law is to rehabilitate the person who comes into contravention of the Law, the person who falls in the bad graces of the Law. How can we do that when we are here tearing at the very heart of the offenders?

HON. W.W. CONOLLY: Mr. Chairman, I would just like to make a correction. I am not certain whether the Member is deliberately trying to change my remarks or whether he didn't understand. But, I would like to make it clear what I said before; my statement was as follows:- "A criminal adult or a criminal juvenile is a threat to society regardless of its size". This Law is not dealing with a particular criminal, and as far as I'm concerned I could sit at this stage say, and I don't think anyone else can say, that when a person is charged that he is a criminal without he had previous convictions. This particular piece of legislation is the machinery making it possible that when a juvenile and an adult is charged - this is not saying that they are criminals) - you charge a person the charges are laid, but it is not until the trial is over and the conviction is made that one can say that that person is guilty of a criminal offence. The offence charged could be criminal, but it is presumed that a person so charged is innocent until he is proven guilty; and I think that this is quite clear for anybody to read. I have had a similar instance in my practice in the Courts of the same situation, I can name the case but I don't want to do it, where I defended an adult who was charged with a criminal offence and my good friend Mr. McLaughlin another law agent was defending a juvenile who was charged also and I know the results of that case.

I know that the criminal that I defended was not convicted, and this is why as I've said, I feel certain today that legislation such as this which is the machinery to give the Judge of the Court the discretion to review these circumstances and to deal with the matter as he sees in his opinion would be best suited to the administration of justice in this country. And, I feel that all is baloney about protecting one individual against the safety and against the justice and defence of twelve thousand people. I think when it comes to this, it is the discretion of the Judge the privacy or secrecy of the matter in protecting one individual would have affected twelve thousand Caymanians; I believe that that Judge would have been in all fairness correct in saying, an open trial in favour of the majority of people. I don't see the reason for so much opposition to this particular bill, it has been explained that it is the normal procedure in the British jurisprudence; surely in Nicaragua, in Haiti, in the United States, in Panama, there are different types of laws. But,

HON. W.W. CONOLLY: (CONT'D): one thing we have to remember that as long as the Cayman Islands is a British territory we are subjected to the British jurisprudence. And, as has been explained by the Honourable mover of this bill, this is the normal procedure, the discretion has to rest with the courts and we as Legislators I feel would be very responsible in giving that responsibility to Her Majesty's Judges of our courts in this Island.

MR. CLAUDE M. HILL: Mr. Chairman .....

MR. CHAIRMAN: I think this might be a suitable time to suspend for fifteen minutes. Before suspending I would like to observe that we seem to be repeating the second reading debate, and that proceedings in committee are meant to be directed to the wording of the bill, and the second reading debate is really the one about principles. So, we have been really extending ourselves this morning. We'll resume in fifteen minutes.

MR. JOHN D. JEFFERSON: Mr. Chairman, I had said that as far as I was concerned I had a contribution to this bill, and that I was ready to put it to a vote.

Mr. Chairman, I for one wouldn't say that the bill ought to be withdrawn, but I for one say saying that if a compromise is not reached where in our bill before us today we are able to state very clearly that when a juvenile and an adult are tried jointly in court that the juvenile will be heard in chambers. Now, as far as I'm concerned, say all you like about the benefits, merits and demerits: as far as I'm concerned there is a fundamental principle involved in this bill. I'm not for one, and I never have been, and I won't ever be with God's help, in anyway to aid or abet any crime or criminal, but on the other hand when we are here on one hand, which in the past months we have created a new Juveniles Law which I understand is pride of the Caribbean: and here today we are setting a joint trial possible between the adult and the juvenile in open courts. This in my opinion damages what we have done in relation to the Juveniles Law; I cannot support it as it is, and I will not support it when it comes to voting.

Now, if an amendment is offered and a provision is made in this Law which says, that the juvenile will be heard in chambers I'd be satisfied and nothing else in this bill would bother me. But, we speak about discretion, and I trust the human race: I can't walk around, and I hope God will help me that I never will doubting, distrusting and all of that. I believe that there are people that you can trust. But, I'm saying the vote today shows us that such a high percentage of Judges would rather try a case in open court, and because of that being a fact I cannot support it as it is written here today. Thank you very much.

MR. CLAUDE M. HILL: Mr. Chairman, as I see it in my small way that this bill under section 3 is only asking for a Law to be legislated where the Judge of the Grand Court in the Cayman Islands or Judges of the Grand Court of the Cayman Islands can state when juveniles may be jointly charged with adults. The section I quote- "Notwithstanding the provisions of any other law, when a juvenile and an adult are jointly charged with any criminal offence the Judge of the Grand Court, upon application made to him in Chambers, may order a joint trial upon such terms and conditions as he may decide to impose having regard both to the welfare of the juvenile and the necessity of doing justice in the case".

Mr. Chairman, I stand firm with what is placed before me here, and all that I can say is this, that this has become a storm in a bath tub, Sir.

MISS AMNIE E. BODDEN: Mr. Chairman, if I may be permitted to ask: has anything seriously happened that would prompt such legislation as this, or has it been anything that justice had ever been defeated or anything because we haven't had such legislation?

HON. G.S. WORRINGTON: I believe problems have arisen, Mr. Chairman, I cannot specifically state any case, but the object of this is to avoid serious problems that can arise in the future.

MISS ANNIE M. JONES: Mr. Chairman, I respect the Judges and I hope and pray and trust that in the future we shall have no worse Judges than we have had in the past. But, I will recall one incident where - why I am afraid of this bill is this, that the very, we will call them lower strand of society may not have such favourable consideration as higher ups. I remember many years ago I met a little boy out by the Islander Theatre who was almost adrift and he asked me to give him money to pay his way into the show, which I did. Now, he said, 'I want to stay with you, Miss Annie". I said: "no, you must go and stay with your mama"; when I went home that night he was asleep on my swing. I took him, gave him a blanket and a pillow and let him sleep in the house on the floor. And, I bought clothes for him, I bought shoes. I tried to get him to Sunday school and to go to the day school; well, he had been in trouble with the Law by breaking into the school house and taking some ice cream, because he said he was hungry. Well, it developed that I had this little boy under my custody, I would call it, for about seven or eight weeks; a beautiful little body he had, he called himself Cassius Clay, and he was a beautiful little boy, a coloured boy.

Well, he was killed on the school house road by a very eminent man in this Community, and when we went to court believe it or not, I don't think you're going to believe it, but it's the truth: you know what was the decision, this man was acquitted because that little boy was a drag on society. Now, that's what I am afraid of, this thing you call, I don't know what word to use, that the under-privileged might have to be openly charged in the courts, And the privileged might good be charged in private. So, I will say that I disagree with this Bill.

HON. A.B. DAWE: Mr. Chairman, I don't really want to prolong the debate in committee on this, Sir, but I feel like I must say something about it because it has been presented by Government and I have agreed with it to be presented. I see all that has spoken against this bill has one concern at their heart, and it seems to be the juvenile; their only concern is for the juveniles, and really what we're talking about here is more or less a juvenile that has committed a criminal act. So, they are concerned in a sense with a juvenile that has really become a criminal, and they have no regard evidently by their deep concern for this juvenile, for the society or the justice which should be meted out to this juvenile.

Now, all this bill asks for is that if a juvenile commits a crime with an adult, there be a joint trial. It could be instead of being something detrimental to the juvenile in this joint trial, it could be very beneficial to him; it could be a trial which probably would halt and keep him from a career of crime. I don't take it altogether that it says or it means that he would be tried in open courts, I think the discretion is being asked to give discretion to the Judge, and we can expect and we should expect since we have Judges who rule our courts that all the circumstances surrounding the case would be taken into consideration; and if the Judge seen fit to have, according to the severity of the charge, a trial in public, then I think we should be satisfied with whatever discretion the Judge uses in this particular case. But, let us face the facts, Mr. Chairman, that we do have a lot of crime today being committed by juveniles, and if we are afraid of somebody knowing that crime is being committed by juveniles, then to my mind we are shielding the juvenile that commits the crime. I have just as much concern , let me say for the youth of the country as anyone else has, but surely we want to know that all that can be done to correct and to guide this youth of ours in the right direction is being done. And, this Law won't be altogether against the juvenile, it will be to assist the court in probably convicting the adult that probably prompted this juvenile to commit any crime jointly with him.

I think what was made was that one should be tried in one court and one in the other; the case could not be tried, because you

HON. A.R. ANSH (CONT'D): remmnt, and I think I made this clear in my debate on the second reading of Law that you cannot, and I think this has been explained also by the learned Attorney-General our legal adviser, that you cannot use any evidence from / one court in the other court; this is the reason why it should be/joint trial and it would all come out. Instances have been cited where it is necessary to have such a Law, and although it may not have happened here in our Island we cannot say that it won't happen, and I think that there is every indication that it will happen if juvenile delinquency continues on the trend it's on today. And, so I would ask Members to try to realize that this is nothing really against a juvenile, it is probably something for his correction to keep him from a career of crime, and I would ask Members to support this. Because, I believe it is absolutely necessary that we should have it, and I do hope that Members will reconsider and see the importance of having such a Law; because I believe I am convinced in fact that it is necessary to rule and to do justice to our society.

Thank you, Mr. Chairman.

MR. CRADDOCK BANKS: Mr. Chairman, one Member mentioned a while ago that one is not a criminal until it has been proved. I think I had enough sense when I came in here to know that much about the Law. Mr. Chairman, I am not or I didn't attempt a while ago to say that a juvenile shouldn't be tried neither did I say that the adult shouldn't be tried; what I said then I will repeat now, that if they're going to be tried jointly, they should be tried in Chambers. But, other than that I am not prepared to give this bill any support; I'm not trying to take anything from the juvenile or are that they/punish/and the adult are free, but if they can be tried in open court and found guilty why cannot they be tried in Chambers and be found guilty? If we are going to have a Juvenile Law, and it's like I've said earlier the public are not allowed to sit in on the hearing in a juvenile court, then what is wrong for a juvenile if they are involved in some offence with an adult to be tried in Chambers? I can't see where that can make any difference in its hearing whatever evidence that would have to be produced or could be produced; and I don't feel that we should leave that to the discretion of the Judge. If it is laid down there in the Law the Judge knows exactly what he or she would have to do about it, he knows where it should be heard and there couldn't be any questions; it's not trying to cover up or to hinder people from being brought to the courts or to justice or to help curb crime or anything else, it's only simply asking that for the sake of the juvenile since we've got the Juvenile Law.

And, that is one of the main and major points we wanted to do that hope we could to curb the juveniles, the young people, the youths; so what should be the difference then if the adult and a juvenile should be tried in Chambers. I don't see where it can rob the adult or deprive the possibility of conviction if they are found guilty - then the whole surrounding would't know what went on, and if it's good for one it ought to be good for all; that's all my Argument is, Mr. Chairman, on the matter, and I'm not prepared to sit down here and drag it out all day; but I can assure you, Mr. Chairman, if we have to leave it as it is for a Judge to use his discretion we'll be here 'til tomorrow as far as I'm concerned.

MR. JOHN D. JEFFERSON: Mr. Chairman, I have an amendment I would like to offer. Section 3 reads:- "Notwithstanding the provisions of any other Law, when a juvenile and an adult are jointly charged with any criminal offence the Judge of the Grand Court", and after the word "Grand Court" delete the words "upon application made to him in Chambers"; deletion of the words "upon application made to him in Chambers", the word "may" changed to the word "shall" order a joint trial, and the word "upon" deleted and substitute the words "in Chambers". That's the amendment that I'm offering to this section, Sir.

So, it would read:- "Notwithstanding the provisions of any other Law, when a juvenile and an adult are jointly charged with any criminal offence the Judge of the Grand Court shall order a joint trial in Chambers", I guess the words there would be, "under such terms and conditions as he may decide to impose having regard both to the welfare of the Juvenile

MR. JOHN D. JEFFERSON: (CONT'D): and the necessity of doing justice in the case". That's an amendment I'm offering, Mr. Chairman.

HON. G.E. WADDINGTON: Mr. Chairman, there seems to be a fundamental confusion here with regard to this word "Chambers" no criminal case can be tried in Chambers. Ever since the abolition of the Star Chamber, I think in the fourteen century it has been the fundamental constitutional provision in British constitutions that criminal trials must be in public; even a juvenile cannot be tried at present in Chambers, he is tried before a special court call/a Juvenile Court, so there is a fundamental weakness in this amendment to require a criminal trial to be held in Chambers. One would wonder for instance where would the jury be put in Chambers, because some of these trials are jury trials.

MR. CHADWICK EBANKS: Mr. Chairman, that if I may ask through you a question, why does it appear them in this bill the discretion of a judge in a criminal offence and for him to be heard in Chambers? If it can't be heard, why does it appear in here then?

HON. G.E. WADDINGTON: Mr. Chairman, I think the matter is quite simple, the application is heard in Chambers, not the trial.

MR. JOHN D. JEFFERSON: Mr. Chairman, then could I humbly ask through you the Second Official Member to substitute a word that would take care of the word "Chambers" because that's the hurdle that we're trying to get across.

HON. G.E. WADDINGTON: Mr. Chairman, in my humble opinion, there is at present ample provision in the Criminal Procedure Code to enable the Judge in any trial in court to exclude every one from the court house except witnesses and those having direct interest in the case, and I think that that discretion should be left with the Judge.

MR. JOHN D. JEFFERSON: I'm coming back to that, Mr. Chairman, that's why I'm trying to belabour the point that in an instance like this, that the Judge shall -- that's what I'm saying. And, we have offered our amendment, I am ready to vote and abide by the Committee process.

HON. V.G. JOHNSON: I'm ready to vote too, Sir.

MR. CHAIRMAN: Well, I think there has been very ample debate on this. It's been mainly on the principle of the bill rather than the detailed wording until the amendment suggested has been put forward. So, if Members vote for the Clauses as drafted they are voting against the amendment, I'll put the question.

MR. G. HAIG BODDEN: Mr. Chairman, just before you put the question, I noticed one Member is temporarily absent .....

MR. CHAIRMAN: I'm afraid the rules of the House are that we vote strictly according to the Members present.

QUESTION PUT THAT CLAUSE 1 TO 3 AS DRAFTED STAND PART OF THE BILL: AGREED. CLAUSES 1 TO 3 PASSED.

MR. CHAIRMAN: I think in spite of the volume the Ayes have it.

MR. JOHN D. JEFFERSON: Could we have a division, Mr. Chairman.

DIVISION

AYES	NOES
Hon D. V. Watler	Mr. John D. Jefferson
Hon. G.E. Waddington	Miss Annie E. Bodden

Ayes	Noes
Hon. V. G. Johnson	Mr. Jason M. Poitras
Hon. J.R. Nish	Mr. G. Haig Godden
Hon. Trevor Foster	Mr. Craddock Ebanks
Hon. W.W. Connolly	
Mr. Claude H. Hill	
Capt. C.L. Kirkconnell	

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MR. CHAIRMAN: The result of the division are eight voices for and five voices against, which means that the Clauses as drafted in the bill stand and the amendment falls away.

CLAUSES 1 TO 3 WERE PASSED WITHOUT AMENDMENT.

CLERK: A LAW TO PROVIDE FOR THE JOINT TRIALS OF JUVENILES AND ADULTS.

QUESTION PUT: AGREED; TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee. Proceedings are resumed.

THE MOTOR DRIVERS' INDEMNITY LAW

HON. V.G. JOHNSON: Mr. President, Honourable Members, we come now to the bill of the year, the Motor Drivers' Idemnity Law.

Mr. President, having regard for the short period of time in which the Motor Drivers' Idemnity Law has been published the Government has decided to withdraw the bill until such time that the public, no doubt, has had sufficient time to study the various recommendations and implications. And, I should also say, until Government itself has had time to re-examine the areas which seems to be of some concern to the public and because of that, I would now propose to withdraw the bill from this meeting.

SECONDED BY HON. D.V. WATLER

QUESTION PROPOSED: DEBATE ENSUED.

MR JOHN D. JEFFERSON: Mr. President, the Financial Secretary termed this the bill of the year, and I would wholly agree; I won't say very much except to say this, that with this withdrawal of this bill from this Legislature I urge that the insurance or the companies launched that are doing industrial insurance will as a whole get off their and prevent the reintroduction of this bill. Because, the reason why it was brought before this Legislature and now withdrawn was because there were Members of this Chamber that had not been satisfied that the industrial insurance Companies have been doing all that they could. And, that's all I'm going to say now I think the ball is in their court. Thank you very much.

MR. JAMES M. BODDEN: Mr. President, it's a pleasure to hear that Government has seen fit to withdraw this bill. I consider it to have been one of the most onerous pieces of Legislation that has come before this House in a long time, because it infringed in many ways on just common human rights.

MR. PRESIDENT: I don't think we should get involved in the merits or demerits of the bill, I think the debate is solely on whether it is to be withdrawn or not at this stage.

MR. JAMES M. BODDEN: Well, I would like to say that I think it has probably served its purpose; but I will have to go along with Government in voting for its withdrawal, but I am posing a question as to just why this was withdrawn. Because, Mr. President, this law was before the Legislative Assembly Members just as long as anyother bill, and longer may be than some

MR. JAMES M. BODDEN: (CONT'D): of those that we have had in the past. I am sure it did not come to the House without the blessings of the Executive Council, so they must have been satisfied, they must have known, they must have given consent in order for it to have been sent and circulated to the Legislative Assembly Members. I feel strongly, Mr. President, that the real reason for this withdrawal should be made known in this House. If what is talked on the street is so, then I stand strongly against this bill being withdrawn, and say that it should come before the House, although I would still vote against the bill, that's right, but tell us the truth.

It is talked on the street, Mr. President, that the real reason that this bill is being withdrawn is because one of your Executive Council Members says, that if it is put forward he will resign, if that is correct, let him resign. This will not be used as a political football to propel some people into the House when they should not be in there. Mr. President, I am asking for truth, I am asking for enlightenment; we have had a lot of bills that have been very controversial, we have had bills and laws that have caused demonstrations of hundreds of people, yet no attention was paid to that. Yet, if this is true that one Member of Executive Council could block a bill from coming to this House, then, Mr. President, we have sunk below the depths. I would have hoped that it would not have been necessary for us to make this speech this morning, but I am saying, if that is the reason that this bill is being withdrawn that this morning Government should hang its head in shame. Thank you.

MISS ANNIE H. BODDEN: Mr. President, I oppose this bill, and I feel very strong this morning that - and thank God in one instance we on the opposition side as we are termed, which I do not accept this term, but nevertheless, that is what we are known by, have had one victory in defeating such a bill coming forward. Only last night I was called by a very prominent man in this community, and he asked what was going to happen to this bill. I said, as far as I can see from the agenda it shall be withdrawn, he said, "you know what that is due to, the work of the Chamber of Commerce because we have told the Government that they dare not introduce it". Now, I don't know if the Chamber of Commerce is that powerful, but I will endorse what has been said by the First Elected Member for Bodden Town. It is common knowledge that a Member of the Executive Council said, "before I accept it I shall resign", and evidently that is the case. In any case, Sir, I'm very happy that this bill has been withdrawn, because I do not think that it was a proper bill.

I have been told personally by a very high Civil Servant, that you Annie Bodden and Craddock Banks are responsible for that, I said, I seconded a motion by Mr. Banks that Government take steps to look into this matter of insurance; but I sure didn't have anything to do with drafting such a bill, and I am very sure that Mr. Craddock the Elected Member from North Side did not have even notification that it was coming before this House. In any case I am very happy today that Government has for once listened to our plea and changed this bill which would be a detriment to the inhabitants of the Cayman Islands. Thank you.

MR. CLAUDE M. ATTA: Mr. President and Honourable Members, I rise to endorse the statement made by the First Elected Member for Bodden Town and the First Elected Member from Georges Town. And, it is quite true what was said, it is public knowledge of the remarks made by Members, and I would say that, Sir, lighten our darkness we beseech thee. Thank you, Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, I am very happy this morning to see that this bill has been withdrawn, perhaps it has done its job. I hope that there will be a way and means of the Insurance Companies now operating in this territory to get together with Government, and to give the public of these Islands a rate and a reasonable rate that they can tolerate. I would like to say as you've said a few days, I am glad that this is finished for now and I hope forever, amen.

MR. CRADDOCK BENNETT: Mr. President, the Member for West Bay said in his remarks that the reason for this bill being here is because of the unhappiness of the insurance with some Members in the House. I brought the second motion to the House, and if it had been for just my personal interest I wouldn't have brought the motion; but on the grievance of the public, including myself, why I brought the motion to the House asking that Government look into the insurance business in this Island, and see that something be done about it by taking some measures of control. And, I think I can say now what I have said many a times in this Chamber, that it was ridiculous, it was regrettable that Government would allow insurance agents to operate in this country receiving only a meagre amount of money to pay for a licence and the insurance agents this, fleece and rob the public, and Government attempting to do seemingly nothing about it til now.

And, if any Member in this House or any member of the public feels that I/going to stop at this, everybody will soon know. I don't know what measure Government are going to go into to see that something is done about it to control the rates. Because, I feel, Mr. President, that I can get seventy-five percent of the motor vehicle owners in this country to stand for what they ought to get, so in the wisdom of Government withdrawing this bill, I support the withdrawal. And I would make this request if it might be possible that sometime in the near future - the Third Official Member moving this, that he might find it possible that we might meet and have just a discussion on this to weigh some of the things, and enlighten Members as to how Government thought about it, and give us some food for thought that if and when or if ever that it should come back or a similar bill we would know something about what to expect. But, I do hope that it wouldn't be necessary for any such bill to be brought back to this House, but I am still hoping that the motorist will be satisfied with the rates. I know much has been said, that the innocent pay for the guilty, but I don't propose or don't see that it's right in anyway that I should pay somebody else's bill. And, I trust, Mr. President, that this will be gone into and something done about it that can really be seen in the eyes of the public.

Because, I still remember the rates - I don't expect those rates to be today, but I remember the rates when insurance was introduced on motor vehicles, it would be as little as six pounds, twelve dollars, and to the biggest commercial vehicles was approximately thirteen pounds. And, when you went to the insurance agents about the very same vehicles, there are a hundred pounds, there are a hundred and twenty-five pounds, there are a hundred and fifty pounds, and some we don't insure at all. They started taking the public for a ride from that day, and for thirteen years now this has been going on, and I think it's high time to cut that. When I go home in the evenings I have to put on my shirt and pull bush to help live, and the insurance agent that can't find some other way of having a clean livelihood except robbing the public, then we shouldn't issue them a license to operate in this place. All the money they take it out, Government see no benefit out of it, if Government had even made them deposit a half of their profits in this, and Government had an access to it with a small interest and use the money to help develop the country it wouldn't have been so shameful; but when they just take everything and walk out of the country after they have robbed you and leave you on the street to make it the best you can, it's enough. And, I have gone as far as I'm going to go with it. I'm telling you that, Mr. President. I thank you.

MR. G. HAIG BODDEN: Mr. President, one can see by the debate on the withdrawal of this motion what would have happened if it had not been withdrawn; if instead of debating the withdrawal we were debating the introduction we would probably have a week long debate. The Member applying for the withdrawal of this bill did not give us sufficient reasons for its withdrawal, had he been putting forward this bill we would have had many reasons for its introduction. And, I think that this House is entitled in his winding up to hear the reasons for its withdrawal, because the reason given was that there had not been sufficient time, that reason cannot be correct, because we have

MR. G. MAIS HODGEN:(CONT'D): had sufficient time to study this bill. We have had more than the time allotted by our Standing Orders, so it cannot be argued that we have not had sufficient time, neither can it be argued that Government itself did not have sufficient time to set up the machinery for this bill. Because, this bill, (and I'm not going into it) - but this bill was not to have come into effect until March of 1977, so even if this bill had passed the Assembly today Government would still have some time before its coming into effect. But, whenever a bill is used as a political instrumentality there is bound to be some boomerang; this is a bill which had it been introduced would have been closely tied with our revenue, and it has always been the custom of this House to pass immediately and to put into effect at once all revenue bills, yet this bill was not to have come into effect until March, 1977.

I hardly need to make the next statement to say that March, 1977 would be long after the next general Election. So, there are signs of political manoeuvering with this bill, that is quite clear because everybody knows the psychology of the average Caymanian, he does not worry about a bill, he does not worry about when it passes the Legislative Assembly, his only concern is on the day that he is faced with the real fact when he is asked to pay that tax or that premium or whatever it is. When he comes face to face with reality, that is when he begins to worry, but his time for coming face to face with the realities of this bill would not be when it passes the House, it would not be when the Governor gives his assent, it would be in this particular bill, March,1977 when it would then be too late to use the political weapon of changing the Members who had voted for this bill. And, so there was good reason for pushing it forward, it was a powerful instrumentality in the hands of Government. Of course, there were people in this Island who would have known about this bill, the people of Bodden Town already know, because we had a public meeting last week and we told them that this bill was on the agenda, and we told them what was in it.

So, the question today is really not why this bill is being withdrawn, the question that should be answered is: why was it put forward at this time? If this is tied to revenue why is it not treated like all other revenue bills and put into effect immediately? So there are many questions to be answered. A bill that is withdrawn can also be brought back. Standing Order 61 dealing with the withdrawal of bills does not really say that, but Standing Order 30 dealing with the withdrawal of motions says, that "any motion withdrawn can be brought back", and, of course, any bill - it follows, that any bill withdrawn can also come back. So, this is not the end of this bill, this bill will come back, in a new form, perhaps, with new amendments, perhaps at a more opportune time, perhaps at a more psychologically effective date, this bill will come back. What this House is concerned with today is knowing not only why it was brought at this time, but why it is being withdrawn today? I am not satisfied with the reason given, because the reason is too weak, there must be other under-lying reasons. Government would never go to the expense of drafting a bill, getting all the expertise necessary, spending many hours in Executive Council with the bill, circulating it to the Members giving them more than ample time to study it, and then claiming that there isn't sufficient time, that reason is just not good enough.

I personally would like to congratulate the Government for the withdrawal of this bill, because I feel that the bill should not have been introduced. However, we are reasonable people and we should be given reasonable answers, and we should be told exactly why this bill has been withdrawn and when we may expect to see it again. Anyway, this bill will forever be in our minds; this bill which is really not a bill at all, this bill which should not have been classified as a bill has been put before this House and we want to know why it was called a bill, why it was shown as something which would one day go into Law? We want to know all the answers. I think we have a right to be told; in its withdrawal we have a right to be told from whence it came and whither it goeth, we have a right to know those things. And, this bill is withdrawn without any pressure at all from the elected Members, the bill was suddenly taken off the market, we must know the answer.

MR. G. MAIG BOWDEN:(CONT'D): So, there is a challenge, and perhaps it will take the entire bench to answer, but we await their excuses or their reasons. I think it would be their excuses there can be no reasons really. We want to know why at this time with all the machinery available to Government, with all the Legal expertises, with all their Actuarial and mathematical advisers why this bill is not ready? We want to know if it was just thrown out as you would throw a pebble into water to test the reaction, has Government gone to all this expense just to test the sentimentalities of the populace? We must know these answers. This is not often done in this Parliament, if a bill becomes unpopular or appears to be unpopular the collective might of our Constitution is used to pass the bill, so we cannot meekly accept the little favour which has been given to us by the withdrawal of this bill. And, I personally do not accept the reason that was given this morning for the withdrawal of this bill.

MR. PRESIDENT: Do any other Members wish to speak on this motion? Does the Honourable Mover wish to reply?

HON. V.G. JOHNSON: Yes, Sir, Mr. President, I think I'm bound to reply. First of all I would like to say that I glad that the withdrawal of this bill will leave a happy memory in the minds of Members on the other side. You know, Mr. President, the pound sterling in recent times depreciated so greatly in the world market that it brought great concern to the British Government, and not only to the British Government,but to major countries throughout the world, and to such an extent that they had to go to the rescue of the British Government as far as the currency was concerned. So, the Government is not condemning the Motor Drivers' Indemnity Law as members of the community and others are doing.

In putting the motion forward for its withdrawal at this stage did not really require a detailed explanation, I think I was reasonable enough to give the sort of explanation one would require for the withdrawal of such a bill, I did so. Mr. President, I am sure that you can bear me out as the Member Responsible for this bill, and I am prepared to accept all the blame which comes from this Honourable House or from the public as far as it is concerned. But, the bill was considered by Executive Council and Executive Council decided to send it on to the Legislative Assembly for consideration, and at a later stage, Mr. President, I came back to you and to Executive Council to suggest that we might withdraw the bill, and I gave you the reason; the reason was because I had had representation from certain areas of the community about the bill, and while the bill was not being condemned out-right there were certain sections which were being queried and for this reason it was thought that the bill would be withdrawn until Government could reexamine the various recommendations and decide on a suitable date for its reintroduction. So, there is a difference between the introduction of a bill and the withdrawal of a bill; and I did not comment at any great length in the withdrawal because I didn't see that this was necessary.

A Member made much of it referring to it as a revenue bill, because certain clauses would become effective sometime in March, 1977. Well, this is not a revenue bill and I am sure that if the bill is read in detail that one would arrive at that decision, that it is definitely not a revenue bill. And I don't think, Mr. President, that it's any political manoeuvring in this, at least I am not standing for Election. The suggestion which was made by one Member that its withdrawal was,perhaps, to facilitate,one elected Member of Council who was opposed to the bill is not correct either, Mr. President. Regardless of what the views of Members of Executive Council may be, once Executive Council has made a decision, well, that is the decision of Executive Council,and Members are aware of the provisions of the Constitution as far as the responsibility of Members are concerned.

Another Member referred to the fact that what he was referring to when he requested Government to examine Motor Insurance was perhaps controlling of rates. And, much was made about the cost of Insurance in the days when the present Act was brought into effect, a policy cost six pounds or twelve dollars in those days, well, that could've been quite right;

HON. V.G. JOHNSON:(CONT'D): I think I remember some of the charges in those days. But, Members must remember that there are various categories of policies offered by insurance companies. The statutory provisions of the Law is the act policy; and I think one Member mentioned in a conversation not too long ago, he was bragging in fact what an act policy cost him, it was quite cheap, so there shouldn't be any problem in still purchasing fairly reasonable priced act policies.

Well, Mr. President, all the blame shouldn't be attached to Insurance Companies either, because I remembered two or three years ago when you drove in George Town or anywhere else every other car that you met was bashed in one way or another and it showed that people were driving carelessly and they had no regards for other drivers on the road, and this caused a lot of concern among the Motor Insurers and this is the reason why, perhaps a premium became out of control according to some people. But, this was not so, the thing is that Motor Insurers were then encouraging people to either go for the full third party which would cover much more than the act or to go comprehensive, which would be a fully covered policy; these were more expensive than the act. Careful drivers could perhaps continue to use the act, but Mr. President, the problem is that it's not the careful driver that the concern should be about, but it s the careless drivers on the road; and these are the people who we all have to be aware of.

To control rates would be somewhat of a great problem, because it means that Government would have to on a general policy consider the control of prices in other areas, and I am sure that Members recall recent debate on the question of price control and Members are aware of Government's decision /this. I think since recent times Motor Insurers have been very reasonable as far as their rates are concerned, the fact is, I think rates have stabilized in recent times, that is to say, the cost of insurance covers, the premium payments; perhaps one of the reason was because insurers were aware that this famous Motor Drivers' Indemnity Law was in the making. Well, I think it is still good to tell them that although it is withdrawn, it could be coming back.

Mr. President, as I have said the withdrawal of the bill should not really require all of this explanation, but I did so for the benefit of this Honourable House. I don't want people to believe that we are trying to hide anything or dodge anything in this House; I like to be open minded in everything that I do, and so I decided to do this bit of explanation and I hope it will satisfy Members. Thank you, Sir.

MR. PRESIDENT: The question is, that a bill entitled "the Motor Drivers' Indemnity Law" be withdrawn.

QUESTION PUT: AGREED. BILL WITHDRAWN.

MR. PRESIDENT: I shall suspend proceedings until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 12:50 P.M.

HOUSE RESUMED AT 2:40 P.M.

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

HON. V.G. JOHNSON: Mr. President, Honourable Members, I move that the report of the Select Committee comprising of the whole House appointed to consider the Message from the Governor regarding a petition against increased taxes be now laid on the table.

MR. PRESIDENT: So ordered.

HON. V.G. JOHNSON: Mr. President, Honourable Members, the Select Committee appointed by this Honourable House comprising all the Members of this House met on the 28th April, 1970 to consider the business matter before the committee. The Committee had one meeting, and Members expressed their views on the various items under the petition, and the Government's position

HON. V.G. JOHNSON: (CONT'D): was there, and again outlined especially the financial position as it was seen on that date. This was referring to category 'A' under the petition.

Mr. President, it was stated that at /printing time the revenues of Government had fallen below the estimated figure by approximately eleven percent. The areas affected were mainly Customs import duty and Hospital fees. Explanation was further given in details on the other sub-paragraph under "A" and the committee went on to deal with all the other categories. Before the end of the day it was thought that the committee had reached the stage where discussions could, perhaps, yield no benefit other than producing a negative recommendation, and the committee was then asked to do so, make its recommendations. However, Mr. President, there were Members in the minority who did not agree entirely with the general views expressed by majority Members, and they decided to present minority reports. There are two such statements attached to the main report of the committee, one of the statements is signed by three Members and the other statement is signed by one Member. However, the main report is signed by ten Members, including the Chairman. This is, therefore, the decision of the committee with the two statements attached.

Mr. President, dealing with category "A", in fact, Mr. President, the question or the subject of the petition was already debated at great length in the last meeting of this honourable House, and it was thereafter sent to this Select Committee; practically the same argument ensued in the committee. The recommendation of the committee, that is the majority recommendation, is set out in the report under the various categories. Under category "A" dealing with curtailing of Government expenditure, the recommendation was that since Government had already curtailed expenditure to the very essential projects; and since Government has stated that there is no further avenue that could be curtailed without perhaps the cessation of services, essential services such as roads, hospital, port facilities, the committee was of the opinion that it could make no recommendation for further curtailment of expenditure on any of the projects, and that is, projects which would normally be considered under the capital section of expenditure such as roads and port facilities, nor could it consider doing so under the recurrent section of expenditure affecting such things as medical services. I think, Mr. President, that this was the consensus of the committee as a whole.

Regarding the question of gratuity payable to contracted officers, the committee also recommended that Government could not take any further action beyond the action which was already taken not very long ago regarding gratuities to future contracted officers. It was pointed out that prior contracts carried a legal obligation and that rates operating at that time and until expiration of the current contract period would of necessity have to be maintained.

Regarding hospital fees, it was the recommendation of the committee that Section 7 of the Health Services (Fees) Regulations, 1976 give the Principal Secretary the authority to remit in whole or in part charges made at the hospital where it is shown that such charges would result in undue hardship to the patient. The present fees were fair for the sort of improvement on the improved medical facilities which were now being enjoyed by the public, which included not only hospitalisation but it included such things as drugs, dressings, treatment, X-rays, nursing and all the ancillary services. Furthermore it was pointed out at that time, Mr. President, that Hospital fees for the first quarter of the year was down 50% of the estimated collection for the first quarter of the year.

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There was a proposal by petitioners to cut rates. This was debated as to whether it was a general application to all rates or whether it applied to the increased portion of import duties on motor vehicles. However, the question of reducing rates was viewed by the committee as not being in the best interest, because the increase in rates which was introduced in early year was done in order to provide improved increased services to the public, and it was therefore for the benefit of the public that it was essential for Government to increase revenues as it did. There were expansion

HON. V.G. JOHNSON: (CONT'D): to be given consideration in various fields - social services, provision for new roads, improvement to existing roads, and it was difficult to undertake these various services unless revenue or additional revenue was forthcoming. I know that the argument was advanced as well, that because of the increase in the import duty on motor vehicles, this had in fact restricted the importation of motor vehicle at the beginning of the year. Well, it could have been the case in some instances, but, Mr. President, what has restricted importation and restricted spending, and restricted the circulation of money in the country is not really increased taxation, it's the recession which we had been experiencing from well over a year ago. It was, therefore, thought by the committee that it would be unsafe and unwise to cut taxes by fifty percent as was recommended or suggested by the petitioners.

In the case of the removal of preferential treatment under the Customs Law, I think there was a unanimous approval of the committee that this was not in the best interest. We had in fact to conform to certain requirements to qualify this Government in becoming an associated Member of the European Economic Community, and the removal of preferential treatment under the Customs Tariff was one of the obligations which this Government had to meet, and so all Members of the Committee agreed that it was not in the best interest of Government to interfere with the Amendment of the Customs Law to put that obligation into effect.

Under category "3", Mr. President, we dealt first of all with the Development and Planning Law and the Draft Development Plan. It was pointed out by the committee that the plan was a provision of the Development and Planning Law which required the Central Planning Authority to submit a Draft Development Plan for the approval of the Legislative Assembly. In the process all objections and representations in respect of the Draft Development Plan had to be considered by an Appeal Tribunal appointed under the Law. But, in due course the Appeal Tribunal's Report and the Draft Plan, and Comments by the Central Planning Authority would be submitted to the Legislative Assembly in which body is invested the power to approve or disapprove the plan. And, until the Assembly has had the opportunity of considering the document which included the Plan and the Tribunal's report it would be contrary to the provisions of the Development and Planning Law, 1971 to abandon the Draft Plan at this stage. The committee, therefore, recommended accordingly that the process of Law should have its course.

Regarding the other issue under category "3", dealing with swamp land or cliff, the committee recommended that any swamp land or cliff which have been adjudicated in favour of the Crown were so adjudicated in accordance with the provisions of the Land Adjudication Law, 1971. The Law itself contains provision enabling any person who is aggrieved by any act or decision of the Adjudicator to appeal to the Court against such decision, and this is the only procedure whereby such decision can be questioned. Any such land adjudicated in favour of the Crown becomes vested in the Governor in trust for the benefit of the people of the Cayman Islands in accordance with the Law; it was, therefore, not competent for the Committee to make any recommendations for the release of any such land to [illegible]. That was the recommendation of the committee.

Under category "4", we dealt with contracts and we dealt with the Constitution. The committee recommended or the committee concurred; I should say, with the Governor's advice, which had been upheld by the Foreign and Commonwealth Office, that if it was necessary for elected Members to be shown contracts when a matter required their approval concerning additional finance, and if the contents thereof were necessary in order for them to reach a reasonable decision, then the documents would be made available provided it was not the subject of discussion in the Legislative Assembly or at any other public meeting.

Mr. President, the statement made by three Members and attached to the report said that they disagreed with most of the findings in the majority report submitted by the committee, they said that consideration should have been given to a reduction in taxes as requested by the petitioners; they said that import duty on motor cars should have been reduced, they should/ have been reduced from the present thirty-three and a third precent to twenty-five percent; they said that taxes on Motor Vehicles

HON. V.G. JOHNSON:(CONT'D): could have been reduced as well. They also thought that Hospital fees could have been cut: they thought that the per diem rate for inpatients and the Ambulance fees were excessive, and could have been reduced. They also thought that the Development Plan and the Adjudication of swamp land in the Middle and Eastern Districts are items of grave concern, and should not have been tossed aside without a proper study. Of course, Mr. President, you will remember the recommendation of the majority report concerning these matters; they are strictly administered under the provisions of laws and the committee decided that it was not within their prerogative to deal with those matters.

The second statement made by one Member dealt with import duty on Motor Vehicles, and that Member too thought that it could be reduced from the present thirty-three and a third percent to twenty-five percent. Concerning the Development Plan and the Adjudication of swamp land in the Midland and Eastern Districts, the Member thought that these were also matters of great concern to the general public, and that these matters should have been more carefully studied, and should not have been dealt with so lightly by the committee. Concerning category "D", the Member said that Government contracts should be made available to the non-Government Legislators even if the contents are to be kept by them secret and confidential. These, Mr. President, are the recommendations made in the majority report and in the statements attached to the report by the Select Committee on the Message from the Governor, dealing with petitions against increase taxes.

The report I am sure has been - that in the detail of the report has been studied by Honourable Members, and therefore need no further comments by me. I would only move at this time that the recommendations of the majority report of the Select Committee be now adopted.

SECONDED BY HON D.V. WATLER.

MR. PRESIDENT: It has been moved under Standing Order 73 (1) that the report of the Select Committee on the Governor's Message delivered at the last meeting of the Assembly should be adopted. The motion is open for debate.

MISS ANNIE B. BODDEN: Mr. President and Members of this House, as a signer of one of the majority statements I am very sorry that it was never pointed out, that in my statement I said, the Development Plan and the Adjudication of swamp land in the Midland and Eastern Districts are matters of great concern to the general public. Most of the swamp land in the Duck Pond area are covered by proper documents which are twelve, and up to fifty and sixty years of age have been discarded as not being valid and the land has not been awarded to the claimants; this matter should have been carefully studied and it should not have been dealt with so lightly by the committee.

Mr. President, two weeks ago I was involved with some cases concerning land in this area and on two occasions there were claimants there who had proper documents which stated that they were bounded on the north by the sea. Those documents were proper documents, one was fifty years old and the other was sixty years, and it specifically said, bounded on the north by the sea. Now, I would say, Mr. President, they were no forgeries, they were proper documents; nevertheless the land was not awarded to the claimants, and I got a judgement only yesterday which said in one instance that a certain company which had done some development in this particular area, the root of which title stems from one of these sixty year old documents that having regard to the improvement which he had done, that the adjudicator did recommend to the registrar of lands that he recommend to the Administrator, which I presumed meant Governor, that he give this certain individual that land. Now, Mr. President, my submission is, if we are going by this Land Adjudication Bill, which I fought it to start off with, I didn't like some of the stipulations in it, but now that it has become Law I should submit humbly that the stipulations contained in that Law should be adhered to. Not because it's Miss Annie Bodden or some other person that it should be designated that I get or do not get my land, we should go by that Law.

MISS JANNIF H. DONDEN: (CONT'D): And, that law emphatically states in section 16 (1) I think it is, that the title will be absolute if the present owners or their predecessors in title have had possession of that land for twelve years. Now, these particular people had possession of this land which included part of the swamp for fifty and sixty years, nevertheless, they were deprived of the right to have that land.

Now, Mr. President, I personally do not own any swamp land except I have an acre and a half on the Barkers south side, I think it is which abutts the sea; and without any difficulty whatsoever I have had an absolute title to that. Whether it's black mangrove, red mangrove or pink mangrove I don't know the difference, but I know that mangrove trees grow next door to the sea and I have been given absolute title to that without any question whatsoever. The only expense it was to me was, the man that I bought it from he had thirteen acres, I bought two, I gave away a half of my two acres which left me with an acre and a half, and it cost me a hundred and fifty-one dollars to have it divided and surveyed, plus the six dollars I paid to have my title without any questions whatsoever.

Now, Mr. President, I feel in all fairness to all concerned that when it came to the midland and eastern districts that there should not have been any directions from the Executive Council that would change this custom. Now, why I am saying this is because I was told in an adjudication court that I - I'm not saying who said this, but it was a Government official, - I have had directions from the Executive Council that the Customs which prevailed in George Town and West Bay is not the custom in this section of eastern and midland areas. Now, I say, Mr. President, regardless of who said that, that is not the truth, this custom has prevailed Island wide. I have in my office ancient documents, some belong to people at East End which definitely says, one half of the swamp, one half of the buttonwood, one half of the cliff is mine. I am sixty-eight years of age, everybody must know that now I am sure, and for the last fifty-two years I have had dealings with land, and I can safely say that that has been the universal custom in Grand Cayman. Now, I don't know anything about Cayman Brac but in Grand Cayman whenever there was swamp land, cliff land or buttonwood it was divided equally between the adjoining land owners; the Government accepted that and that has been the custom. I know definitely well that the Government has never to my knowledge claimed any swamp land abutting the sea; and if we are going by this law I cannot for the life of me see where it says, that if you own the salt water you have to get half of the swamp.

Now, I am saying, Mr. President, I feel that, I don't know who is to do the job, ... when a person or persons have proper documents exceeding that twelve years, and when it goes to fifty and sixty there should be no question as to their land whether it's swamp, dry land, cliff, buttonwood or be it what it may, I feel that people with proper documents should have their land awarded to them; and this particular case which I'm quoting, this judgement says; (I should have brought it but I had to leave it to get copies for my claimants) that there is to be a recommendation to the Administrator to give this land to this particular individual. Now, if there can be a recommendation in one instance, well, my submission is, that that person is no more entitled to own that land than the others. I can't see why one person should get something and others get nothing. Now, everybody knows I have said, I have opposed land bill, it cost me a lot of money to stand up by my conviction, but I've more or less taken in every move I make, so that doesn't matter too much, but I am going to stand for what I believe is right. And, I feel, Mr. President, that any land that belongs to the Crown, call it the people, call it anything you want, they should have it. I have gotten involved in a lot of trouble, I'm not going to get some votes in this coming Election if God spares my life because I stood up for the Government, and anytime Government is right or even my worse enemy I will not lie, I am going to tell the truth because I'm trying to get my soul ready for the pearly gates and I know liars can't get there, nor land thieves.

So, Mr. President, I don't know what steps we are about to take, but I feel, Sir, that we should deal very carefully with this matter. It is not something to play with, because some of these people are

MISS ANNIE H. BODDEN:(CONT'D): very hard boiled and hurt, and I feel that if any person can produce a proper title to their land in accordance with this Land Law, that there should be no questions as to them having the land. Now, I cannot recommend anybody to go to the Grand Court on any appeal because I have gone before two or three Judges and they laugh, what is this stupid Law it doesn't explain what is meant by customs and so on; well, they might be trying to evade the issue too, I don't know. I have gone before two Judges and I must say, I got absolutely no satisfaction. I had a case a couple of weeks ago where the adjudicator in an area in West Bay division some land, my clients accepted the division although they lost about five feet of land, but the other side said, no, we're not accepting it; we went to the Grand Court on an appeal and it was stated that because evidence was not taken at this trial that they did not know exactly what to do with the judgement. The result of that was, that I now have to enter in this coming Grand Court a case for trespass on this land, and I don't know how far I'm going to get with it, because according to this Land Adjudication Bill we must follow that procedure. I don't know, the Judge may say, "Well, the Adjudication Tribunal has dealt with it, what am I to do", and it's most unsatisfactory in a lot of instances. But we have to live with this Law, but I must say, Sir, that I feel that some people have not got what I consider to be their lawful right.

Now, I am sure that I have won more cases in this Land Tribunal Court than most people, very unfortunately most of it was for nothing, it didn't benefit me financially but it gave me great joy that I could help people who I felt couldn't help themselves. And, Mr. President, I do not know what steps we're going to take, but I feel that Government should give this matter a very serious consideration. I cannot understand why any customs should have been changed when it came to the midland and eastern districts, and that was the information that was publicly stated in the last Tribunal that I went to that that is why we are pressing to get this land for the Government. Now, I don't know what the Government is going to do with this swamp land, it beats my time, because all those many years the Government has not laid claim to most of the land. In certain instances in my humble way I made the Government aware of certain lands which I know they owned, and I think they have recovered some of it. But, I feel, Mr. President, when land belong to an individual that they should not be deprived of their rights.

Another thing that I am against in this same Duck Pond area I think you call it, is that there is a development there now that is worth I suppose millions of dollars, and some of my clients who own land right adjoining that area line and line .....

HON. W.W. CONOLLY: Mr. President, on a point of order, I would like to refer the Member to the rules of debate when she named the area of Duck Pond. "A Member while speaking on the question may not refer to any matter on which a judicial decision is pending in such a way as may prejudice the interest of the party thereto". Decisions have just been handed down in this by the Tribunal, no one knows whether there will be appeals or not, and as far as I'm concerned I think today for us to debate a judicial decision which has not been finalised would and could prejudice some party in the very near future.

MR. JAMES M. BODDEN: Mr. President, on a further point of order, to remind the Member. I don't think he has a valid reason for a point of order as these cases have been dealt with by the Land Tribunal, it has been dealt with again on appeal and the only appeals now would be going to the Supreme Court in Jamaica and to the Privy Council in England, and I'm sure that what we discuss on this here is not going to sway the minds of the judicial bunch at the Supreme Court although there're here on the Island at the present time; and besides this we are dealing with something that very much affects the economy and the well being of this Island. I think the Member should remember that before he rises on a point of order.

MR. PRESIDENT: The matter is a question of fact, if it is the case that there are cases which are lying between the Criminal and the Courts, then I think that the point of order is well taken.

HON. W.W. CONOLLY: And, I may tell the Member that those cases have not gone to the Grand Court, they have been petitioned and their decisions that the Honourable Member is speaking of is decisions by the Tribunal, there yet could be appeals to the Grand Court in this Island.

MR. PRESIDENT: I think the Honourable Member can make her points without specifically encroaching on particular cases. For the records I think the Honourable Member should state that she's definitely opposing the motion, because otherwise under Standing Order 16 these reports are adopted without debate unless they are formally opposed.

MISS ANNIE H. BODDEN: Mr. President, I will understand why the Fourth Elected Member is so much against me speaking the truth - (shut up for a minute, will you) - Mr. President, I am instructed; well, I say the middle district, that is where all of this trouble is. Well, in George Town and West Bay there has not been this discretion, some of the cases have gone to the Grand Court here and I have been informed, we don't know what decision to give you, we don't know because the Law is so stupid. I heard one Judge he is not in the Island now said, "this thing you call a Law", and somebody in the court said, "speak to Miss Annie about it she was the one that passed it". I said, "No, I was one that opposed it". Well, I will not deal with any specifical area, but I dare say that this thing here is going to cause a lot of trouble. Because, Mr. President, we must realise that from time History dawned the thing you call land, we call it, they call it territory has cause warsand rumours of wars. As was said here some time ago when the children of Israel they first - Abraham he lived in Mesopotamia, he was called to go to this promised land, they went back and they were sent again to possess this land, now, did they possess it, did they walk in and say, you Jericho crowd you get out we want this land, no, they had to fight to get it, although it was their's originally. And, this thing you call land has brought all the wars in the world, the first world war was on the question of somewhere, the second world war, I recall that quite good, it was in the question of Poland and it took the whole world to beat Hitler and the Germans say that the Americans beat them with material and they'll beat every other human being on earth. What was the reason? Land well, in the spirit of every Caymanian land is something very dear to them.

I am not fighting this thing on my behalf, because I've not nine pieces of land and its only the pieces in West Bay to which I have absolute title is anywhere near or close to a swamp. But, I'm not here to fight for myself, because when Annie Bodden is dead she is dead; I haven't got no children, grand children, great grand children to fight over anything that I have, I have made out my will, including my nine pieces of land, I never gave a soul one piece; it is to be sold to take care of mine, my mother and sister's graves, so nobody won't get to fight over my land. But, I feel that as a representative of the people that the people's rights should be protected; and I'll state that and that will be my there as long as I am privilaged to be a Member of this House. I have fought for the Government, I went to West Bay and I was there three days, I returned, I was abused I must say, because I stood up for the Government because the Government was right; and anytime that the Government in right cost it what it may I am going to defend them, but I cannot defend anybody including my mother and sister who are unfortunately not with me if they are wrong. And, I feel, Mr. President, this thing has been made an issue of and we cannot lightly deal with it, we must go into whys and wherefores and at least try to compromise and do something for the people.

Now, I'm not stirring up any trouble because I am one Law abiding citizen. I don't even visit people, I have no dealings with people, I do not attend at the Hotels drinking rum and dancing and whatever they may be doing, I keep to myself. Because, I know I am a lone woman. I have no back bone before or behind and there are people in this Assembly

MISS ANNIE A. BODDEN:(CONT'D): I am very sure that would give their heart out to see me hurt like I was hurt sixteen years ago; but that cannot happen, because thank God today I can take care of Annie Bodden; then I was sick without a penny and without a friend, now thank God, praise his Holy name He raised me up and I defy any woman in the Cayman Islands to have any stronger spirit for justice than I have. And, I intend to fight the cause of the people for justice, money don't matter to me; I go in the Court House, I have been there enough times from January until May to have four or five thousand dollars out in the bank if I were charging fifty dollars an hour - what the so called white lawyers charge. Well, I have pawpaw skin but I don't charge no fifty dollars an hour, I go there and I work and I hardly get a penny. I go to Bodden Town, pay my own transportation back and forth for justice not money, And I feel each and every one of us here who represents the people should put their utmost to see that the people are well served.

Now, I heartily recommend, Sir, that regardless of these Standing Orders or sitting down orders or any other kind of orders that justice be administered to people who have owned land whether it be swamp, buttonwood, cliff, white mangroves, red mangroves, pink mangroves, that they be given justice and their land be awarded to them. Now, not everybody can afford to go to the Jamaica Court of Appeal, they can't even afford to go to this Grand Court unless people like myself go there for nothing, they can't afford it. And, as for the Jamaica Court of Appeal, I don't see how they can make it, and the Privy Council only the Government can take cases to the Privy Council unless it's like the Honourable man sitting behind me or some of these big firms; an ordinary person can't go there, and I feel it is incumbent on us as Legislators to do everything that we can to protect those who cannot protect themselves. Thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, at the end of my short speech I intend to ask that although this is a majority report that it be rejected, but I will phrase that when the time comes. The last speaker, Mr. President, although she might have got out of order a little bit she spoke like a true Buddun.

HON. W.W. CONOLLY: Mr. President, on a point, the Member said that he was going to raise to reject it, is that a formal motion? Because, I think if we are going correctly there has to be a rejection of it and that has to be seconded, and then a debate if that so ensues even though the Lady Member went on explaining something, I'm not too sure where we are in this report, Sir.

MR. PRESIDENT: Well, the position is, that the Honourable Mover of the motion moved that the report be adopted. I take that the Lady Member spoke in opposition to the report, which allows a debate under Standing Order 16, and the last speaker without formally moving a rejection of the report if he votes against it or opposes it, this is the same effect as a formal motion for rejection.

HON. V.G. JOHNSON: Mr. President, actually the procedure here was merely to lay the report on the table to make brief comments on the report and then to move for the adoption of the report. If there is objection to the adoption of the report then a debate would ensue on the objection to the adoption, but otherwise there would be no debate on the motion.

MR. PRESIDENT: That is correct under Standing Orders, but I took it that the Lady Member did not seem to be supporting it when she spoke.

MISS ANNIE H. BODDEN: Mr. President, I am not supporting it.

MR. JAMES M. BODDEN: Mr. President, I am not a parliamentarian but I think under Standing Order 16 is more or less where this report was brought from, and you could have precluded debate on it as Standing Order 16 does

MR. JAMES M. BODDEN:(CONT'D): have the word "may" in it. But, the lady Member from George Town having placed a minority report did speak on that minority report. As the signer of one of the other minority reports I will speak on that,and under Section 23 I think I am entitled to move a motion of rejection.

MR. PRESIDENT: That is in order, but the vote of course will be taken on the first motion. If that is accepted then the Honourable Member's second amendment would fall away.

MR. JAMES M. BODDEN: Yes, Sir, I only wanted to state my position at the beginning, and I did say that I would formally move the motion for rejection at the end of my speech explaining why I had talked along with my other colleagues here a minority report.

Mr. President, I was honoured to be one of the Members of this committee and I speak in opposition to it because I have never seen any motion in a special committee that was dealt with so expeditiously as this one was, and yet this was a motion and in my humble opinion was of a paramount importance to the well being of the inhabitants of this country. What happened is plain to be seen, the people's wishes for once more ignored, I do not condone violence, I do not condone demonstrations, but the people's voices must be heard by some method; and when the many people that spoke out against these items sent one in the mailer it means that you do have a large majority of your people that are dissatisfied, and we have seen here this morning what power or apparent power that just a small segment of the community has and could apparently convince Government that they should make a hundred and eighty degree turn; this happened in the House this morning. But, unfortunately the motion that we are dealing with did not have a similar type of acceptance. We have to be very very careful, Mr. President, the tranquility of this island is being disturbed and it is being disturbed because people in exalted positions are taking stands that are somewhat contrary to the overall good of the country, this is my humble opinion on it, I don't know how many people share that similar view, but, I am sure that we would not be debating this motion before the House today if certain actions had not been taken arbitrarily by the Executive Council of this House. We must realize that only for so long can we play on the inherent rights of the people in this country and think that power can over-rule rights; this has been happening Mr. President, and I think it is time that it stop.

The petition dealt with Health Services, we do not have anything in the country more important than the Health Service. Ever since my colleague and myself were honoured to be in this House we have fought for improved medical facilities. I am very proud to see the type of facilities that we have today, but again I think our people deserved them. I would hasten to add that I have never been completely in favour of the location of the present medical facilities, but that's another argument, but we do have good medical facilities now, and it is true someone has to pay for them. But, I think that we could find a way that would be a little bit more fair than some of the indignities that the people can be subjected to who have to use the Hospital under the present system. This present system, Mr. President, come about, because again, of what I consider a laxity in our laws. We make a Law in this House, we then give Executive Council the power to make any type of regulations that they see fit and present them to the public, this is a skeleton type of legislation which I have spoken against on many occasions; a lot of these problems that we're facing today, we would not be facing if we did not have this type of skeleton legislation. But, the Executive Council in all its wisdom makes these regulations and the House As a whole has nothing to do with it, we don't know anything about it until we see the notice come out,fortunately now,in the Gazette.

What has happen ,Mr. President, is that fees were set that the people felt, were unfair; on whose recommendation were these fees set? None of us is privileged to know, yet the people are saddled with them,it's nothing they can do about it. I know it costs money to run the Hospital but we could subsidize the hospital a little bit more may be if we were to make the right decision in other areas. We fought for even one small

MR. JAMES M. DODDEN: (CONT'D) - reduction to make the people believe that may be they had accomplished something, and that was a small reduction in the Ambulance fees which might have meant that if it had been reduced the Government revenue would have suffered probably four or five hundred dollars a year decreased, that's putting it high, and not even that would the benaficent fathers agree to give us, not even that, Sir. The people were completely forgotten, nothing was done on their behalf. Again, certain items the taxes on them were increased tremendously the first part of this year, the people asked for a fifty percent reduction not in the overall tax but in fifty percent reduction in the new taxes that had gone into effect, again, their wishes were not heard.

Mr. President, the following portion of the motion that I'm going to speak on, I would like to declare myself as having a vested interest. I own property in the midland area of this Island, whether I own this land or whether I did not I would still fight for what I believe is right. I have lost all of my appeals so far, but I intend to go to the Supreme Court and if I have to sell the shoes off my feet if they are worth anything I will take it to the Privy Council. I will not be satisfied until Government is proven wrong, because I feel in the majority of people in this Island today if a poll was taken would feel that Government has infringed upon the rights of the people. The Planning Law, it should have been called probably the disaster Plan as some people have called it, we are faced with that, what has not been accomplished by one Law has been accomplished by another, you either lose it by force or with being taken away from you or the value is declared nil. This is more serious than any of us consider, because it's only in countries that have no regards for the well being of its citizens that you find the Government expropriates and takes away property without any compensation, and this is what is happening. I would ask at this time why the Planning Law or the Development Plan, rather not come back to this House, we have had enough time to survey this. I know we will be accused of asking for it again as we were accused and said that that was the reason why it was lost in the first place because we asked under the Law that it be brought here. I understand that the report has been in the hands of the Planning Department for a long time, I am of the humble opinion that before that plan is even submitted to the Legislative Assembly of this island that we the Legislative Assembly should have some voice in its preparation, otherwise we are going to spend a lot of money in printing something that might be completely useless. But it is no use to ask for that, because we will again be told it is none of your business, this is what has happened.

Mr. President, would any of our people wonder why the people feel that their rights have been taken away from them. When we consider that we set up a Tribunal, this Tribunal as I understood it was supposed to be set up to try to safeguard the rights of the people, try to make the people believe that they were getting their just rights, but instead of that happening we received a high paid planning consultant attorney who the people of this country paid for to come here and subject them to the rigours of a Court room trial if they made or even voiced an opinion as being against any section of the plan. This was wrong, I do not know who was responsible for this, but it should never have happened, it's an expense that this Government should have never incurred, it's an injustice to the people of this country should never have suffered.

Mr. President, in regards to the swamp land issue the people do have a reason to complain, we have not been asking, this is how the other side of the House have said it, that we are asking that the Law be changed to suit the midland section of the Island to our wishes, this is very far from the truth, we have never asked for that and the handsards will bear it out. What we have asked for is that the people in the midland section who own land in that area be accorded the same type of justice that has been accorded to the land owners in the other areas of the Island. We have asked that whatever the ruling was in regards to Barkers, South Sound, the peninsular between West Bay and George Town, that the same basis on which the rulings were made there be made on the midland section of the island. But, unfortunately, Mr. President, there has been an arbitrary ruling on it and that

MR. JAMES M. BODDEN: (CONT'D) ruling has come about because of the Member responsible for Lands and Tourism and his staff working in conjunction with the Cadastral Survey team who issued different directives and dealt with this in a different manner when it came before the Land Tribunal. Another point, Mr. President, is the Adjudicator appears to have been specially brought in to handle the midland section; these people have tampered with the rights of the people, and one of these days they will answer for the injustices they have brought.

Mr. President, in this area titles going as high as sixty years have been discarded - rejected. We have always been taught that sixty years title even gave you possession against a claim by the Crown, where has that gone to, what has happen to it? You tell us that is right for the people, yet on the other hand the similar title that are proven as good titles and are sixty years or more in giving the definition of the boundaries and the ownership of the land has been rejected just because of an arbitrary ruling by people who should have been looking out for the good of the people rather than trying to do what has been done. Different instructions were given, Mr. President, and I feel it is time that those instructions be countermanded because it appears that there is no chance of anyone legally winning it, due to the fact the way the Law was originally worded.

Mr. President, I know the Member on the other side of the House is going to be anxious to rebut me, and he's going to say that Government has had a vested right for years in this land and he's probably even going to show us the little black book. But, Mr. President, I still contend that if Government had any rights to these lands they forfeited them over the period of many years; they knew land in that area was being sold, they were parties to the sale when they accepted the stamp tax, they cannot say that they didn't know where the area was because in most cases it was surveys attached to the documents. Yet all of these years, hundreds of years the people have believed that they owned these lands, and all of a sudden Government owns them. What has happened, what has happened to just awaken the Government at this time? If I owned something it looks like I would put claim to it. I would not wait for three hundred years to claim something, and by waiting three hundred years if they did have a right to it they forfeited that right by not laying claim before. Further than that, Mr. President, if we deal with common law as it has been interpreted in these Islands, and as it was intended to be in that Law, it said that owners of dry land owning the sea bed is not dry land; just because Government has riparian rights around the coast of this island I cannot see how they can take that to extend their claim inland, in some cases may be a mile. If that was true, why did they not use it in Barkers, why did they not use it in South Sound, why did they not use it on the peninsula between George Town and West Bay? You have the same waters, you have the same type of vegetation, you have the same type of soil; then you will tell me that you have given us our just rights. You know one of the greatest countries in the world sta from a tea party.

Further than that, Mr. President, under that Law it is stated that twelve years gives an absolute title, twelve years was accepted as being sufficient to give a man ownership. I will agree, and I said this from the beginning when the Law first came out that the weakness in the Law was that possession was not defined, although possession was partly defined by saying that a man who owned dry land also owned the cliff or the swamp. But, who has made this arbitrary decision? This arbitrary decision is made like the arbitrary decision to remove from debate the Motor Vehicles Law that we never know anything about it. I am wondering who is standing in line at the present time waiting for the midland areas to be completed as far as the Cadastral Survey is concerned, and the Government to have absolute title to the swamp lands and then try to make a deal? That is what is going to happen, you're going to tell us it's for the people's good; what are the people really going to share in; pottage, this is what we have shared in before. I might as well make myself plain, I stand behind the people on this issue one thousand percent and if I have to speak out throughout the Islands on it I will do so as I have done before when this Law came on the status books; whether that is done as a politician or a private citizen remain to be seen. But, I

MR. JAMES M. BOURGEOIS (CONT'D): cannot stand idly by when I know that the rights of my people are being infringed upon, and this is what is happening.

Mr. President, I could speak on this subject 'til Christmas but I'm going to drop it at this point. I am going to touch on the people's right in asking that the contracts which this Government enters into be tabled in this House. My colleagues on the right here and myself have been fighting this issue for nearly four years and we are continually told, you must vote the money for these contracts but you have no rights to see them. I contend that anything this Government does I have a right to know about it, because whether you like it or not, until November I'm still a Member of this House and I was elected here by the people, and the people put me here to see about their rights and as long as God gives me the breath of life I'm going to stand for that. And, I will never give up my right until I see those contracts tabled over there. whether I go up and look at them will remain to be seen, but that is the right place for them; this is the Government of this country, this building, and the twelve legislative Members who are elected in here and we have a right to see them. And, that is why my people are asking for it and I am going to continue to tell them to ask for it, and by their support I'm going to ask for it, I don't care what London says about it, I feel it's our just rights to see these contracts. If we had seen some of the contracts that this Government has entered into I am quite confident that we could have saved this Government some money.

I do not believe that the eight Members who sit on this side of the House just has marbles that rattles around in a nutshell, I believe we can contribute something. And, I will say that this country has lo a lot of money through the contracts not being scrutinized correctly. We have had an open admission in this Chamber that a contract was entered into, a large amount of money was paid, and the man took the C.A.L. plans or the Southern plans and left this country; he probably even had a complimentary ticket. Further than that it has been brought out in this House that through somebody's laxity the Administration Building cost us a huge sum of money in addition to the contract price, because the wages that were quoted into it were wages that existed ten years before the contract was drawn and nobody caught it, and it cost this Government approximately a hundred and forty thousand dollars. That is the money that could have gone to help subsidise the Hospital to decrease the rates, it would have been much better spent there: and I could go on and on and on and name these contracts but I prefer not to do it at this time. I prefer to see on another motion coming what is going to be Government's approach to it before I debate that point any further.

We need revenue, and we have legislated an increase in taxation to try to get that revenue, but just because we have done that we find out that the imports to this country / not what they use to be. I know some Members will hasten to say that's because of the recession, and I agree with it to an extent, but I will also add that the man who would have bought a car before is driving his older car for another year rather than to have to face the problem of finding that thirty-three and one third percent Customs Duty to get another one. That is why according to statistics, and I hate to quote statistics unless my colleague or myself prepare them. but I have to quote statistics from another source where it says, that Customs Duty in 1974 was off twenty-three percent; now whether that's accurate, I don't know. In 1975 it was down about seventy-five percent over 1974; 1976 off by thirty percent for the first half year over 1975; now much longer can we continue at this rate? I don't know, may be somebody can give me the answer to it; but if we continue at that rate we're rightly going to need the hand taxes. So, has been proven that just because you can put on taxation it doesn't mean you're going to get additional money, it is just like those of us who are in business and operate grocery stores. It doesn't mean that if we increase our prices to try to make a profit by adding ten percent more that we're going to make any more money, because what is going to mean is our sales are going to be reduced and our profit is going to drop instead of increase, but, people in exalted positions think otherwise.

We come to the final part of the motion, Mr. President, and I will deal with that expeditiously so my friend on the other side will have time to come back before we close this evening. And, I will

MR. JAMES M. BODDEN: (CONT'D): deal with the gratuity system, I admit that we are a country that suffered tremendously because our people were not educated and qualified to fill the positions that have become available due to the rapid economic rise in our country, and we have to lure them here somehow, and if it has to be the gratuity system it will then have to be the gratuity system, and once Government has committed itself I don't feel they break that contract no more than they should break the contract to build the dock. But, what I am going to ask is this, that that gratuity system be treated fairly and any Caymanian who has the qualifications and wish to enter into a contract with this Government under the gratuity system rather than the pension system that that Caymanian be given that right. And, I hope that there is no one that comes to me and complains that they have been denied that right, because I will be in there to speak about it and the next time I might speak a little harder.

So, Mr. President, I have come to my winding up on this discussion and I am making a motion that although we have a majority report before this House, that this majority report be rejected by the Members of this House, and that a new committee be established to go back and try to figure out a more suitable reply to the people of this country than what has been given in the majority report. Thank you.

MR. PRESIDENT: I better explain how Standing Orders affect this; my attention has been now directed to Standing Order 34 (h) with one motion before the House, which is that the report be adopted. We can't debate two motions so the Honourable Member would have to move an amendment to the existing motion, and an amendment may not be substantially a direct negative of the original proposition. So, I think it is quite in order for him to oppose the motion and vote against it, but it isn't in order to put a counter motion as it were until the motion has been disposed of. We can't debate two motions.

MR. JAMES M. BODDEN: Mr. President, I could ask that this be sent back to a committee, and that would be modifying my stand, but instead of that I will withdraw the motion.

MR. G. HAIG BODDEN: Mr. President, I was hoping that I would be able to second the motion for rejection of the majority report. However, it seems that I will have to satisfy myself with merely making a few remarks about that report. I for the life of me have not been able to see how the committee could arrive at such a report in view of the statistics given to that committee by the Financial Secretary when he chaired that committee. One of the main points in that petition was asking for a reduction in import duties on certain items, in particular motor vehicles. The Financial Secretary told the committee that Customs duty for the first quarter of 1970 was down by two hundred thousand dollars. In fact he indicated today that there was a short fall in revenue of something like eleven percent for that period ..the fact that Customs duty was down by two hundred thousand dollars is a clear indication that increasing Customs duty is not the answer to getting additional revenue.

In the last sitting when we debated this petition, and in a previous sitting when we increased the taxes on motor vehicles I predicted that the increased taxation would result in a reduction of importation, and as a result we would have a short fall in revenue, and that has come to pass according to the figures supplied to the committee. This should have served to show the committee that they should look into this particular item. In fact I think some Member suggested in the committee that duties could have been reduced to twenty-five percent. Had the committee made such a recommendation to the House in this report undoubtedly, in a short time we would be considering a Bill for this reduction, but despite all the statistics, despite all the business reports, nothing has been done and I can't see how the committee could arrive at the findings that have been put into this report. But, other statistics were given to that committee by the Financial Secretary, statistics which the committee did not take into consideration, for had they been taken into consideration the committe would have had

MR. G. HAIG BODDEN: (CONT'D): to arrive at a different finding. The Financial Secretary, who was the Chairman of that committee told the committee/the first quarter in-take from motor vehicle taxes was only twenty-five precent of the estimates for the year; this twenty-five percent was measured against a much higher in-take in other years. Of course, it is true that during this year 1976 the collection of motor vehicle taxes will be staggered throughout the year. In the first quarter of this year we have collected the taxes on private cars and the taxes on taxis and trucks will not be collected until June; this staggering of the inspection of vehicles is made possible under the Motor Vehicle Law which we recently passed, and it has been done to help the Police Department in the examination of these vehicles so that our motor vehicle taxes are now collected twice yearly rather than once yearly. But, the fact still remains that in the first quarter of each half year, that is in the month of January and the month of July, we should have a far larger amount of revenue from this source. In other words, if the economy is functioning properly we should find that the taxes collected during the months of January to March and the months of July to September should be far higher than the taxes collected in the months of April to June and October to December. To put it in other words, during the first quarter of this year despite the staggering of the inspections we should have collected more than twenty-five percent of the estimates.

Now, remember this is despite the fact that the taxes were increased on an overall basis of one hundred percent, so this positively shows that the increased taxation on motor vehicles did not bring the expected revenue, and the only reason for that could be is that during that first quarter we did not have the anticipated growth in importation of motor vehicles, due primarily to the increased cost brought about by the excessive import duties as well as the excessive motor vehicle taxes. So, here again the committee did not take into consideration the statistics that were presented by the Financial Secretary or they would not have arrive at a conclusion that they could do nothing about reducing the import duties and the taxes. But, as if that was not enough, the committee did not consider the third statistic which was given to that committee by the Financial Secretary.

The Financial Secretary told the committee that the Hospital fees or the revenue from the hospital fees was down by fifty percent for the first quarter. This vital statistic was ignored by the committee because we have what is supposed to be a much improved medical facility, we have increased the hospital fees by astronomical percentages, yet the Financial Secretary tells us that the revenue from hospital fees is down by fifty percent. Now, if the committee did not want to seriously consider such a statistic but had even taken the time to reflect upon it for one millionth of a second they would have found that the facility is there and the facility is good but people can't afford to use it, because that is the only conclusion that one can draw when one is told by the Financial Secretary that the hospital fees for the first quarter of the year is down by fifty percent, when we know full well that the hospital fees - the rates have all been increased, charges are up on everything. So, it simply means that the facility is there but it is priced beyond the ability of the people to use it.

In the matter of the Hospital fees, attempts were made in the committee to reduce the daily rate from twenty-five dollars to fifteen dollars. I need not tell this Assembly that that suggestion was laughed out of the window. We have an ambulance fee which is priced far above any per mile or per job rate for any type of vehicle. How can the public be expected to use the facilities at the hospital when they are unable to pay for them? It is true that the committee points out that if one endures too many hardships the Principal Secretary has the authority to remit in whole or in part charges made at the hospital. The point is that only those in dire need of medical services will attend at the hospital, and this could have/ill-effect on the health of this country; people staying away from the

MR. G. HAIG BODDEN: (CONT'D): hospital either because they are unable to pay or because they do not want to be treated as paupers. And despite the fact that the increased hospital fees have not brought the revenue that had been estimated, the committee felt it had no reason to reduce these rates. So, we had a committee that was hard-headed in its ways, a committee that met but may not have met for all purposes of this petition. The committee did not examine as closely as it could, it did not take everything into consideration, and as a result arrived at the decision which has been reported by the Financial Secretary that it found itself unable to recommend any changes in the Regulations and the Laws that had been the subject of the petition.

Two other areas of the report have been pretty well covered by the two Bodden Members I would like to call them; and when a point is covered by a Member with such a title it is hardly necessary to add anymore to it. But, these two Areas are of such great concern that they must be mentioned by me, I am, of course, referring to the Development Plan and the Adjudication of the swamp lands in the middle and eastern districts. The final words of the committee on the swamp lands are these:- "And, it is not therefore competent for the committee to make any recommendations for the release of any such Land to anyone". That is perhaps the most ridiculous statement that any committee could arrive at, how could the committee feel that it was not competent to make any recommendations? When the committee was duly established in this Assembly and given authority to deal with this matter, how could the committee say, that it is therefore not competent to make recommendations? Remember the committee was not going to change anything in the Adjudication process; this Assembly full well knew when it appointed that committee that the process of Land Adjudication was going on, they fully well knew that Lands had been taken, that petitions had been presented to the Tribunal, that appeals had gone to the Grand Court, they full well knew that the process of the Law was in motion. This Assembly knew that when it appointed this committee to deal with this matter, so how can the committee sweep this matter under the carpet by saying that the committee was not competent to deal with the matter of the adjudication?

In the matter of the Development Plan we have the committee shrugging its responsibility with similar words. Listen to the final sentence. "Until the Assembly has had the opportunity of considering the Tribunal's report it would be contrary to the provisions of the Law to abandon the Draft Plan at this stage". Can you imagine a committee set up by Parliament given the power to go into a matter and talking nonsense about being contrary to the provisions of the Law. What sort of rubbish this? The committee was not asked to abandon the Plan, the work of the committee was simply to consider the Plan and make certain recommendations, so how can the committee get out of the work for which it was appointed by saying, it would be contrary to the provisions of the law to abandon the Plan. Under Category "B" the committee failed to do the work for which it was appointed, it failed to exercise the privileges which had been bestowed upon the committee by this Assembly. So, this Assembly today finds itself in the same position it was in when it sent out a committee or set up a committee to work on these matters, because the committee has come back and said, "we buried our talent because we know you want a hard master". And, I will have to vote against the adoption of this report, because I feel that the committee failed in responding to the wishes of the Assembly, I think the committee failed in its duty to this Assembly, I feel that the committee failed in its responsibilities as a responsible body in dealing with a matter that had been referred to it by this Assembly.

Like the first Member from Bodden Town, I could talk till Christmas on this subject, but I just want to make one final comment on the Development Plan. It was brought out in this sitting that under the Animals Law new phraseology has been introduced into our vocabulary, because we read in a certain section of that Law about protected areas, wording that has come word for word from the Development Plan. And, here again this Assembly was so prepared to adopt this phrase of protected area or protected areas that we didn't deem it necessary to have an interpretation in the Law to say what is "protected areas". So, we have as an Assembly have made up our mind to

MR. G. REID BODDEN: (CONT'D): adopt the Development Plan with all its failings, with all its foreign terminologies for our own use. So, I am not surprised that a committee of this Assembly found itself incapable or unwilling to deal with the Development Plan. Because, we have made it a child of our adoption, we have taken its language and written it into our Laws long before it has been finalized, and I am not surprised a bit to read the report which came from that committee.

MR. PRESIDENT: I'm in Members' hands, so we can either carry on and dispose of this tonight or if Members wish to leave we can take the motion for the adjournment.

HON. W.W. CONOLLY: Mr. President, I would like to go on a little more, Sir, if I may.

HON. A.B. BIGH: He wants to talk til Christmas anyhow Sir, so I think we shouldn't adjourn and leave him 'til Christmas to talk, Sir.

MR. G. REID BODDEN: Mr. President, I have to leave because of a prior appointment, but I would hope the House would carry on because my vote won't matter.

HON. W.W. CONOLLY: Well, if you have to leave, Mr. President, I think we should adjourn them. (MEMBERS LAUGHTER)

ADJOURNMENT

MOVED BY HON. W.W. CONOLLY

SECONDED BY MR. JAMES M. BODDEN

QUESTION PUT: AGREED, AT 5:07 P.M. THE HOUSE ADJOURNED UNTIL FRIDAY MORNING THE 23rd JUNE, 1978 AT 10 O'Clock.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 25th June, 1976

(SEVENTH DAY)

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL,CBE. - PRESIDING

GOVERNMENT MEMBERS

HON.D.V.WATLER, CBE., JP	FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS
HON. G. E. WADDINGTON	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON. S. E. HUGH,J.P.	MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. T. FOSTER	MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION.
HON. W.W. CONOLLY, OBE., JP.	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES, MACO.

MR. JOHN D. JEFFERSON	ELECTORAL DISTRICT OF WEST END
MISS ANNIE B. BODDEN	ELECTORAL DISTRICT OF GEORGE TOWN
MR. CLAUDE HILL	ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	ELECTORAL DISTRICT OF LESSER ISLANDS
MR. JAMES M.BODDEN	ELECTORAL DISTRICT OF BODDEN TOWN
MR. G. HAIG BODDEN	ELECTORAL DISTRICT OF BODDEN TOWN
MR.CRADDOCK EBANKS	ELECTORAL DISTRICT OF NORTH SIDE.

ABSENT

HON. BENSON O. EBANKS	SICK
MR. T.W. FARRINGTON,OBE.,JP	ABSENT WITH PERMISSION

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 25th June, 1976

1. GOVERNMENT BUSINESS

BILLS

(i)	THE CURRENCY (AMENDMENT) LAW, 1976	THIRD READING
(ii)	ANIMALS LAW	THIRD READING
(iii)	THE MATRIMONIAL CAUSES LAW	THIRD READING
(iv)	THE PUBLIC LOANS LAW	THIRD READING
(v)	THE TRAVEL TAX LAW, 1976	THIRD READING
(vi)	THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW	THIRD READING

2. REPORT OF SELECT COMMITTEE RE GOVERNOR'S MESSAGE RE PETITION PRESENTED BY CHAIRMAN, THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY

DEBATE CONTINUED ON CHAIRMAN'S MOTION FOR THE ADOPTION OF THE COMMITTEE'S REPORT.

3. GOVERNMENT MOTIONS: -

(a) Government Motion No.3 - Purchase by Government of additional shares in C&L - Moved by Financial Secretary

(b) Government Motion No.4 - Subsidy to C&L for inter-island air domestic operations - Moved by Financial Secretary

4. PRIVATE MEMBERS' MOTIONS:

(i) TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN
TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN:

CARIBBEAN UTILITIES COMPANY, LTD. - GRANTING OF FRANCHISE

(ii) TO BE MOVED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN
TO BE SECONDED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN

ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY SHOULD NOT OCCUPY POSITIONS AS DIRECTORS OR OFFICERS IN COMPANIES

(iii) TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN
TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN

WRITTEN AGREEMENT BETWEEN CABLE AND WIRELESS, LIMITED AND THE CAYMAN ISLANDS GOVERNMENT RE RETAIN OF TOLLS DAMAGES.

TABLE OF CONTENTS

	PAGE
THE CURRENCY (AMENDMENT) LAW, 1976 REPORT THEREON AND THIRD READING	1
THE ANIMALS LAW, REPORT THEREON AND THIRD READING	1
THE MATRIMONIAL CAUSES LAW, REPORT THEREON AND THIRD READING	2
THE PUBLIC LOANS LAW REPORT THEREON AND THIRD READING	2
THE TRAVEL TAX LAW, 1976 REPORT THEREON AND THIRD READING	2
THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW, REPORT THEREON AND THIRD READING	2
CONTINUATION OF DEBATE ON SELECT COMMITTEE'S REPORT RE GOVERNOR'S MESSAGE	3
GOVERNMENT MOTION NUMBER 3 - PURCHASED BY GOVERNMENT OF ADDITIONAL SHARES IN CAL	10
GOVERNMENT MOTION NUMBER 4 - SUBSIDY TO CAL FOR INTER-ISLAND SHARES IN CAL.	27
ADJOURNMENT	34

FRIDAY, 25TH JUNE, 1976

10:00 A.M.

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

CLERK: THE CURRENCY (AMENDMENT) LAW, 1976. THIRD READING.

THE CURRENCY (AMENDMENT) LAW, 1976

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, and Honourable Members, I have to report that a bill entitled"The Currency (Amendment) Law,1976 was considered clause: by clause by a committee of the whole House and the following amendments were made:- In the case of the Memorandum of Objects and Reasons, in the first line between "Cayman" and Currency" the word "Islands" was inserted; and in the second paragraph at the end of the first line the words "payable otherwise than on demand" were substituted for the words "for future redemption". In section 2 (a) (1) the word "Canadian" was amended and "Canada" substituted instead. In section 2 (a) (2) the word "Federal" was removed from the second line. Section 2 (b) (1) the word "Federal" was removed also from the second line. A new section 2(c) was recommended which read "At sub-section 4 of section 6 by substituting the figures 19 for the figures 20 appearing in the last line thereof". Section 2(c)was therefore 2(d), and (d) became (e), (e) became (f), and (f) became (g). The word "Federal" was removed from the second line of 2(f). These were all of the amendments, Mr. President.

THIRD READING

MOVED BY HON. V.G. JOHNSON.

SECONDED BY HON. D.V. WATLER.

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

THE ANIMALS LAW

REPORT THEREON

HON. W.W. CONNOLLY: Mr. President, I beg to report that a bill entitled "The Animals Law" has been considered in the committee stage clause by clause. And an amendment was made to section 14 as follows:- the words "reason to believe" were deleted and "reasonable cause to suspect" was substituted. And, between the "may" / "at" / the third line the words "on obtaining a search warrant for that purpose" was inserted. The Clause as amended now reads, "Any constable having reasonable cause to suspect that any animal which has been imported into the Islands contrary to the provisions of this Law is being held or concealed in or on any premises may on obtaining a search warrant for that purpose at all reasonable times enter and search such premises and take possession of such animal and, pending the outcome of any legal proceedings, dispose of such animal according to the directions of the C.A.V.O.".

Mr. President, section 34, an amendment was made by the deletion of the words"forty dollars" and the substitution of the word "one hundred dollars". In section 20 there was also a slight amendment, the words "five hundred" was substituted for "fifty". And, in section 58, between the words "tortures or otherwise" a comma was inserted behind "tortures" and the words "unlawfully provoken" was inserted. And, in section 75, the words "protected area or"were deleted. Mr. President, these were the amendments to the bill in committee stage.

THIRD READING

MOVED BY HON. W.W. CONNOLLY.

SECONDED BY HON. D.V. WATLER.

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

THE MATRIMONIAL CAUSES LAW

REPORT THEREON

HON. G.E. WADDINGTON: Mr. President, I have to report that a bill entitled "The Matrimonial Causes Law" was considered clause by clause by a committee of the whole House and passed with the following amendments:- In section 10 the word "and" appearing after sub-paragraph (e) was deleted, and the word "if" was inserted before the word "the" in the line following that. Section 22 was amended by the substitution of a colon for the full stop appearing at the end of the section, and the addition of the following proviso:- "Provided further that where a child of the marriage is at the time of pronouncing a decree under a disability of such a nature as to preclude it from maintaining itself independently, the Court may order that the payment shall be continued throughout the period of disability notwithstanding the age of the child".

I should also mention, Mr. President, that in Clause 3 in the second line to the last the words "shall have" was deleted, and the word "has" substituted therefore.

CLERK: THE MATRIMONIAL CAUSES LAW, THIRD READING.

MOVED BY HON. G.E. WADDINGTON.

SECONDED BY HON. D.V. WATLER.

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

THE PUBLIC LOANS LAW

REPORT THEREON

HON. V.G. JOHNSON: I have to report that a bill entitled "The Public Loans Law" was considered clause by clause by a committee of the whole House and passed without amendment.

CLERK: THE PUBLIC LOANS LAW, THIRD READING

MOVED BY HON. V.G. JOHNSON.

SECONDED BY HON. D.V. WATLER.

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

THE TRAVEL TAX LAW, 1976

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a bill entitled "The Travel Tax Law, 1976" was considered clause by clause by a committee of the whole House, and passed without amendment.

CLERK: THE TRAVEL TAX 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.

THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW

REPORT THEREON

HON. G.E. WADDINGTON: Mr. President, I have to report that a bill entitled

HON. G.E. WADDINGTON: (CONT'D) "The Juveniles (Joint Trial with Adults) LAW was considered clause by clause by a committee of the Whole House and passed without amendment.

CLERK: THE JUVENILES (JOINT TRIAL WITH ADULTS) LAW, THIRD READING.

MOVED BY HON. G.E. WADDINGTON.

SECONDED BY HON. D.V. KUTLER.

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

MR. PRESIDENT: We'll continue now with the debate on the motion by the Honourable Financial Secretary on the select committee's report on the Governor's message.

DEBATE ON SELECT COMMITTEE'S REPORT ON RE GOVERNOR'S MESSAGE

HON. W.W. CONOLLY: Mr. President, I had hoped that Members would have accepted the democratic principle in respect to measures that were aired and that were decided by a majority of the Members of this House, but apparently there has been a difficulty in some Members appreciating the rule, and as such has started quite a long debate and quite a lot of rehearsals on matters that have been discussed and matters that have been plainly put before this Assembly. As a Member who signed the majority report there is very little need for me to repeat that I support the decision that was made; as far as I am aware the decision was reached after the committee had the benefit of whatever expertise or advice that the Financial Department of this Government could give to it. And, I believe that the committee met in a very quiet, calm and responsible manner and discussed these points.

There are Surely, Mr. President, very few times that committees do agree unanimously, but as I've said before we are bound by what is known as the democratic principle that the majority views should be considered. And, while we are not certain whether this principle of democratic or parliamentary democratic principles the best thing in the world for people, yet I am convinced that up to the present time nothing any better has been found to replace it. And, I am one who would endorse this principle until I am satisfied and convinced that there is a better plan. I know that several times in this House recently, Members have been making ill-remarks about other forms and other principles, and I believe up to then, and I still believe that they themselves believe that the democratic principle is the better one.

Mr. President, one thing that really worries me, and that is this: I cannot understand how issues that have been discussed, statements that have been categorically made, statements that can be supported by written evidences have always been in the last few years, and when it comes to certain issues — and one of those issues happens happened to be swamp land, that we have Members giving different stories. Now, yesterday afternoon in the debate certain Members stood up and said categorically that the Executive Council had issued different directives. Mr. President, I would like to take this point one bit further, because I do not believe, in no way can I believe that the Members who made those statements can't understand; I believe that this is a deliberate attempt to mis-inform the public.

MISS ANNIE H. BODDEN: Mr. President, on a point of order, I was the person who said that, and if necessary I will bring proof to this Assembly to say that Mr. P.D. Lauer publicly said so in the Court House.

MR. JAMES M. BODDEN: A further point of order, I was one of the other Member's, Sir, and I can bring the evidence to prove it too.

HON. W.W.CONOLLY: Mr. President, the Members say they can bring evidence, well, I don't know how we'll get the evidence in here, but what I want to say in this, that both those Members who rose on a point of order were present in your office, Sir, in the office of your predecessor when a delegation approached me as the Member responsible for this particular subject on this very same matter. I denied and still deny that I ever recommended, or that the

HON. W.W. CONOLLY: (CONT'D): Executive Council of this Island ever gave anybody any different directive, and I promised the Members that I would chuck into the matter. If someone had said this, I would summon the Government files, and I would invite them to inspect these files. Mr. President, this I did. I contacted the Cadastral Survey Department, I summoned whatever files were there and I invited those Members to come to the office and inspect the files, but I knew nothing about it, Executive Council knew nothing about it, and the Governor knew nothing about it. Only one of those Members, Mr. President, saw fit or had the time to come, and that particular Member sat across the desk from me and inspected the files, and his remark was, words to this effect, "I don't see anything in this". I assured the Member then, and other Members of this Government in Executive Council can bear this out, that the Executive Council gave no directives; the Cadastral Survey is a project run by technicians appointed by Her Majesty's Government, financially supported seventy percent by Her Majesty's Government and thirty percent by this Government; they are here operating under legislation passed by the Legislative Assembly; they have a job to do.

The legislation, Mr. President, puts Government in the same position as any land owner, because this is one of the few Laws that we have where the Government is not exempt, the Crown is binding in this particular legislation. Mr. President, Government is in a position as I've said of any other land owner; the Government claims lands. The Cadastral Survey Department going through these stages of operation deal with Government as any private enterprise; and what I did say, and I still say up until now, that the democratic process of Law should proceed and is proceeding, the Executive Council has no right to intercept, or to counteracts or to do anything to interfere with the Administration of Justice, and the Executive Council has never done it. And, Mr. President, I think it is time that the public realise that these Members are only saying this for their own benefits.

MISS ANNIE D. BODDEN: Mr. President, I must object to that, I have not come here to tell no lies, what benefit am I going to get from this swamp land? I certainly do feel that this Member is attacking this side unnecessarily, and I'll promise you this, that so help me God, he never get into Executive Council by my vote.

MR. PRESIDENT: I think inferences should be avoided, what is said on one side is a matter of fact and we all hear it, so I think we shouldn't read into motives that are prompting these statements.

HON. W.W. CONOLLY: Mr. President, I submit, Sir, I realize as I've said when I got up that I knew I would be treading on thin ice, I realise that I would be walking pretty near to the line on these Standing Orders, but nevertheless when one continually hear these statements one is tempted even though one is ruled out of order. I shall, Mr. President, endeavour not to get too near to the fence, I'll keep a little way off. The thing, Mr. President, is this, Members are trying to inform the public - a public statement in here yesterday said, that the tranquillity of these Islands is being disturbed. I would like to say, that if the tranquillity of these Islands is disturbed in anyway it is caused directly as a result of irresponsible statements made in this Chamber.

MR. JAMES M. BODDEN: On a point of order, Sir, I think the Member is trying to impugn the Members here on this side, and I think that some of this can be put down to inaccurate statements from that side.

MR. PRESIDENT: I don't think that's really a point of order, the word use I think is "Parliamentary" and it's been used on both sides.

HON.W.W.CONOLLY: Mr. President, I'm only walking near to the fence; I haven't got on the fence yet. (MEMBER LAUGHTER)... I assure the Member I am treating him fairly. (LAUGHTER). Mr. President, I think I have, and if I have not, let me say this, that even if the opportunity is allowed to me to repeat what I have said again, I shall not repeat. This will be the last time that I

HON. W.W. CONOLLY: (CONT'D) will tell the public through standing on this floor that the Executive Council did not issue any directives, any change of directives in theCadastral Survey System.

Mr. President, I can back that up by informing the public, and I think some Members said there were no claims - though it was in a particular instance in the Barkers area, Government didn't worry with any swamp land; of course the Member identified one particular area, but I would like to let the Member know that in the Barkers area, an area along the West Bay peninsular adjoining the sea, this Government has been adjudicated in the final adjudication system approximately a hundred and fifty acres of swamp land. I would like to make another statement, that in the case of South Sound which some Member made yesterday in relation to South Sound there is no swamp to my knowledge that joins the sea in South Sound; so there could not be a relevance.

And, Mr. President, I would go further to say, that in the eastern section there is very little swamp in any place, in land or out land or up land or on the land. This brings me, Mr. President, to the end of my debate on this; but what I have said before is this, that the demarcatic process will proceed in the case of the adjudication system. The project which was scheduled to be completed by the end of this year will probably take another few months, but hopefully this time next year all lands in the Cayman Islands will have been registered, claimed by somebody and I would've hoped that the democratic process under the Law has taken place and that justice was done. I am not here, Mr. President, to say that I or you or another man would not lose land or would not, as the Member put it yesterday, people believed they had land. I don't think a person believing to have land with sufficient evidence to claim lands in any court; I can believe anything, the law is simple and I think the adjudication process made it very simple for people to claim; they have gone out of the way where hear-say evidence can be introduced; no other court in this land makes provision for hear say evidence, for voluntary declaration, for all kind of test for the people to claim title to lands.

I feel that despite the difficulty with a few people. I feel that the adjudication process was something today that was well for this island, and I am sure that as the years go by my words will be proven.

Now, Mr. President, I know we have all kind of business people; we have experts of all kinds. We have people who are very capable in their fields, we have in certain fields of accounting, in certain fields of sales, marketing, like insurances, and real estates and what not; we have people really as someone has said, can sell ice to an Eskimo, I know that, it is true, but for the love of me one thing they can't tell me and that is that the committee didn't do its work. I can't see what formula that the Members could've used to say that the committee didn't do its work. You mean to say that the committee didn't do its work because they didn't agree with certain persons? Is that the idea? No wonder we have expertise in these fields; I agree. Let me say, Mr. President, I think the committee did its work, in fact the Member who said that, I remember attended the committee; I remember the Member saying he didn't agree to anything, and he would write up what he wanted to say later, I think he did.

Mr. President, (LAUGHING) .... I think the Honourable Financial Secretary, the Third Official Member of this House entrusted with the Chairmanship of this committee and did a remarkable job. He went through this point by point, he compared the figures, and he also gave the financial picture of the Government's revenue. I know these figures were taken yesterday and twisted; as I've said before, you know we have experts in these figures who can do anything, they can sell you things when you don't want to buy, and I mean that's a man's trade. But, I think this, that we can safely say that because revenue was down that that is the reason why - (in hospital fees I'm thinking) - that's the reason why, was because of the high cost; I think something like hospital fees people don't go to hospital, they don't use hospital services without they need them, it's not like food that you have to eat every day. I am not going to lie down in any hospital for a week if I'm not instructed by some doctor to go there and stay for a week, I'm not; and it could very well be that the people who attended at the hospital in the first quarter of this year were the people who had reason to go, not as many people as the people who in the second quarter might have reason to go.

Another statement that was made was the fact that

HON. W.W. CONOLLY: (CONT'D): the revenue on the licensing of cars was down on the first quarter, sure, Mr. President, this could very well be, because a lot of people today register their cars and license their cars for one quarter, and we must bear in mind that these are the private cars, the revenue coming in in the first quarter of the year would be from the license paid vehicles: the buses the heavy equipment, the trucks, the rent-a-cars, the buses, they all come in in the end of July. So, I would hope that the revenue derived in this quarter of the year as far as motor licences are concerned would be substantial to that that was received in January or up to March of the first quarter. And, Mr. President, I think it is quite unfair for anyone to try to compare percentages in instances like these until we have the final amounts for the year. The Honourable Financial Secretary pointed this out when he was taking into consideration another receipt of revenue, the one from Banks and Trust Companies, he pointed out to Members that while this may be up we must bear in mind that this is the time when these licences come in; we mightn't have this for the other quarters, and it would be quite unfair to come here to say, that the reason why hospital fees or licences on cars were down was because the rates were so high that people didn't use the hospital or they didn't license their cars.

I was made to understand since this statement was made yesterday that a lot of people didn't licence their cars and I think some of them ran into a little bit of difficulty which was very unfortunate; since that time I believe a lot more those who had sworn that they wouldn't register their cars have registered their cars, and I believe as far as the rates are concerned people are satisfied. I feel today that despite the criticism levied at Members here, Members of the Assembly and in particular Members of the Executive Council by Members of the Assembly, that our Chamber or Assembly has people - and I'm not saying, not qualified, but I'm saying, that if we compare ourselves with other Parliaments in big countries like the United States, Canada, Great Britain or what have you in the Commonwealth, you have in those well dealing with similar matters, some of the most efficient capable people in the world. And, what I'm going to say is this, that if in all of their wisdom they cannot find ways and means of effectively and running their country without raising money, then I fail to see how we here can do it. And, I believe this was a point, Mr. President, that Members, when they looked after this petition - I don't think that Members today just brushed it aside, I believe Members were conscious of the feeling of the people, I believe Members were self concerned; but on the other hand I believe Members felt the responsibility that if we are going to provide for the people what the people should have - and I am one, Mr. President, I am proud of the standard of living that the Cayman Islanders have and I would not like to see this standard of living deteriorate, I would rather see this standard of living improved. But, I am well aware that if we are going to have the facilities or the amenities someone will have to pay.

Mr. President, again, may I make one further point? The statement was made that the Executive Council makes Regulations as they see fit; the Executive Council makes them and the House knows nothing about it, I don't think that that is altogether a true statement. The Executive Council is controlled by the terms of the Laws; the Executive Council cannot make Regulations today that are contrary to the terms of each respective legislation. The Executive Council today makes the Regulations on the advice of people who administer these, people who have the knowledge and who have the workings - things are recommended and the Executive Council considers and studies the same as we do here when legislation comes before us in full. But, if we are going to achieve what I would hope that we set out to achieve, I would hope that we take advice. I believe today that this is one of the best medicines, and I believe that there is no way that we can come in this Chamber and refuse deliberately to take the advice of people -the Executive Council, we would not be doing our duty. If we disregard the advice of the people who know. But, it looks, Mr. President, that because the majority in this House or the wish of the majority does not confirm with certain individual feelings, then it's not a right thing.

I feel, Mr. President, as I have said, that the report submitted to us has been the best that a committee of this House could bring out; and I would like to say, that despite of all of the emphasis placed on certain words, and quote, I am for the people; I would like to let this House know that I think the majority of the Members of the committee will respect the wishes of the majority. And, it is not only those who get out in the market place and

HON.W.W.CONNELLY:(CONT'D): about the loudest that are doing the most for the people; it sounds good particularly in the Election year, anything on the ears of some people. But, Mr. President, I am not going to make a political speech, but what I am saying is this, that checking back the handsards of this House every matter in the last few years that have come up here has been opposed by certain people. The same people who opposed this committee's report, so whatever has been done for the people in the last four years cannot be contributed to any benefit or any input by those individuals.

Mr. President, I would like to say that I support this report and I have signed it, and I hope that other Members who have signed it would stand firmly with it.

MR. JOHN D. JEFFERSON: Mr. President, now as in all other times nobody has to wait all day to know the way I feel about any issue, national or otherwise. I was surprised yesterday to hear the debate ensuing on the committee's report where a democratic process has been at work. I hear people in this House talking about democracy and I wonder if they truly want the workings of democracy. In my opinion, Mr. President, democracy is majority rule; I am very distressed to stand here again to go through this petition: I think it was dealt with - I didn't hear quite as much racism I don't believe in the committee room as I have heard here yesterday and today. You see it is very unfortunate in a very powerful territory such as ours to hear a constant concerted effort to stir up the people of these islands, when in fact and in truth if we were really doing our job I believe the people would benefit, and the country would be more at ease.

Mr. President, on your message on the petition, it was in my opinion - and I was one of the first ones on the floor to make a motion that that message would be a debate of the whole House. I don't believe that we can truthfully, honestly, heartsearching lay aside anything that has got the signatures of so many people, yet there were pages after pages and all I saw there was names; but yet there was a cover letter by the self appointed leaders saying, this is what the people are saying, this is what they're asking for: Mr. President, it is unfortunate that because Members in this Chamber do not accept the democratic rules to go out and stir up the people to try what they can't get done in these Chambers through the democratic process, get out and stir up the public to get it done that way. A lot of those people were misled, Mr. President, those people were misled. I heard a man say once that the reason why God didn't make a man so he could pat himself on the back because he would break his own arms doing it. I hear people in this Chamber that take all the credit for anything that's good and get up and pat themselves because somebody else didn't agree with what they agreed; and, if we in this House were to be real honest with ourselves, I could strongly agree with the previous Member that what has been done in this House in the past four years for the benefit of the country hasn't been done by the opposition; it has been done by the majority of the people.

Mr. President, how can we constantly attack everything when everything is constantly being attacked, and when a good point comes up Members if they are not careful are prone to brush it aside.

MR. JAMES M. BOUDEN: On a point of order, Mr. President, I think it is time this man begin to tell the truth.

MR. PRESIDENT: I don't think that is a point of order, it's true.

MR. JAMES M. BOUDEN: Yes, Sir, I think it is. If he is going to say about the opposition here, we have opposed but the handsards will also show that we have supported on many many occasions, so tell the truth.

MR. JOHN D. JEFFERSON: Mr. President, with the greatest submission, Sir, that was not a point of order, and as far as I'm concerned the Member had an opportunity to speak; and when he has an opportunity to speak, Mr. President, he must also bear in mind under Parliamentary procedure, and with freedom of democracy in this country that other Members also have their opinion and there are entitled to say what they feel is right and just. And, make no mistake about it, Mr. President, I don't tell lies to anybody; that's why I can't sit in this Chamber many times and listen to the statements made, because the gallery is filled up; statements

MR. JOHN D. JEFFERSON: (CONT'D) to mislead the people of this territory.

MR. PRESIDENT: I think that's an inference that should not be drawn.

MR. JOHN D. JEFFERSON: Mr. President, I subscribe to the fact that no inferences should be drawn in this Chamber, and I have tried hard not to, but it's not hardly a day in any debate here that it's not done. I think it is high time, Mr. President, that we get on with a job of full representation for the people. I don't think it's time that we stand in this Chamber and use this Chamber for political reasons, it's time that we get on with the job to represent this country, keep it on its keel and get the job done that needs to be done for the people. This Chamber heard the Governor's message.

Mr. President, the select committee went through the petition, and I didn't brush it aside lightly. I didn't throw it away and said, there is not sense of paying any attention to it; but what the committee seriously did was to examine every part of that petition to see what could be done, to see seriously if we could in some way comply. But, Mr. President, I think the committee did the best that it could; I believe the committee did its best. Now, let me say this, anytime there is an issue in the Cayman Islands where ten feet of land is at stake, there is no question about it, it's going to be a controversy in the Chamber and outside, there's no question about that.

The statement made about the Cadastral Survey, Mr. President, I take pride in saying that I was the Member that brought to this House a motion that said, that the Cayman Islands Government ought to get off its feet to that effect, and start making claims on behalf of the people. Now, some people in this country don't understand what it means when you speak of crown land, so I'd like to use the other phrase, the lands that the Government has entrust for the people of these Islands. And, I don't feel like I can fail in my responsibility to not see a claim made by the Government like every other landowner in this country, because these lands belong to the people of these Islands, and I don't feel like giving it to any individual. I was the Member that brought that motion to the floor, and I want to point out to Members that when that motion was made the Cadastral Survey wasn't/George Town or Bodden Town, it hadn't reached that area yet; and I maintain what I maintained even when the committee went through the Adjudication Bill; because if you had asked me what common custom was, I would tell you that what I heard defined here as common custom, which I accepted, was news to me. Because, when I was growing up, you went to the swamp and cut wood and got sticks and anything else, and nobody asked anybody if they could go; but of course when the price and value of land was raised everybody warned their late claim to the lands.

Our Government has been making claims through the democratic process of the Court just like everybody else, they have gain some and they've lost some. Mr. President wouldn't/be irresponsible or wouldn't this Government be an irresponsible Government; while this Cadastral Survey is being done, to sit idly by and let everybody claim the lands that belongs to the people of these Islands, it would be long than responsibly

Members get up and say , that the percentage is down on cars and what have you; I believe that everybody ought to realize that we have gone through a recession and almost everything is down. I for one do not like or do not look forward to increases, raising of revenue placing more stress on the people but, Mr. President, when you try to build them a new hospital, when you try to improve the medical standards, when you try to provide decent roads, when you try to house the Government Departments in decent buildings, when you try to provide the amenities that would help to uplift the standard of living in these Islands, then we find out that recession comes along and the revenue is not up to where it ought to be, who are we going to ask to pay? Who can we ask is the right question. We can only shoulder the burden together, a burden that nobody enjoys. I am sort of distressed that we had to increase revenue - the taxes on something, but, I didn't see anything else to do. I remember in the second budget session in the last four years, I heard Members saying that the budget was so small that you couldn't get anything done. But, Mr. President, if we had continued to ask for everything

MR. JOHN D. JEFFERSON: (CONT'D) without taking note of income, there might have been a real hike in, and a considerable one. But, I believe in giving to Caesar the things that are Caesar's and unto God the things that are God's

I hear people in this Chamber get up and dishes it out and when somebody gets up and make a reply, then the drink is too hot. When somebody tells me that the committee didn't do its work, I called that a reckless irresponsible statement. Mr. President, We live in a democracy, thank God, where there is freedom of expression and freedom of movements: and while I disagree with Members I would give my life to defend their privilege of being able to criticise. But, what I'm saying, that to run this country means more than just criticism, it means we must offer some constructive criticisms: it means that it's always easier to tear down, but let's start offering better formulas before we tear down what we've got: Let us look around the world and thank God for what we have - a peaceful society.

I heard the Member here the other day tell about the number of tourists that have come to these Islands; we ought to ask ourselves sometimes, why have they come here? Because, they can walk the streets at night without fear that somebody is going to take out a knife or a gun or something else and rid them of their life; because as they get off the planes, they meet people that are smiling, people that are gentle, they don't get off the planes like in such countries and find antagonistic public, but if we are not careful that's what we're going to have. When people say that I'm for the people, I want to say this, Mr. President, there are two things - while I am humble there are two things that I pride myself as being among the best, one is my profession as a Chef and two, is my responsibility as a leader in this community and in this Chamber: God take no mistake about it I don't believe that there is any Member in this Chamber today that has the interest, the good will of this country more at heart than myself, and I say that very humbly. And, not only will I say that I will say something else, that no Member in this Chamber will be anymore adamant or aggressive when I feel that a deliberate attempt is being made to destroy the good will and tranquillity that exist in these Islands.

I heard them get up and said, about the collective responsibility: what does that do? It means that when the 1976 election comes along we can say, can't you go through the hansard reports and see that we have been talking it all along, and you'll never get anything unless we change that. I am one Member that will go on record as saying this, that I will not now nor in the foreseeable future support any change to the Constitution of the Cayman Islands. We have got the best of two roles as far as I'm concerned, and nobody is going to mislead the public as long as I am alive when it comes to tampering with the Constitution of the Cayman Islands. I have seen in too many countries where the Constitution was changed at the expense of the mass, a few is better off and the many is worse off.

Mr. President, As I have said, I was surprised that there was a new debate on the committee's report. I want to say, that I believe in all sincerity that the committee did the best that it could, and what more can we ask than when somebody has honestly examined something and found out that there is not anything actually we can do except to go back and inform our people and lead our people. Because, a true leader must keep in touch with the people to know what they want, but a real leader will also lead them not misinform them: and when we find Members of the public coming with rumours our job is to say, let sit down and find out whether that's facts or not; that's the role I spend, Mr. President, that to inform them whether it's right or wrong. I want to sincerely say, I believe the committee did its best with what it had. Thank you very much.

HON. A.B. BUSH: Mr. President, Honourable Members, I never expected really to hear this debate on this committee's report, I thought enough was said in the committee stage of this not to have gone over it again in the Legislature here. However, Mr. President, I don't really want to drag it on, but because of statements that have been made I feel like it is my duty to try to clear up some of the incorrect statements that have been made. Because, I know that it is aimed to gain the favour of the public which attend these meetings. And, if one sits down and accept it without rebutting it in some way, then it will give the public reason to even believe it more, because I suppose they do believe

HON. A.B. BUSH: (CONT'D): ic. And, I have discovered that anytime anyone can criticise and say anything bad about the Government, as I have said here before; it is always believed by the public. But, it is one point I want to make and I want to commend the Fourth Elected Member of Executive Council for saying, that since Members has been against everything that has been introduced here by Government, they certainly can't take credit for anything that has taken place in these Islands that was for the good of the people. And, I do say, that what has been put forward, let us say within the past four years, has been for the good of the Islands and the people.

The part of this debate that I want to touch on, Mr. President, is the part that contracts are often brought up here, and the statements that are made which tries to show that Government is irresponsible, they don't know what they're doing in the making of contracts. And, I just want to say, that this really isn't so and one that is continuously harped on is the contract which Government entered into with an individual to do a certain amount of dredging, and they consider Government was the loser on this particular contract. I have said it before and I want to repeat it again, and I hope that everyone listening in here will take it in this time and understand it properly what Government paid for that contract, and the results of that contract; what Government gained by that contract is far more than they have I believe ever gained on any other contract. Because, the work that was done for the little amount that was paid is really something for anyone to think about, and to be proud of, because, had it not been for Government entering into such a contract our dock which we know we want and we need, although some say we don't need it, would never even have been started unless we had been prepared to pay a fabulous amount of hundreds of thousands of dollars, and the amount involved is always brought up here of forty-five thousand dollars. It's ridiculous that Members of this House will continuously harp on something like this when they know that Government, although the contract was not completed, got a good deal from it.

Another part, Mr. President, and most of this involves me as the Member for Works, was a move that Government should stop all its expenditure, it should curtail all of its expenditure, this has been already explained. Government always curtails expenditure and nothing to any lavish extent. The projects that Government has embarked on, no one can but say, are well needed; the extra, let us call it taxation that was added, and what caused this committee to have to meet was because of the dissatisfaction that arose from the public / or something extra, a contribution to the projects which Government had embarked on for the betterment of the Islands and for the better conditions of its people. We know that the Members did not want any extra taxation in order for the public to contribute something towards this. I would like to know how any reasonable set of legislators or the public could ever expect or can ever expect an Island or a country I would say, to progress if some contribution has not got to be made by the public or the people towards it. Where does Government get its money from? Government has no shops to which it can order goods and raise the prices and so on, it is the people contributing, and the things that Government embarks on are for the good of the people. So, if it was left to some they would cut the Government to a bare bone where there would be nothing in the Island, and so the people would have nothing, they contribute nothing and therefore they would reap nothing. But it is good to know that there are members of Government who think differently and will try to keep the economy of the Island going, and to keep the Island developing.

I want to make it quite clear that I would much prefer today to know that this Government owed money through trying to develop the Island and to provide for the needs of the people rather than having money stacked away in the bank / that has been the case in years gone by. I have often said and I will say so again, that no country's money can be put to any better advantage than to provide the amenities for the country and its people; that's what it should do and its Government responsibility regardless of who may believe it or who may think otherwise, it is government's responsibility to see that the economy of the Island is kept alive, even though it means that it has to borrow money to do so. And, I am very happy to know in this particular case, or what is complained about Government's spending that the Government's money is being put to good use and can be used to no better advantage than to provide the amenities for the Island and the people who live on it. We hear

HON. A.B. BUSH: (CONT'D): everything is wrong, nothing is right, but how is it that today we are looked at as one of the most flourishing islands in the Caribbean. We are the envy of some to know that we are free of taxation and yet we can undertake such projects. The projects which have been undertaken in the last four years have all been necessary, and as has been explained by the Financial Secretary in the committee and on the report of the committee these projects could not be maintained without some additional revenue, and this had to be naturally brought from the people. We cannot run the country on air, and Government does not waste the money, although we hear that this is the case. And, I say, Mr. President, that if I didn't rise to refute statements like this I think I would be failing my duty.

According to what we hear there was only a small segment of this Legislature that really represents the public. I want to know what did the public do for representation before that segment got here; this country went on and I have never either heard anything go on in Legislatures in the past as I have heard here. We have always had, I suppose you may say, as we do now. But I just tell you this. I don't dislike any Member for his views on a matter, it is democracy he can speak freely as he want , but he should not continuously condemn everything that Government tries to do, and is doing to improve the island's condition.

I heard a statement made here, that there is a hundred and forty thousand dollars in excess of what was to have been paid on the Administration Building. Now, I don't know where this came from. I know nothing about it. I'm sure the Financial Secretary who handles the finance of this island don't know anything about it, if he does I don't know anything about it. I was concerned with the building of the Administration Building, but this is the first time that I am hearing that there is a hundred and forty thousand dollars in excess of the estimated cost of it or something paid out of the blue that wouldn't have been paid. I don't know where it came from, I know nothing about it, and I believe such a statement to be absolutely untrue, because surely it is not known to this Government. And I would've thought that if it was so that this Government would be the first to know it and especially the Financial Secretary. So, we heard that the elected Members, the true representatives of the people don't know anything, Government keeps it all to itself. But yet in this particular instance I can say, Mr. President, that they know far more than I do, or that any Member of Government, Sir, we hear that the people wants to see the Government contracts, I heard that said here yesterday evening, the people say they want to see the Government's contracts. I have never heard it said before, and I have never had a member of the public to ask me to see one of Government's contracts. So, it's only the true representatives of the people as they say, that are asking for these contracts. Frankly, Sir, I don't believe the people know anything about this at all. I don't believe the people have said a word, much less - what are they going to do with the contracts in this House? I would like anyone to say, no one has ever asked me about them.

I hear talks of land: As has been explained time and time again the Adjudication system is going on being carried out under a Law which has been passed by the Legislative Assembly of these Islands. If it is not being followed then any Member aggrieved by it certainly has a recourse in law: but I cannot believe that the Adjudication Law isn't being followed. We hear of disputes of this one with land because they had titles to it: may be something to it, but I can only ask myself this question, if the title is so clear why is it that Government is disputing it or the Land Adjudication is disputing it, why? it must be something that is not that clear. I own a few parcels of land myself, I had no trouble, none whatever; no neighbour of mine ever came and said, you are encroaching on my land because your corner post should've been some where else, none whatever, but yet we hear in this Chamber that Government is robbing someone of their land, someone who has had fair title for years and years and years. But, I'll say again, Mr. President, that if this is the case I see no reason why the Adjudicator should put it in dispute. So I can only believe there must be something wrong with the title somewhere why Government or the one who is carrying out the Adjudication Law

HON. A.B. BUSH:(CONT'D): has questioned: yet in other cases we hear, well, Government actually owns this land but somebody else is claiming it, and that somebody else is wrong, Government is right in this case but other cases they are definitely wrong. I leave this matter to the Adjudicator, because he has a Law to follow and if he don't follow it then there is good grounds for appeals.

So much, Mr. President, so much has been said, that it makes one feel nothing short of mistrust with the proceedings even of this House. I can stand criticism, by all means I can take it but I cannot sit by and hear it repeated so many times that it becomes disgusting, and most of what is said has no foundation at all. As the point that I have made, has no foundation whatever. And, I do hope, I've begged Members before, and I do hope that they will know the facts before they start repeating them in this Chamber. And, I would like too, if instead of rambling all over the place - because I heard yesterday on the debate on this we even got into the Animals Law again; and I said to my friend here, how did we get this far already, how did we go back there? And, just stick to the subject that we are speaking on, and I believe it will be better appreciated by the people who come here to listen to us.

Just one more thing, Mr. President, if no one knew before that it is an election year, they certainly must know now, because this has been harped on ever since this honorable met from Thursday of last week: everything is, that if I get back in, if I don't get back in, and if I don't I will do this and I wouldn't do this for you, and I don't know what. So, everybody must know now that it is an election year. Why not let's wait 'til the time comes when we get out and we can tell the public and try to reason with the public, so everybody knows now it is an election year, I must tell you so. It has even been said, Berkley Bush is not running in the election; I said, what makes you to believe that? Well, you haven't announced it, everyone has; don't fool yourself, I said, A.B. Bush will be on the platform. (MEMBERS LAUGHTER.)

MR. G. RAIG BODDEN: On a point of order, Mr. President, I think the Members should stick to the matter before the House. (LAUGHTER)

MR. PRESIDENT: Are there any other Members who wish to speak?

MR. CRADDOCK EBANKS: Mr. President, I don't know if there is anything for me to say or any place for me to get in to attempt to say anything, but I do know this that if I stood here 'till tomorrow I wouldn't put myself out in the manner as I have heard here this morning. A chap said to me a couple of years ago he was going to run against me, I said, well, I congratulate you on that there isn't a thing in the world wrong with it, if it's your desire I'll give you my hand. But, if you want to take this house to disgrace do it before you attempt. If you can't stand to be cursed out by some people, if you can't stand to be abused, if you can't stand to be criticized, then stay out of politics. So all this criticism isn't new to me, it isn't strange; it's not only in this sitting and not only in this year that constant remarks were made about politics. I think any place that a politician get in and have any say, any debate or any discussion, it is politics, they don't have to go on a platform, that's not the only place a politician delivers or extends his political views or feelings.

A Member has just said, he don't have to worry about his seat; I'm not saying that of mine, my people are the sole judge, and if they feels like they want to put me back it's perfectly alright, and if they don't, no hard-feelings, no heartaches. I am not going to stress the point that far that I don't have to worry about my coming back to this chair, because I don't intend to get disappointed. I think the democratic rights of any Member in this House is the right to speak when they feel like speaking, and stay in the bounds of what is right and reasonable. As has been said by the Fourth Elected Member of Executive Council, it doesn't seem like we can understand democracy, democratic system; well, I think if he has a right to speak I ought to have a right to speak too. A democratic Government is ruled by the

MR. CRADDOCK FRANKS: (CONT'D) majority, but that don't say the minority doesn't have a right to speak or express their views, then if they don't it's not a democratic Government.

The committee met to deal with this report, there was nothing with the majority of Members if they felt like sticking to what they wanted to stick to; then why do I have to give up my minority thinking because the majority stood to their thinking? I'll give it up when I am convinced. I am not going to cover little or any of the grounds to the extent that has been covered, but I don't know of any Members that have at anytime tried to deprive Government of making money or robbing Government of money; and I know we're not paid for our services to the public. The Financial Secretary or the third official Member asked the question in his Budget Speach a few months ago, to the public, what are you donating to the Government? I think that was an insult to the public, because every individual in this country donates to Government. You don't have to be on a job, you don't have to be earning a big salary, you don't have to be running a big business to be contributing to Government; when mothers buy clothes for their toddling babies it's a contribution to Government.

My disagreement with the bills that was proposed in the end of 1975 to increase taxes on motor vehicles, I said it was too much taxes on one item and it could have been better regulated; and I still say that, Mr. President, but it was just thought it was the easiest way to get all in one sack. When two years from now or three years from now the Government feels that they need to raise taxes, you're going to take in the whole motor vehicle system again and increase taxes on that only? Well, if we can find some other ways and means not to do that, then we can find some other ways and means to do some others now too.

The hospital rates, they are a fixed flat rate. How many places that you'll find such - or in any similar business or bill you'll find such rate, a fixed flat rate. Generally, you get what you pay for; the supermarkets don't put a flat rate on one thing or on all things - how would they exist. If you went into a restaurant and someone had to pay for an egg sandwich the same price that one paid for a beef steak, how would they feel about it? It ought to be the same in the medical field - the Hospital, one gets for the service that are rendered, they should pay for it; the medicine that they get they should pay for it; it should be adjusted on a sliding scale, you pay for what service you get - not one to get a half a dozen different drugs, an x-ray, blood test, urine test, a what not test and everything for ten dollars; and when one is told there isn't anything wrong with them for the same ten dollars; that couldn't be fair, I don't care how you multiply it or add it up it couldn't be fair. The rates are twenty-five dollars a day, if you can't pay it you'll have to find somebody to make a recommendation that you are not able to pay it, and what not; all of that is unnecessary. The whole staff that's working at the Hospital - the majority of them ought to know who is who in this Island, and who is some what able to pay from who ain't able to pay.

Mr. President, the Land Adjudication- I'm hoping my life could be spared to see a report come to the House and I can assure you, Sir, that if during your time at office I will be contributing a lot in my debate in connection with that. The Member responsible for this, it comes under his portfolio has denied things that have been said and when other people hear it or is being told he knows nothing about it, and it's not true and what not. I was one that went before the Governor, your predecessor when it was learnt that there had been some change , a sort of a new directive had been - and he said he knew nothing about it, the Governor, and the Member responsible said that he knew nothing about it; but Mr. Wraith after nailing him up against the wall, he did admit that there was a new directive - and who issued it, who gave it, whose instruction it was, and whether it was his or somebody else; but it was, he stated that, and that goes on and on from one thing to another. So, when certain Members hear rumours as they term it comes into this House they seem to think it's a made up something. I am not prepared to go around and pick up news to bring in here; and I am quite

MR. CRADDOCK BEANEY: (CONT'D): careful when I hear something to ask about it to know whether it really has a ground or not; but I can't help my ear from hearing.

But, Mr. President, as I have said, when the report covering all of the delay in connection with this and the planning and what not, it'll all be ironed out at one time, I'm hoping. And, I will have a lot to say in connection with it, it is in the Law and we were told that in the beginning that the customs would be adhered to, but they don't know what custom is now. And, if Government had any land, Government was entitled to go and trail their land the same as anybody else; and if the survey now or claiming lands for Government that they haven't trailed how can they find out or know then that it is Government land? If my land isn't trailed, they'll say it's not my land. If they have some indication that somebody might say, well, you know that's John Brown land if he hasn't fail to say it's not his land, the same thing ought to apply to Government. If Government hadn't went out and had their lands trailed what they claimed or feel that should be their then they don't own any either. I think some of what was mentioned here this morning in connection with people having documents in some area in the middle land district now - if one purchased or could purchase land there three, four or five years ago the sea and is given clear title, the both and binding on that that has owned a document on that for fifty or sixty years the document is no more good because it's too old, that is not their property, somebody else on the other side bought the same land from the same area to the sea a few years ago and they are given clear title to the land does it take fools to understand that?

Mr. President, I signed the minority report and I have always tried to be guided by the dictates of my mind, to my thinking and to the best of my ability and I can compromise, I can apologize, I can agree when I am convinced and made to see where things could be changed and could be better, but I don't know who has brought this country to where it's at today, if it wasn't the twelve elected Members, not only this four years, but the three past years, the two past years, it's not only the Members of Executive Council. As one Member of Executive said a few days ago, if it hadn't been for them it wouldn't be where it is. Well, I say this one more time, the Executive Council doesn't hold any attraction for me - no seat for me.

Mr. President, with the few remarks that I have made I don't intend to drag this out, I don't intend to go into all of the guts of it, because I spoke on it when the petition came to the House but I don't know that I have not to agree to anything said by any Member in this House if I feel contrary to the dictates of mind. It is, again, I will say, no democratic Government, no democratic Assembly if there is not a disagreement, if there is not a majority to carry; then if you're just going to come in and everything yes - twelve yes, and everything finished, where would we get of? then, it must be different views, it must be different opinion, all of us can't be right all of the time, all can't be wrong all of the time. So, with that, Mr. President, I will close my few remarks on it. I don't have to take anything outside to mislead the people in any way, they've got a privilege to come in here to listen, they've got the press whether it be good or bad, right or wrong from them to read; and let the public be the whole sole judge of their own thinking; but, I am not going to be saddled with dragging things out of the Assembly to mislead the public. So, with that, Mr. President, I will close my remarks. Thank you.

MR. PRESIDENT: If there are no other speakers I'll ask the mover to sum up.

HON. V.C. JORGENSON: Mr. President, Honourable Members, I wish I were a gramophone and I had a recording of what I said on the Governor's Message with the petition attached, and on the report which I introduced a short while ago, I would really play the gramophone and sit down and listen to it because all I will be doing now is to repeat a great deal of what was said before. But, no other Members on the Government bench have said, there are a few points which I think are worth while to clarify, and so I will try to make it as short as possible.

HON. V.G. JOHNSON: (CONT'D): I will deal first with the last statement that was made by the Member for North Side, when he said that I in my Budget Address had asked the question of the public what are you donating to Government? Well, in the first place, Mr. President, I think this is another misleading statement. I did not make that statement in the Budget Address, I made that statement or a similar statement when I was dealing with tax bills before this Honourable House, and I think it was the measure to increase tax on motor cars on the road. All I was attempting to do at that stage, Mr. President, was to ask the question, what would be the contribution of the people, that is, the residents of the Cayman Islands if we were to remove the tourists industry, if we were to remove the financial industry, and if we were to remove all the other areas of expatriate officers who contribute to the revenues of this Government? And, I pointed out that the contribution in relation to the present day revenue of this island, which in this year a sum of $11.06 million which includes a sum from reserves of $750,000.00 or a net sum of $10,860,000.00 that the portion to be contributed by the public would be small. I mean it doesn't take anyone very long to figure that out: we have a population of thirteen thousand people, and if thirteen thousand people were contributing solely to the financial needs of Government in the areas of import duty, taxes and the rest of it, just what this sum would amount to? That is all I was endeavouring to do, but I did not intend to insult the public. How can I insult the public? The public is making their contribution according to the tax measures of the country, and according to what they are entitled to pay. This is the reason why we introduced tax measures from time to time to ask people to contribute a little more. So, I did not mean in any way to insult anyone.

And, I said yesterday that I am not standing for election, so I am not in this electioneering campaign.

Mr. President, to generalize a bit first, I was reading recently in a news paper published in Paris, an article on the Cayman Islands, and the article named the Cayman Islands as one of the financial centres of the world. I mean these are statements that we are now hearing about the Cayman Islands. And, what Members have remarked a while ago about the stability and the good Government of these Islands, something that we must continue to give serious consideration to, the day that we tend to destroy or to damage this position then I think the Islands would have lost something worthwhile. I think we should all endeavour to promote the country and promote it on reasonable and good standards. The country must at all times be able to finance its affairs; (now, I am going to say this again, Mr. President, which the House may not be aware of), they believe that Government's source of income is something which should be taken lightly. According to the petition the public seems to think that the Government has no right to increase taxes, and if it increases taxes it should be done according to their direction.

The Cayman Islands has been subject to aid from the mother country for a number of years in the past, we have progressed quite well and enjoyed that benefit, but, Mr. President, that aid is coming to an end; aid was mostly for capital development or for technical assistance. The British Government itself has said, that because of the standard of living in the Cayman Islands, because of the high per capita income of the Cayman Islands, which has placed it tops among the countries of the world that there is no longer a need for aid to continue to the Cayman Islands, there are many other countries more deserving and therefore British aid must be channelled into other directions. We should therefore, as the Member for West Bay said a little while ago, be thinking of how we are going to finance our own needs and not depend on external sources as we have done in the past. Because, while British aid may continue for a while longer, and I expect that this will be for a very short while, and further more the aid which is now allocated to the Cayman Islands from the British Government is in the form of a loan which we must repay, that is also coming to an end. So there is the time coming and not in the very distance future when the Cayman Islands will need to finance its entire operation. We must be given or we must begin to give serious consideration to the various avenues from which we will be able to finance our many needs. The country is just developing, there are yet many areas of need and a great amount of capital development is required. So, the financial position of this

HON. V.G. JOHNSON: (CONT'D): Government is not altogether as rosy as some people would want to believe, and to the extent that when Government attempt to introduce a few small measures of taxation, that there is a great amount of objection to it by even Members sitting in this Chamber.

Mr. President, I am sorry that in presenting the report I did not mention the item category (c) dealing with the constitution which said, "that the Constitution to be changed to abandon the principles of collective responsibility in the Executive Council and that the constitution to be changed to permit a second Member for North Side and East End constituencies". The Committee examined this, and the committee recommended that this would require amendments to the present Constitution, and the committee felt that at this stage it had no mandate from the people to seek such amendments. The committee felt that such a mandate would need to be given to the elected representatives at a general election, and it would have to be made very clear in such a mandate what the request was all about. So, Mr. President, as far as the question of abandoning the principles of collective responsibility and the proposal to allow a second Member in the East End and North Side constituencies, with concern the committee could not assist there either.

Now, Members have said, that the committee failed in its responsibility to the Legislative Assembly. I would take that, Mr. President, to mean that there is reflection in the first instance on the Chairman of that committee. We conduct committees of this Legislative Assembly by parliamentary process. We have endeavoured in this Honourable House to follow that procedure from time to time, if an error is made by a Member we refer immediately to the Standing Orders and the Member is corrected. If we go to a committee we endeavour to follow the same principle: When we return to the Legislative Assembly with a report signed by ten of fourteen Members who agree to the recommendations of the report, how can Members of this Legislative Assembly make such a remark that the committee failed in its responsibility to this Legislative Assembly. In other words one should just discard the signatures of ten Members on the majority report and accept the report of the minority Members, two statements signed by four Members. Well, that is not what I have been taught, and I am sure that the ten Members who signed that majority report are considered reasonable people, intelligent, honest, people of integrity, people of understanding and people who understood quite well the business that was referred to them in that select committee. Again, Mr. President, I cannot understand these statements being made in this House, and especially this statement that was made concerning the report of that select committee.

Mr. President, we have heard all sorts of things in the debate: one said that a Judge referred to certain law as being a foolish law, I wish that Judge was somewhere around here to defend himself.

MISS ANNIE M. HODGE: Mr. President, on a point of correction. If the Honourable Financial Secretary is referring to me, I did not say that. I said, that the Judge said, "this thing that you call a Law", that's what I said.

HON. V. G. JOHNSON: Well, that was what I understood, Mr. President. I have heard past remarks about it that the Law was a foolish Law, but, Mr. President, I don't think any Judge would refer to any Law as being a foolish Law, otherwise there is something wrong with the Judge himself. Because a Law is made and a Law is interpreted in the manner in which it should be interpreted, and all people do not interpret a Law in the same manner. We have heard the Honourable Attorney-General mention here of decisions made by three Judges hearing an appeal, and we've heard that two of the Judges agreed or came to the same decision while one disagreed. Well, this is obvious, because there is the human element in all these things and decisions are made by individuals, it's the same as Lawyers in a court room. All Lawyers are not of the same opinion, you have Lawyers representing the Crown, Lawyers defending the accused and so on, each one with their varied views, and each one interprets a section of the Law as he wishes: some interpret some sections and some try to avoid these sections and so on. But, I wouldn't refer to any Law as being foolish,

HON. V.G. JOHNSON: (CONT'D): especially the Law which was being referred to, it was made by Members of this Legislative Assembly, whether the present Members or the past Members, and I am sure that they were reasonable people with reasonable thinking.

A Member asked, Mr. President, why the Development Plan has not yet come to the Legislative Assembly; but, I thought I answered a question on that particular subject during this meeting, and I explained in detail why the Plan was not here, and why it is not likely that the Plan would come before this present session. so I don't think I need to repeat myself there again.

I heard a mention when a Member was speaking on the revenue of this Government, and that if we are not careful in a short while it would need to be supplemented from certain sources, that revenue has been falling from 1974. Well, perhaps revenue has been falling since the beginning of the recession, and I will remind Members that the recession began in late 1974 and in some parts of the world it began in mid 1974. But, to supplement revenue from a bond issue is certainly not legal, it is not proper, and I don't think it was the intention of this Government to use the Public Loans Law for this purpose. It was explained what a bond issue was for, it was to finance specific projects and it is certainly not to supplement short-fall in revenue; neither is a treasury bill issue to supplement short-fall in revenue, it is to do bridging finance when it is necessary to produce cash in certain times of the year .....

MR. JAMES M. BODDEN: A point of order, Mr. President. We debated the Public Loans Bill a couple of days ago, and if I remember correctly there was no reference made by any speaker who opposed this motion in saying that the money that would be obtained from the Treasury bills or other bonds would have to be used to subsidize what the Third Official Member is talking about, Sir; the short-fall in the budget.

HON. V.G. JOHNSON: I have a note here, Mr. President. The Member said, that we may have to use the bond issue to supplement revenue, because of the falling in the collection of revenue from 1974 to the present time; that's what I was referring to. And what I was trying to clarify is that neither the Treasury bill issue nor the bond issue would be used for any short-fall in collection of revenue.

Mr. President, other Members of the Government bench have explained the reason for the small collection of motor vehicle taxes in the first quarter of the year, and I don't think I need to elaborate much more on this. It is quite true that tax is paid on a quarterly basis, in quarterly moieties, and in the first quarter one would not expect to collect too much taxes, furthermore, most of the vehicles being licenced this year are the smaller cars, the bigger vehicles which pays a bigger tax would be licenced in the middle of the year, because of the staggering of licensing of motor vehicles commencing in 1976.

Mr. President, a lot has been said on the report and I am really surprised that the debate took this form and went to such great length I suppose it's quite in order since you have allowed it, Mr. President, but, I would like to just say that what has been done by the committee was done in the best interest of the public and in the best interest of this Government. There was no attempt by any Member to evade the issue, the issue was quite clear and Members dealt with it accordingly. I would therefore ask that the recommendation of the majority report be adopted as I recommended before. Thank you, Sir.

QUESTION PUT: AGREED. THE REPORT (MAJORITY) OF THE SELECT COMMITTEE WAS ACCORDINGLY ADOPTED.

MR. PRESIDENT: I'll suspend proceedings until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 12:50 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed.

MR. JOHN D. JEFFERSON: Mr. President, before we get on further with the business of the day I would like to make a motion since it is very clear that we won't be able to finish business today, that we adjourn at 3:30 P.M. this afternoon.

MR. PRESIDENT: Is there any reason for this?

MR. JOHN D. JEFFERSON: I have a strong reason, Mr. President, it's the end of the week and we have had a very busy week here, and if we could finish today I would see the merits in staying late; but other Members have indicated that they also have business, and I'd like to move that motion.

MR. PRESIDENT: Well, I'm not sure whether this is a motion for the adjournment which I think should be taken at the proper time. I think we'll go through our business until we have the suspension. And, if the Honourable Member like to move the motion 3:30 P.M. it can stand or fall.

MR. JOHN D. JEFFERSON: Ok, I was only trying to - if it's a procedure we could sort of - I'll keep that in mind.

MR. PRESIDENT: Yes, I'm sure we can discuss them formerly at the interval this afternoon. We'll proceed next to Government Motions.

GOVERNMENT MOTION NUMBER 3 - PURCHASE BY GOVERNMENT OF ADDITIONAL SHARES IN CAL.

HON. V.S. JOHNSON: Mr. President, Honourable Members. I formerly move Government Motion number 3 which reads:- "WHEREAS the present shareholding of Cayman Airways Limited (CAL) is in the proportion 51% Government of the Cayman Islands and 49% LACSA of Costa Rica; the shares representing these holdings being 76,500 and 73,500 respectively at CI$2.00 each or a share capital of CI$300,000 and,

WHEREAS the Board of Directors of CAL reported that for the purpose of securing licences for CAL from foreign Governments who have stated that the present equity shareholding gives the Company a very narrow margin to be considered a truly British Carrier, the basis upon which the licence is granted, it would now wish Government to consider varying the proportion of shareholding to 60% Government and 40% LACSA instead and,

WHEREAS in order that Government may hold 60% of the shares, the Board has recommended that new shares be issued to achieve this rather than buying shares from LACSA; the shares to be purchased at a price equivalent to the original value or CI$2.00 each would require an issue of 33,300 shares costing CI$67,500 and,

WHEREAS in 1974 CAL paid to Government as a shareholder a dividend which is held in reserve, and which is now in the sum of over $70,000; this being the source from which purchases of the new shares would be made,

BE IT THEREFORE RESOLVED that this Honourable House gives favourable consideration and approval to the proposal of purchasing 33,750 new shares in CAL to give Government a total of 110,250 shares in the Company or 60% of the equity and instruct the Financial Secretary to proceed with the implementation".

There is an error which I would like to correct, Mr. President in the third paragraph which says, "an issue of 33,300 shares" which should be "33,750 shares".

MR. JOHN D. JEFFERSON: Mr. President, could the Financial Secretary repeat that statement please?

HON. V.G. JOHNSON: An amendment, Mr. President, in paragraph 3 of the motion. The last line which says, "issue of 33,500 shares" it should be "33,750 shares" instead.

HON.D.V. MATLER SECONDED THE MOTION.

HON.V.G. JOHNSON: Mr. President, I laid on the table of this Honourable House earlier in this meeting a report or in other words the Minutes of the Finance Committee held on the 15th June, 1976 to consider the two motions, this present motion number 3 and another motion number 4 which would follow. The Minutes will bear out the discussion which was held in Finance Committee, and you will also see from the Minutes the recommendation of the committee and the recommendation was this, that the committee accordingly agreed to support the recommendation as set out in Government motions number 3 and 4 when there are presented to the Legislature at its Meeting commencing on Thursday, the 17th June, 1976. This was a unanimous decision of Finance Committee: I should state following that, Mr. President, that it was the wish of some Members of Finance Committee that the balance sheet and the Directors' Report which were laid on the table of this House during this Meeting be discussed at that Finance Committee Meeting, although they had not yet been laid on the table.

But, Members contend that it was related to the motion which they had to consider, and they thought that it was a reasonable request that the balance sheet be also examined; this was not necessarily the views of all Members of the committee. However, I permitted the examination of the balance sheet, but because we were not prepared to go fully into the details of the accounts it was accepted that a meeting be held at a later date when we will go into the accounts and examine these with people who are familiar with the operation and the accounts present. I promised to arrange this meeting and to invite those persons to attend the meeting.

To the motion itself, Mr. President and Honourable Members, the proposal contained in it was one suggested from last year when the Directors' Report was presented and laid on the table of this Honourable House: since then Members had been referring to the share capital of CAL as being held 60% by the Government of the Cayman Islands, and I imagine that it was presumed that this had been implemented, but it was not because it involved expenditure and this will bear out the statement often made by Government that it cannot spend public funds until it has been approved by the Legislative Assembly. And, for that reason the proposal to vary the share capital of CAL was not implemented. First of all the Board of Directors of CAL had to propose the Amendment to the Government of the Cayman Islands and then to LACSA the other share-holder. It was a matter of deciding whether this Government Purchased a portion of the shares presently held by LACSA in order to achieve the ratio of 60 - 40, but the Board in examining the equity structure of Cayman Airways decided that there was no profit in doing so, it would be more reasonable and equitable for the Company to issue additional shares to the Government of the Cayman Islands in order to achieve the ratio of 60 - 40 of the share capital. This having been put forward and accepted by the Board, by LACSA and by Executive Council, it was decided that it would come forward and be presented to the Legislative Assembly for a decision.

Now, the number of shares to be issued would be 33,750 shares at a cost of CI$67,500, so we were talking of fairly sizable sum of money: this has been arrived at. If the present shareholding or the present holding of LACSA is to represent 40% instead of 49% then it means that the total number of shares that should be issued so that Government would hold 60% would be 101, 750 shares at a cost of $203, 500. If Government is presently holding 76,500 shares, therefore it would be necessary, as the motion says, for Government to purchase an additional 44,750 shares at a cost of CI$67,500. Now if it was decided to do the adjustment in the other form of purchasing a portion of the present share-holding of LACSA, then it would cost the Government only CI$27,000, because the adjustment of the 150,000 shares or CI$300,000 capital would be 60% Government, which would be 90,000 shares and 40% LACSA would be 60,000 shares. LACSA now holds 73,500 shares at CI$147,000, so the adjusement there would be 13,500 shares costing CI$27,000.

HON. V.G. JOHNSON (CONT'D): that this was rejected by the Board of Directors and instead recommendation was made for the alternative method of purchasing new shares.

Mr. President and Honourable Members, quite a lot of debate took place in the Finance Committee meeting on this subject, and I think it was well aired there, and so I do not intend to speak at any great length on the motion. I would ask Members to give it their favourable consideration. I think that the proposal is a reasonable one, it is giving the Government of the Cayman Islands a bit more stake in the Company itself, CAL, and no doubt this is something that we may look forward to in the future again of ever increasing this ratio. Because, if CAL is to continue as the Flag Carrier of the Cayman Islands, and the business is to grow and to develop I think it should also be the aim of the Cayman Islands to have a greater stake in the operation, and at the same time to increase the assets of the Company, if and when this is possible. So, I think it is reasonable at this stage to say that the capital should be increased and that the Government's share should be increased as well. I recommend the motion, Mr. President, and ask Members to give it their kind consideration. Thank you.

MR. PRESIDENT: The Motion is as follows:- "WHEREAS the present shareholding of Cayman Airways Limited (CAL) is in the proportion 51% Government of the Cayman Islands and 49% LACSA of Costa Rica: the shares representing these holdings being 76,500 and 73,500 respectively at CI$2.00 each or a share capital of CI$300,00 and,

WHEREAS the Board of Directors of CAL reported that for the purpose of securing licenses for CAL from foreign Governments who have stated that the present equity shareholding gives the Company a very narrow margin to be considered a truly British Carrier, the basis upon which the license is granted, it would now wish Government to consider varying the proportion of shareholding to 60% Government and 40% LACSA instead and;

WHEREAS in order that Government may hold 60% of the shares, the Board has recommended that new shares be issued to achieve this rather than buying shares from LACSA; the shares to be purchased at a price equivalent to the original value or CI$2.00 each would require an issue of 33,750 shares costing CI$67,500 and,

WHEREAS in 1978 CAL paid to Government as a shareholder a dividend which is held in reserve, and which is now in the sum of over CI$70,000: this being the source from which purchases of the new shares would be made,

BE IT THEREFORE RESOLVED that this Honourable House gives favourable consideration and approval to the proposal of purchasing 33,750 new shares in CAL to give Government a total of 110,250 shares in the Company or 60% of the equity and instruct the Financial Secretary to proceed with the implementation".

The Motion is now open for debate.

MR. JOHN D. JEFFERSON: Mr. President, I rise to speak on Government motion number 3 which you have just read, to say that I support the motion before us today. I can well remember, Mr. President, several years ago when we were confronted with a very important decision that would have great or far reaching effects upon the Territory to which we are today. I remember when we were summoned as a whole that C.A.R. in Washington had said, that they would not relicence LACSA which was providing a shuttle service between here and Miami. I remember the weighty decision that rested on the present - at that time Members of the Legislature, when we were found with our backs against the wall and we realized that a decision had to be made, and that decision, as I've said before, could have far reaching effects.

Nevertheless, Mr. President, we summoned what I believe is a bad word, "an expert" to advise us on Airline operations, and that man being brought in from an independent party had access to information from the Office in Costa Rica and the Office in Grand Cayman and Miami. We were faced with the fact that had we not decided on the inception of the Company now called Cayman Airways, that we could find ourselves in the position where

MR. JOHN D. JEFFERSON: (CONT'D): We couldn't guarantee Air service to these Islands. There have been questions asked since, why did Government ever get into the Airline business? That question as far as I'm concerned is easy to answer; we got in because at that time apparently there was no other way that we could turn. We realize that our economy was based on Tourism, we were aware that without a dependable air service that these Islands would not be served at its best interest in Tourism. In the inception of CAL we felt that Government wanted to have a stake, we felt that the air service was so vital to the life of this territory that we wanted to have a stake in this airline. I remember very clearly how we as Members met the inaugural flight, how humbly proud we were to see flown over the Airways the words, "Cayman Airways". I believe it did a lot for this country, I believe the decision on our airways and our currency was a great contribution made guaranteeing the success of this territory.

Mr. President, as we are today or at that time the proposal that was before us was one of forty-nine fifty-one I believe, with the Cayman Islands Government holding the controlling interest in that Company. We have seen an Airline perform , we have seen Cayman Airways perform a vital task in this territory. I have a tremendous praise for the management and staff of Cayman Airways, and I will reiterate now what I said many years ago, that nobody is capable of welcoming foreign visitors to our shores like Caymanians themselves, those that are warm and hospitable and friendly. Cayman Airways today I believe we owe them a great deal of thanks because they have helped this territory to grow, they have helped this territory to move on in its prestige. We have seen its people enjoy very efficient service, a service that our great grandfathers many years ago would've never dreamed would've been performed in these Islands.

Mr. President, I have only flown on the other airline twice since the inception of CAL, and I enjoyed my two flights but I have never got on any aeroplane that I felt the friendliness and the courtesy and the hospitality that I felt on Cayman Airways. And, I am sure, that is not only true for me, that is true for the thousands of countless visitors that come to our shores and the many others of our own citizens of these Islands.

Mr. President, last year in the session where the Financial Secretary brought proposals before us, the picture was very gloomy and dismal, the question of the continuation of Cayman Airways apparently left in doubt. Mr President, I believe I can fully say that no Member in this Chamber today would sit by and see the collapse of a vital service, of an airline that is providing a vital service to these Islands. Cayman Airways has had their share of problems like every other company has had in the past year of recession, and I believe we could count on our fingers the amount of companies in these Islands in the past year that haven't found themselves in great financial problems. The wonderful part about it today, I believe is the fact that that is no doubt history, I believe we are slowly coming out of a recession - signs point us into that direction.

The question last year was somewhat dismal and uncertain, but yet the Minister of Tourism could tell us the other day - and we're all aware of this - that we have had one of the greatest tourists season these Islands have ever seen. This, Mr. President, would not have been true had it not been for the service that had been provided. I feel the loyal support that has been given to Cayman Airways by the citizens of this territory speaks highly for the service and the esteem to which Cayman Airways are held in these Islands. It is true that whenever any National Flag Carrier collapse it creates a very dismal picture overseas, it creates question marks in the minds of investors, and as far as I'm concerned I believe that the proposal before us today is a good proposal. Cayman Airways has found themselves in a position as the motion rightly states in the second paragraph, "WHEREAS the Board of Directors of CAL reported that for the purpose of securing licences for CAL from foreign Governments who have stated that the present equity shareholding gives the Company a very narrow margin to be considered a truly British Carrier, the basis upon which the licence is granted, it would now wish Government to consider varying the proportion

MR. JOHN D. JEFFERSON: (CONT'D): of shareholding to 60% Government and 40% LACSA instead". Mr. President, I believe that that has been one of the reasons why Southern Airways has been able to make things maybe a little bit better; is because under the permit Southern can do off routes and Cayman Airways is not in that position today.

What we are doing here is manoeuvring to give Government a larger share of the Company, and we are enabling Cayman Airways to better friend for itself in the field of competition. It is a fact that CAL could have gotten many charters, but because of it's present licence and because of the position that we are here to rectify today, CAL has been held at a disadvantage because of this. Not only are we having problems because of the licensing in the C.A.B. in Washington, but also we find the same position in Jamaica, because of the narrow margin of holdings with the Cayman Islands And LACSA, that CAL cannot truly be called by Foreign Governments a truly British carrier.

Mr. President, I believe that CAL's decision recently to have a sale agent on the road, and the one that we are doing here today will help that Company to overcome a lot of barriers. But I would like to make one observation which I believe is of vital importance and no doubt just about as great as the one we're seeking to overcome here today, and that is, that when the directors, the manager, the people recognize the facts that in my submission CAL is not getting it's full share of glory in Miami as it ought to. I believe the present position with CAL and LACSA in Miami is because of may-be a few or a couple of personnel - and because of the position to which the Company are operated at present, CAL is not is my submission being looked after in the best manner. I believe that we need to recognize that one of the greatest problem that we have is right there in our Miami office. I am assured that Lacsa is able to capitalize many times, because of its position. Because that Cayman Airways and LACSA both operates in the same offices; and because a couple of characters doesn't give the real image that should be reflected to the public - the courtesy, the service that it rightfully deserves to have.

I have been told for almost two years now, that in the office in Miami that Cayman Airways has recognized that its real interest is not being properly served, because of one or two characters. And I am still being told two years later that because of the unions they have not been able to do anything about it. I must say with the greatest of respect, that the supervisor is a very competent, courteous man in that office, but I would like our Government to realize, to recognize, to point out to CAL that we feel that the Company's interest could be better served with a different set up than there is in Miami. I don't believe we truly get all that we ought to get, I don't believe truly that the cause, as I have said before of CAL is properly served, and I recommend to Government that they do something about this, that they make representation to CAL that something be done to eliminate the sufferings that the public have had, because many times no courtesy, and not only no courtesy, but sometimes outright insults to persons that are trying to get on the plane.

Mr. President, at the time of the inception of CAL Government bought a number of shares, fifty-one to be correct, that money was voted on by the Legislature, set aside, and at that time there were a few Members - pros and cons, benefits, merits and demerits; but today I believe that every Member in this Chamber supports this Airline, no doubt there will be reservations made, they ought to be made, but the thing that I would like to point out is that we are not coming back today - they are asking for an Government to buy an additional shares and it's not like we are going to the treasury - in actual fact voting for another amount of money, but dividends in addition to the Service that was given to these Islands by Cayman Airways; dividends were paid; and out of these dividends today we're asked to purchase additional shares where Government will own a hundred and ten thousand two hundred and fifty shares of the Company. I believe that when the time of relicensing goes before the authorities in Washington, this being true, the ratio of 60 - 40, I believe that Cayman Airways will be able to get the

MR. JOHN D. JEFFERSON: (CONT'D) kind of licence that it needs; a licence that will help it be able to survive in the off season, and that the airline will be able to grow. Like I have said, there are not very many companies in the last year, because of the recession that haven't found itself in problem, but having a good season Cayman Airways finds itself in a far better position, a stronger position than it was at the beginning of 1976. I think the decision before us, Mr. President, to buy additional shares is a good decision. I think it's a decision that with other recommendations that we are making will help us ever to receive a better service.

And, I am saying that since we have gone to the expense to create our own Airline after several years, it means that we ought to stop and take another look. I think after we have done this exercise today that we should come back and say, "look, we want to be able to sit down, we want to be able to call in another independent party and have a fresh look to see whether or not LACSA is giving us the best deal possible". We are in the business, we are in Cayman Airways because of a business, because of a service and we owe no man anything except to see that we are getting the best deal for our money. We owe a lot to LACSA, there is no question in my mind that LACSA has provided a very vital service, that the difficulty that B.W.I.A. created to keep LACSA from getting the licence that it did should/where we could have been today, or/we could have been years / when overnight almost the airline that provided a service for us, very vital, discontinued, LACSA was left to take up the slack; and we are grateful for this. But, what I am saying is, that after these years with the inception of CAL with its operation and so forth now that we are taking on more shares, lets take a real close look at its operation, lets take a close look to see that we are getting as good a bargin from LACSA as we could get from anybody else; may be we are, but since we are in a field of business, lets make sure, lets make sure that we are getting the very best for our money.

Mr. President, I recommend the motion, and I certainly want to say that I support it as a whole. Thank you.

MR. JAMES M. BODDEN: Mr. President, I hope that we will be able to go on with this debate and the rest of the business 'til 7:15 o'clock, because due to prior arrangements I think I'll be unable to be here on Monday, and we do have a couple of motions which I'd like to see moved to the floor, but I'm going to speak on the business really at this time that is before the House.

After listening to the previous speaker, Mr. President, it brought to mind a story that I read sometime ago in a book concerning Krushchev, we all know that after Krushchev came to power he did everything in his power to do little the reign of Stalin. so he was out in the country expounding on what Stalin had done wrong; and there was some poor little nip squeak somewhere down in the corner that had enough intestinal fortitude to get up and say, "Where were you at when all of this was going on? And, Krushchev turned to him and said, "Would the person who said that, please stand up?" He waited and waited, nobody stood up, so Krushchev said, "I was doing the same thing". So, I don't know why the Member expounded at such great length, because that is the position I took on with his attitude.

MR. JOHN D. JEFFERSON: On a point of order, Mr. President, I think that is an inference.

MR. JAMES M. BODDEN: Mr. President, no one in this House I think has asked more questions and fought the CAL deal more than I have. I have done it on a business point of view only, and I look on this proposal that is before this House today in this manner a family may quarrel among themselves, this Legislative Assembly may quarrel among themselves, but when the time come that you have to unite you unite and nobody breaks that up. I am very proud to know that this country has progressed to the point where it has its own National Airline. I do not agree with some of the things that has been done business wise in that, I still do not agree with them, and I've stood

MR. JAMES M. BODDEN: (CONT'D): literally against it; but I feel, although I do not agree in secretiveness, I feel like the matter of Cayman Airlines should not be at this point debated in this House, it should be handled in the Committee room.

I do not support the idea that the only reason that we're doing this on a 60 - 40 basis is to give us better bargaining power in the outside world in regards to a majority shareholder. I think that's a bit misleading. I think we have to do it because, if we have to sell the shoes of the Second Elected Member from West Bay, we must keep CAL running, and we must unite regardless of what it's going to take to do this, Sir, we must face up to our task. I support the motion although I do not support the idea behind it, and I support it on the basis, Mr. President, that what we were promised in the Finance Committee will be upheld, and that is, with in thirty, not exceeding forty-five days that the auditors of Cayman Airlines and the Directors of LACSA who are responsible for its commitments will meet in a private session of the Finance Committee in this building giving the Legislative Members the authority to question the balance sheet as we discussed it in the committee room, and to question the Directors of LACSA/regards to the overall operation of the Cayman Airlines operation; that is the basis on which I am supporting this, and I hope that when the Minister winds up his debate that he will give us an assurance that that will be done. That is the main reason I support this, Sir, because I am taking it at his word that that will be done not later than forty-five days from today, and that is the place for us to discuss the further merits or demerits of Cayman Airlines and not in a public debate here today.

So, I support the motion to what we're doing now, Sir, and I close by saying, that I cannot only condemn but I realize the power of Government is a very responsible thing, and when it comes to the point of doing what is good for the national good I can throw my support behind Government at anytime, but I also reserve the right to criticize it when I think it is wrong. Thank you.

MISS ANNIE K. BODDEN: Mr. President and Members of this House, while I do not like planes, I like the CAL, and I have always supported this idea. I will reiterate that I was the only Grange Town Elected Member who supported that at the offset, and I am still in support of it. While I do not like planes, I'll repeat, I like the CAL. It is a pride when I know that in the former days when the Pulmar, as far back as I can remember, was the only means of transportation from here to Jamaica, and going to Tampa some schooner, then the advent of the Cimboco and the Lady Sister, Caymanian Rulers, Manco and the Kirkconnell's boats, they filled in. And finally we had this airline. Now, I do not like to travel by plane, and as I recall the inaugural flight of this Cayman Airline, I went for it. I thought it was so foolish not to go, we had to pay $17.75 I think it was, and you got a free visit to go to Miami.

Mr. President, when we got over the Bay of Pigs something happened, the plane went down, I said it must have been four or five thousand feet and when I got to Miami my hair was like if I had been in the sea (MEMBERS LAUGHTER) I promised that if I ever got back alive and in my home, no more plane rides for me, and I stuck to that. But, I support this, and I feel very proud that we, with this limited resources which we have are able to maintain an airline. Now, I expect no more out of this than I have always expected, the dividend that I expected was the service that was render to the Cayman Islands. Now these figures that has been presented to us, I have not gone into them too very carefully, and may be we can make some adjustments, but in any respect I would say we should sacrifice everything to keep this airline going, and this money which we have made the Public Loans Law for available, if it's necessary I would even agree to spend some of that to keep this airline going. We don't want to go back to the Cimboco days, we want to go forward, and the step forward is, as far as I'm concerned, to keep the airline going, even though I will not fly on it unless I can't any better do, not that plane, but any airline.

But, Mr. President, I feel that we should support such a venture, and I am very surprised that we didn't have to dig into the

MISS ANNIE A. BODDEN:(CONT'D):Government's pockets as my colleague often says. To find this money. I never in my wildest dreams thought that they had ever saved one penny to be able to have a dividend, and I support it to the hilt, and I hope and pray and trust that not one in this Chamber will be against having our airlines flying. Thank you, Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, I rise to support this motion. I rise with pride, but I also rise with a word of warning. We must make Cayman Airways a viable economical proposition. This country is a very poor country we have no resources except natural resources such as swimming, beach and so forth, compared with other countries. And we will when this time comes sit down as we have been promised with the Directors and with members of LACSA airline and examine this in a most business like manner and determine if we are getting the best value for our money. This Government cannot continue to subsidize first one thing and then the other, our people the moment the word "tax" is mentioned there's a great uproar. We want all that the world has to offer except the tax, and we have to be very very careful when we are demanding of our Government that somebody has to pay for it. Government can only give back to the people what it takes from the people, and we have to examine this very very closely, as I've said, when we sit down with the Directors and with the owners of LACSA. We have to determine if it is the best deal we can get, what are the alternatives, can the aircraft be used more advantageously, is the sixty percent capacity which other airlines have as their break even figure, is this figure really true or not with Cayman Airways, are we expected to fill this flight 100 percent to break even or what is the figure that the charter hire and so forth is based on? These are questions, Sir, I will not bring here, these are questions in the back of my mind.

As a business man and as a protector of the people we have to guard these responsibilities placed on our shoulders, and we have to do so with the best of our ability. Recession, Sir, has been used to cover a multitude of sins; we have been in business and we have gone through the recession although we have not flourished, most of our businesses have paid. I have also read about other airlines in very, very much worse financial position than our Airline, but that is not helping us at all, we must find solutions to our problems. I do not consider, Sir, that we need any expert advice, I feel that as business men of the community and representatives of the people that we can sit down and competently go through each and every phase of the operation of CAL and come up with a solution whereby we can cut expenses, we can increase the use of the aircraft and make this an economical and viable proposition which will enable us to expand Cayman Airways, and in the proper manner. I support this motion one hundred percent.

MR. ELMORE M. HYLE: Mr. President and Honourable Members. I rise in support of Government's motion dealing on buying shares in the airline which is doing a fine job in the Island. We here in the Cayman Islands have a lot to be thankful for in regards to the service rendered by that particular airline before it became CAL. The proposal placed before us today is a proposal which everyone of us should consider very deeply; as one Member said, just a few minutes ago, the days of the Fulmar I fully well remember them. My arrival in this Island as a little boy three years of age, I will always remember it and I must say this, I did not come on the Fulmar but I came on the Sterling and she was wrecked 7 month after arrival. that's why I didn't go back. (MEMBERS LAUGHTER)

Mr. President, the permission given to Government for new shares in the airline that serves this territory is something of great importance. We should always remember that it is not what you get from the country it's what you give the country that counts. The airline has been confronted with, I would say, a lot of difficulties; and all over the World it appears to me that airlines are continually having trouble with their management. I heard a Member, just a few minutes ago remark of the difficulties on the handling of passengers in Miami - here, which has left us with food for thought. I personally don't like to travel on planes, as one

MR. CLAUDE M. HILL (CONT'D): Member said, but I do travel on planes; and I have travelled on the plane, and I have been confronted with the same thing that that Member said: when I called for CAL in Miami they asked me plainly if I am going on LACSA, I said, no, I want CAL; and they told me plainly that I could not get on CAL, I said, I had a return reservation on CAL, and finally I was placed on CAL; had I went by LACSA I would have to come in at night, and I don't like day flying much less night flying. Anyhow, I made my trip alright, and I expect to make another one, but I will sure be using CAL plane if possible. And I feel that we here in the Cayman Islands should support CAL in all its efforts. Thank you, Sir.

MR. JOHN D. JEFFERSON: Mr. President, I would like to move that adjournment now, Sir.

HON. V.G. JOHNSON: Mr. President, with due respect I couldn't support an adjournment at this stage, I think we should endeavour to get through with as much business as we can this afternoon. We might not be able to get through with all the business before the meeting, but at least get through with as much as we can today.

MR. JAMES M. BODDEN: I second what the Third Official Member has just said.

MR. JOHN D. JEFFERSON: Then I ask to be excused after four o'clock.

MR. PRESIDENT: Well, if there's no seconder for the original motion, I think we don't have to proceed on/ vote, and take it that we carry on business. If there are no other speakers I'll ask the mover to reply if he wishes.

HON. V.G. JOHNSON: Not very much to say, Mr. President, but I will say that what prompted in the first instance this recommendation was really the airfare aspect as far as Cayman Airways was concerned. But apart from that I know that there are other considerations where the Government is concern, and I did say in presenting the motion that the Cayman Islands should look forward to greater participation in Cayman Airways and even to greater assets in the Company in the near future.

I did not make any commitment in the Finance Committee as to when we would meet, I said that I would try to do so in due course, that is the meeting of Finance Committee to consider the balance sheet. I could not commit myself to a period not exceeding forty-five days either, because it all depends on when the Directors and the Auditors are available: one must take into consideration that at this time of the year people are on leave, and it's not very convenient to get everybody together when you would wish. So, it could take a longer time, but I have given the committee my promise to arrange the meeting and that meeting will be arranged in due course.

A reference was made to the Cayman Islands as being a very poor country: I said in another debate this morning that the Cayman Islands are considered a fairly wealthy country by many standards today and for this reason our per capita income has been growing at quite a high rate, and we have been classed by the British Government as one of the better off territory financially within the Commonwealth, and for this reason we might be affected by the aid which comes from the United Kingdom. So, I don't think we should refer to the Cayman Islands as a very poor country, we are not by any means. Another mention was made of the recession, and said that we played on the recession a great deal, we used it as an excuse. Well, it all depends on what reference is being made to conditions in the Cayman Islands as being affected by the recession, for instance, whole-sale and retail businesses would not be affected to any great extent, because one must realise that the thirteen thousand people in the Islands and sixty thousand tourists travelling here must eat, they must be clothed / they must be accommodated and this is the business of whole-salers and retailers.

HON. V.G. JOHNSON: (CONT'D): But when we talk about airline business, banking and other operations, of course the recession has had a great adverse affect on operations here and it's no secret in the Cayman Islands, it's a world wide recession the worse since the recessions of the late twenties and the early thirties; this has already been written in many History books, and we in the Cayman Islands have felt the affects of it from early 1975, and rocked us all through 1975 that left this Government with a deficit of half a million dollars from a reserve of over two million dollars at the beginning of the year. So, we can't say that the recession was used altogether as an excuse, it had a great amount of affect on the Cayman Islands. But, anyhow, Mr. President, I am glad that all Members gave their full support, those who spoke, and I now ask for the formal acceptance of Motion number 3.

MR. PRESIDENT: The question is, as I've read out at the beginning of the debate, but I'll better put the resolution section to be clear what we're voting on. "BE IT THEREFORE RESOLVED that this Honourable House gives favourable consideration and approval to the proposal of purchasing 33,750 new shares in CAL to give Government a total of 110,250 shares in the Company or 60% of the equity and instruct the Financial Secretary to proceed with the implementation".

QUESTION PUT: AGREED. MOTION PASSED UNANIMOUSLY.

GOVERNMENT MOTION NUMBER 4 - SUBSIDY TO CAL FOR INTER-ISLAND SHARES IN CAL

HON. V.G. JOHNSON: Mr. President, and Honourable Members I beg to move Government Motion Number 4 which reads:-

WHEREAS Government paid the subsidy of $80,000 per annum to Cayman Airways Limited to assist in financing the inter-island or domestic operation, the reason for the subsidy being that the operation was never profitable: in 1971 the subsidy was suspended on the grounds that the international operation which was then extended to the United States of America was profitable enough to subsidise the domestic service and,

WHEREAS since September 1974 the economic recession has had a most adverse effect on the financial operation of CAL to the extent that the Company after suffering considerable loss was forced to revise its operation in order that it could survive the crisis period: in the revised arrangement it was shown that the domestic service would require a subsidy of at least $20,000 per annum to break even but because of the financial position of Government a subsidy of $10,000 is being recommended to be paid with effect from the current year 1976 provided funds are available for the purpose and,

WHEREAS since the domestic operation is unprofitable CAL could adopt the view to discontinue the service but the Company would not wish to pursue this course and instead requested the consideration of a subsidy. If the Financial Secretary had arbitrarily suspended the subsidy in 1971 it would perhaps still be paid on the basis that it supported a local service performed by a Carrier whose owners included foreign interests,

BE IT RESOLVED THEREFORE that this Honourable House considers and approves the proposal put forward for a subsidy of $10,000 p.a. to CAL effective 1976 provided funds are available for the purpose.

SECONDED BY HON. D.V. MILLER:

HON. V.G. JOHNSON: Mr. President and Honourable Members, this motion as I mentioned earlier was also considered by the Finance Committee at its meeting on the 15th of June, 1976, and the minutes of that meeting have been circulated to Members. The committee agreed to support the Motion when it was presented to the Legislature at this Meeting.

A great deal has already been said about Cayman Airways in general, and so we need not say very much about the Company itself but rather confine the discussion to the inter-island service. The motion sets out the case in br. Mr. President, and I think it was during the Finance Committee meeting that mention was made by the Honourable Member for Cayman Brac of a case where another small Airline operating a local service had attempted to supplement the inter-island service for a short time, and

HON. V.G. JOHNSON (CONT'D): the experience was that the service would hardly support the operation. The fact is, that the Carrier found itself in financial difficulties at the end of the period. It's not very difficult to understand the reason for this. Mr. President, because the operation of the domestic service includes or is made up of flights between Grand Cayman and Cayman Brac. In days gone by it operated a service extended to Jamaica, and it operated chartered flights which produced a good bit of revenue in addition to the scheduled flights between Grand Cayman and Little Cayman; the Little Cayman operation was discontinued over a year ago, and so the scheduled operation is confined now only to Cayman Brac.

But the cost of a DC3 is not altogether as cheap as one would expect it, but the plane has got to be maintained, fuel is costly these days, ground crew has got to be maintained in Grand Cayman to continually service the aircraft, there is the Pilot and Co-Pilot and Cabin Crew, and there are various other additional expenditure involved in the operation. It means that the plane has got to perform with a minimum number of hours per week with a certain number of passengers lifted in both directions and if this is not forthcoming then it's without reason or it is quite evident rather that the Company will run in difficulty on that particular operation and this has been experienced over the years continually. We had at one stage to bring this to the attention of the Members from Cayman Brac at a special meeting when we pointed out some of the difficulties of Cayman Airways in the inter-island service, the days when there were a lot of complaints about the aircraft, but I don't think that there are any complaints about the aircraft now; but nevertheless, there is still the difficulty in the cost of operation.

Had it not been for the overall financial situation of the Company, Mr. President, the Company would have continued to subsidize the inter-island service from the international operation, but the international operation itself is in difficulty, and so there is no other source from which to assist financially the operation of Cayman Airways, and this is why it was necessary to come back to Government and to ask Government to reinstitute the subsidy which was paid to the Company up to 1973 when it was temporarily discontinued. The motion states that it would take at least $20,000.00 a year to break even well, in examining the proposal Executive Council decided that it would not recommend a sum in excess of $20,000.00, fifty percent of what was requested, and this is what is being put forward. I am sure that the Company will be thankful for small mercies, and we hope that it will be able to offset the balance of losses, or perhaps we hope that the operation will improve during the year so as to limit the extent of the lost in operation.

Mr. President, the matter was viewed in the same manner by a Finance Committee as in the case of Motion number 3, and they promised to give it their every support when it was presented at this Meeting.

I therefore recommend to Members this motion and ask for their kind support. Thank you.

MR. PRESIDENT: The motion is as presented and read out by the Honourable Financial Secretary; the resolution clause reads as follows:-

BE IT RESOLVED THEREFORE that this Honourable House considers and approves the proposal put forward for a subsidy of $10,000.00 P.A. to CAL effective 1978 provided funds are available for the purpose.

The motion is open for debate.

HON. TREVOR FOSTER: Mr. President, Honourable Members, I am not much in the frame of mind for speaking, because for the last week I have been sitting here suffering horribly from a flu. However, this over the years since 1966 that I entered this House, has been one of my pleasures as the Third Official Member mentioned a while ago about a special meeting which his good office organized for myself and my then colleague on the Deputation flight. Nevertheless, thank God the service today is much better than it was in those days, although it did take us to the extent for a period of time that we even refused to fly on it, and we came down on a ship and held up meetings, and one thing and the other, but the battle exactly was not lost and we have not departed from the DC3 aircraft but let me say, that at least it is maintained in a

HON. TREVOR FOSTER: (CONT'D) much better condition than it used to be in those days.

Mr. President, I feel certain Members will support this motion. It might be unfortunate that the domestic run under the present operations does not pay. But, no doubt in time to come and with a little bit better management may be this can be possible. Nevertheless, I think Members will bear in mind that our Government has an obligation to the people and this obligation must be fulfilled. I feel very proud to know that the two services are together, I feel that is the way it should be, that the smaller should benefit from the larger if and when it's profitable, and this no doubt was the reason why the Third Official Member stopped the subsidy some years ago. However, the time has come that the international run is feeling the effects of the recession and therefore the already losing battle of the domestic run is not any help to it.

Mr. President, I feel that this contribution to Cayman Airways, especially with the view that this Government will shortly own sixty percent is a step forward that our people will realize that has been done for their benefit, and done for the main reason to keep air communications in the small way going. I do feel also that as we get on and the country becomes in a better financial position we should endeavour to see the airstrip in Little Cayman opened well, and this, no doubt will add to making the finances of the inter-island run - put it in a better position. I can only ask Members to support the motion. I thank you.

MISS ANNIE M. BODDEN: Mr. President and Members of this House, it is most necessary that we support this motion, otherwise how would the Member from Cayman Brac get here, so we have to support it, and I support it very heartily.

MR. CLAUDE M. HILL: Mr. President, Honourable Members, I rise to support Government motion number 4 pertaining to the operation of the flights between Cayman Brac and Grand Cayman. For one to discontinue this at this time it will be very detrimental to the communication to the Sister Islands, and/ one of us. When I look around and see two Members sitting here it makes me realize that although they are miles apart we are here together, and if we are going to be together this is one means of doing so. We have just passed a motion here for money for this Island, between here and Miami and Jamaica and I am sure that if news were to go back to the Sister Islands that that had happened I am sure there would be something said about it, and I am sure Members who represent those Islands would not be sitting down and letting things like that take place. And I feel that a subsidy, if it can help the situation, and if funds are available it should be done, Sir. Thank you, Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, the word subsidy, Sir, to me is a bad word. I feel that every business or every business that one enters into is either a failure and they get out of it or you go ahead and you make a success of it. Nevertheless, CAL's operation to the Lesser Islands or to Cayman Brac and Little Cayman, the main reason or one of the main reasons why this service has gone in the red is the exclusion of Little Cayman, let's face facts; this was ruled out because of many reasons. It took them nine years before they realized that the airstrip was unfit or was not up to international standards, the charter hire that the plane used to get from Grand Cayman to Cayman Brac to take fishermen and other people during the week and for week ends, this has had to be curtailed. If I haven't got supplies in my supermarket I have nothing to sell, I'm going out of business, and this is exactly what has happened to CAL, the passengers are there, but we have no means of getting them there or there are not allowed to go there on our airline. And, until such time as this is rectified there will be subsidy on subsidy and subsidy.

I would like, Sir, in some way or the other to see this airstrip opened; perhaps I might not even be here for the next occasion or within the next four years, I'm not sure what I'm doing yet, my health may not permit and there may be other reasons why I might not be here. However, I would like to see something done about the reopening of Little

CAPT. C.L. KIRKCONNELL (CONT'D): Cayman airfield, and I feel that this will have a full impact on CAL local operations, that is between here, Little Cayman and Cayman Brac. I think you, Sir.

MR. G. HAIG BODDEN: Mr. President, I gave my approval to this subsidy in the Finance Committee, but I want to endorse the statement just made by the Member from Cayman Brac. He is quite correct in giving one of the reasons why the inter-island service is not profitable. I landed on Little Cayman nine years ago for the first time by this same DC3, the airfield there is no worse today than it was nine years ago, in fact I think there have been considerable improvements; saying that the airfield was not up to international standards was not sufficient reason for closing down the airfield to the DC3 service, money could have been found to put that airstrip in proper order to bring it up to international standards. I'll just give one example, the money which we have thrown away on the Radio Station was more than sufficient to provide this valuable service. There was no real necessity to have the Radio Station set up last year, five years from now would have been time enough. It is true that we can enjoy it since we have it, but it wasn't a necessity, which means that we always seems to get our priorities wrong; so don't tell me that money couldn't have been found to make this airfield in Little Cayman good enough for international service and good enough for the DC3. But, it seems that some people must always have their way regardless of the facts that stare them straight in their faces.

I also know of another reason why the inter-island service is not profitable, and that is because of a Monday week end schedule. I don't care who's advising them, they have four flights to Cayman Brac on the week end which is quite good, but the amazing part is that three of those flights go up and only one come down, that may sound like a paradoxical statement but this is the way those flights run, one flight goes up late Friday evening, one goes up ten thirty Saturday, one goes up Saturday evening, and there is only one to come back on Sunday evening. One little change in that schedule would give you two flights to go up on and two flights to come down on. I'll further explain what I'm saying, a few weeks ago I had occasion to go to Cayman Brac on the week end and before I left I spoke to a friend of mine and he said that he was also going up to Cayman Brac, when I came back the next week I said to him, why didn't you go, he said, I could get up but I couldn't get back. We left that Sunday evening some nine or ten passengers that had gone up for the week end in Cayman Brac because they couldn't get back. Many Cayman Brac people live here, they work here, they want to go up to go to Cayman Brac for the week end, a lot of tourists and a lot of Caymanians want to go to Cayman Brac for the week end but people who are working and want to be on their jobs at eight o'clock Monday morning cannot get back. You have all the transportation you need going up when you finish work Friday and Saturday morning you can get up, but when the week end is over you can't get back down. So, somebody should tell these people to arrange this week and schedule so that it is profitable. You only need common sense to do that, it doesn't need expertise at all.

And, the bad part about the two flights on Saturday is that one of them leaves here at ten thirty and the other one in the evening, so nobody can even go up for a Saturday. If a tourist wants to go up to do some fishing or scuba diving, the person would want to go eight thirty Saturday morning and come back Saturday evening so they could spend the whole day. What the schedule needs is two flights on Sunday, one on Friday and one on Saturday, that Saturday evening flight is a waste, it goes up empty and it comes down capital = (MEMBERS LAUGHTER) = while your Sunday flight coming back is packed with ten or a dozen people on stand-by, so somebody ought to tell those people that they should revised this schedule, and some body ought to take steps to reinstate the lapsed service to Little Cayman. The Member from Cayman Brac dealt with charters that have been lost, and so with a little bit of common sense or even a little bit of horse sense, I believe the inter-island service could make money.

I endorse the subsidy because it is needed, we must have communication between the Lesser Islands, and even if we have to

MR. G. HAIG BODDEN: (CONT'D): close down the blasted Radio Station and get money for this service we must have it, even if we have to change our priorities we must have the money for this service.

Mr. President, I know the Member from Cayman Brac is worrying whether I will sit down in time for him to catch his only chance of seeing his dear wife for the week end, so I will not continue any longer.

HON. A.B. BUSH: Mr. President, I know time is short especially for the Member from Cayman Brac and I know we all want to get out of here, but I think I should just try to clear up some of what was said about the Little Cayman airfield. Surely, this has been a concern of Government and it is not that the position that CAL finds itself in today in the domestic run is really not because of the closure of the Little Cayman airfield to the DC3 operation for passengers. I think this is one of the places where it has never shown any profit to be going into, and I'll try to explain why. Because, the condition of the airfield was so that in the event of the plane having a full load of passengers which included some passengers for Little Cayman on the run from Grand Cayman with a load of passengers or with so many more than a certain amount, I don't remember exactly how many, but it wasn't a pile; they could not land at Little Cayman and they were obliged to go on to Cayman Brac and after they had discharged the greater amount of passengers for Cayman Brac they could then take whether it was one, two or three passengers to Little Cayman and most of the times they had one passenger or may be another one, so it obligated them to take flight from Cayman Brac to Little Cayman even with one passenger.

Now, the airfield in Little Cayman has not been closed for freight services, for supplies for the people of Little Cayman, this is still in operation, but I think we should bear in mind that the reason why the Little Cayman airfield was closed was because it was unsafe for passenger service, and surely we have gone in there for many years without any accidents, but we couldn't be assured that these accidents or some accident would not happened; and then where would we be? I am sure that Government would be criticized for permitting such a service at the risk of human life, but, Mr. President, I think that Members know that this is foremost in the minds of Government and we hope that sometime in a not too distance future this will be remedied. Airline operations as we have heard even explained here is really not as profitable as some of us may think, it is a very expensive something, and the domestic service is not any better. I know that we have to maintain the service, I wouldn't by any means want to see it fall through and it is why we agree that it should be subsidized because it is losing money, and we will do mostly anything to make sure that the operation from here to the Brac continues. But I hope that Members here are aware that there is still communications with Little Cayman with a different type of plane, not the DC3 for passenger service but with a smaller plane which can either go from here or chartered flights or which can be taken from Cayman Brac. So, they haven't got any worse service from Cayman Brac to Little Cayman, it may be a little more expensive, a couple of dollars more, not a pile more either, but they have a good service and I would say it is a service that is now much better than was before, because the flights into Little Cayman from here and Cayman Brac before were something like four flights, and today you can have a flight every day as many times a day as you would like from Cayman Brac to Little Cayman. So it hasn't been any decrease in the service, it is that the service that leaves here for Cayman Brac does not call at Little Cayman as it use to be and it could only as I have said, call at Little Cayman if it didn't have a full load of passengers, if it had a full load of passengers it was obliged to go on to Cayman Brac and then back down to Little Cayman.

But, Mr. President and Members, I think we all know this, we all agree that we should look forward to improving the airfield in Little Cayman and I hope that when Government finances improve that we will be able to tackle this. As Members may know the airfield in Cayman Brac is now being surfaced, and I hope by the end of the year or before the end of the year, let us say, there will have a first class runway in Cayman Brac

HON. A.B. BUSH: (CONT'D): and may be they may in the not too distance future have a different type of plane from the DC3 which is operating there now. I am glad to hear the Member say, that the plane is better maintained, I know it is and I'm glad for him : fortunate that he has said this in this House, that the plane is better maintained and in . first class condition and is being kept that way by the airline which we rent it from. I don't think that it would be right to say that the money which we put in the Radio Station has been thrown away, I don't think this is right, and should have been put on the strip in Little Cayman because even though the DC3 does not go to Little Cayman with passengers, it is a service to Little Cayman, they have not been deprived of a service to Little Cayman. But had we not put the money into the Radio Station we certainly wouldn't have had a radio station, so it is good to know that we can get both. We have got a service into Little Cayman, passenger service and freight service, not as it use to be, but it's a good service and as I've said, a service at will where you can go to Little Cayman from Cayman Brac and even from here as many times a day as you would like to go. And so it is good as I have said, Mr. President, to know that with the small amount of money available to us that we can even get both, so we should be happy that we have both a Radio Station and still have a good service to Little Cayman.

MR. JAMES M. RANKIN: Mr. President, I really was hoping I wouldn't have had to speak on this motion, but what has happened here this evening has prompted me to do it. The Government side knew that they had the full support of the House on this Motion, I don't think it would've been a Member on this side of the House that would have made a movement to get up if it hadn't been the Government side started to speak first. We had full agreement that, we were supporting this: so when you're supporting something what's the reason to speak on it? But what has been shown here this evening, Mr. President, is the lengths that the Government bench will go to , to hear their own voices and to filibuster. All they have done this evening, Mr. President, is to take up the time of this House and filibuster so that there would be no time left to deal with the motions that have been brought forward by my colleagues and myself, this is all you did it for and Mr. President, this is a shame. they leave or take advantage every time to castigate us for the least little way we might get out of line in their opinion. And yet all week these motions of ours have been thrown one side, and thrown one side, and thrown one side, now today they are on the books, I plainly stated I would probably not be here Monday, and they have filibuster the time so that we could not deal with it.

Now I didn't intend to speak but I'm going to speak. I know the Radio Station is not into this, Mr. President, and I'll stand subject to your ruling, but may be we could have used some of that money to support this with. However here we have a bureaucracy, when you look at the Northwester and see the staff it looks like the staff of the B.B.C. But, the question I'm posing to the Minister responsible for Communications and Works is why is it that this airport in Little Cayman is suddenly so unsafe when for years it has been utilized? I am asking him who determined that this airport was unsafe, and why is it that after all of this time that it has been unsafe nothing has been done about it? Could it be that there were other reasons for this happening? could it be that someone just wanted to see another airline run between Cayman and Little Cayman? I didn't know until this evening that we had another airline that was servicing Little Cayman and I don't know whether the Government has that: if the Government has it then I feel the Minister should have spoken on it but if the Government doesn't own it I don't see why the Member should expound on the benefits of the other airline. I don't know which airline it is.

Mr. President, I am sure that there are many airfields in the world that are worse than the Little Cayman airfield. I haven't been there. I don't know what it's like, everyone knows I like to go by boats, I don't like to fly. So I am not speaking in the hopes that I'm going to fly to Little Cayman because that's not the idea: but, Mr. President, if the airfield in Little Cayman is unserviceable I am sure that this Government is not that broke that after probably a period of nearly two years now that some thing could not have been done to bring the airline back into Little Cayman.

MR. JAMES M. BODDEN: (CONT'D) I don't know how many people you have there, I think it probably eighteen or twenty, but at least they are still citizens of this country, they still pay taxes and they should get the benefit of everything that is to be gotten.

And I am saying, Mr. President, that by discontinuing the Little Cayman run, if you only had ten passengers a month to Little Cayman that could've been the gravy that would have made the airline on the run break even! So, I thank you for the opportunity of speaking, and I tell you this, although you filibuster the time, Monday, God's willing I'll be back. [LAUGHTER]

HON. V.G. JOHNSON: Mr. President, Honourable Members, I merely injected in presenting the motion, the fact that another airline/small service which is the Cayman Flying Service, and Members must have remembered the matter when it was discussed in Finance Committee who had been asked to fill in for Cayman Airways at the time when the DC3 was out the Crosslsland air services; and it was during this short period of time that they had experience of the financial position of the inter-island service, and what I was saying, that it was good that somebody else could substantiate what we were trying to put across on behalf of Cayman Airways.

The Member also posed the question who determined that the airport was unsafe for certain operations? Well, the only person who is capable of advising this Government in such a case is the Director of Civil Aviation who is Government technical adviser in this field, and he has to advise on the basis of international standards. And it is his opinion on the basis of international standards as airport is not up to requirements for the landing of a plane or for a passenger service then he advises Government accordingly and it is entirely up to Government to take whatever action it deems necessary. But speaking about the service to Little Cayman and the fact that it might've affected the financial position of the inter-island service. I can assure Members that it did not, because back about two years ago the Board of Directors of Cayman Airways instructed that accumulated losses on the inter-island service amounting then to about eighty thousand dollars should be written off against the profits of the Company, and this was done. The assessment losses were made since then and in recent times it was discovered even after the closure of the Little Cayman operation that its financial position had improved slightly, but not to the extent of a break even operation. So the closure of the Little Cayman airport against subsidized operation is really not the cause of the adverse financial position.

Mr. President, the paradox which was referred to, three flights up and one down. The Cayman Brac airfield is now under reconstruction and the British Government is doing this under a grant and a loan. It's going to cost in the vicinity of four to five hundred thousand dollars, and the Public Works Department is now doing a good amount of work. I think it's mobilizing to start the resurfacing of the airfield and, therefore, it was necessary to arrange with the airline the sort of schedule which should operate over the period of reconstruction. It's not a matter of the airline doing as it pleases to fix a schedule to suit itself and not taking the people of Cayman Brac into consideration, this is not so at all, the schedules are always fixed for the convenience of the public, not for the convenience of the airline; the airline has to make money and provide facility for travelling public. So this is the reason why the week end flights.

The reference which was made to some sort of Radio Station, I can't remember what it was called. However, Mr. President, what I would like to say is that the Radio Station or the establishment of a Radio Station and the operation of a Radio Station in the Cayman Islands was a decision of this Government, and I don't think at this stage we should go referring to it in this sort of critical manner, I think the Radio Station will serve a very useful purpose in this community whether it pleases some people or not. And, further let me say this, the cost or the majority of the cost for that Radio Station was provided by the British Government under grant and under a loan. And, I must say further that when the British Government is allocating funds to any territory for aid purposes that there

HON. V.C. JOHNSON: (CONT'D): are priorities and specific projects which these funds are used for, we cannot dictate what the funds must be spent on This is dictated by the British Government, therefore the cost of the Radio Station paid for under British funds was something which was beyond our control. There are local funds spent on the Radio Station, but once the Radio Station was under construction then it had to be completed, if it ran short of funds it had to be supplemented from local sources. But all that has been said about the Radio Station, I think it is quite a viable proposition, because I am sure that in time it will be self supporting, it will be earning as much revenue from commercial advertising as it will cost to operate it from day to day.

Mr. President, Honourable Members, that is all I have to say in reply and now I ask for the favourable consideration of Government Motion number 4.

MR. PRESIDENT: The question is, that this Honourable House considers and approves the proposal put forward for a subsidy of $10,000.00 per annum to CAL effective 1976 provided funds are available for the purpose.

QUESTION PUT: AGREED. MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

MOVED BY HON. D.V. WALKER

SECONDED BY HON. G.E. HADDINGTON

QUESTION PUT: AGREED. AT 5:40 P.M. THE HOUSE ADJOURNED UNTIL MONDAY 28th OF JUNE, 1976 AT 10:00 A.M.

MONDAY, 28th June, 1976

THOSE PRESENT-

HIS EXCELLENCY THE GOVERNOR - HON. THOMAS RUSSELL, CBE. - PRESIDING

GOVERNMENT MEMBERS

HON.D.V.WATLER,OBE.,JP	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.
HON. W.E.WADDINGTON,CBE.,QC.	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL
HON.V.G.JOHNSON,OBE.	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON.A.E.BOSH,J.P.	MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. TREVOR FOSTER	MEMBER FOR CO-ORDINATION AND INFORMATION
HON.W.W.CONOLLY,OBE.,JP	MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MACO

ELECTED MEMBERS

MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H.BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR.CYACOM M. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	THIRD ELECTORAL DISTRICT, CAYMAN ISLANDS
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. CRAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CHADDOCK EBANKS	FIFTH ELECTORAL DISTRICT, EASTERN SIDE.

ABSENT

HON. BENSON O. EBANKS	SICK
MR.T.O.FARRINGTON,CBE.,JP	ABSENT WITH PERMISSION

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 28TH JUNE, 1976

(EIGHTH DAY)

1. QUESTIONS:

(i) THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES - TO BE ANSWERED BY THE FIRST OFFICIAL MEMBER.

(a) WHO GIVES FINAL APPROVAL ON THE TEACHERS FROM BRITAIN SELECTED TO SERVE HERE, THE CAYMAN ISLANDS GOVERNMENT OR GREAT BRITAIN?

(b) HOW MANY STUDENTS ARE ABROAD ON GOVERNMENT SCHOLARSHIPS, WHAT FIELDS OF STUDY ARE THEY PURSUING AND WHAT IS GOVERNMENT'S CONTRIBUTION TO EACH ONE?

(c) HOW MANY TEACHERS ARE EMPLOYED NOW, HOW MANY LOCAL AND HOW MANY FROM ABROAD AND HOW MANY OF THESE ARE GRADUATES OF COLLEGES OR UNIVERSITIES?

(d) CAN LOCAL TEACHERS OPT TO GO ON GRATUITY BASIS AND IF SO, WHAT BENEFITS DO THEY RECEIVE?

(ii) THE SECOND ELECTED MEMBER FOR THE CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES - TO BE ANSWERED BY THE FIRST OFFICIAL MEMBER.

(a) HOW OFTEN HAS THE AMBULANCE BEEN USED ON A FEE COLLECTING BASIS?

(b) ARE THE HOSPITAL FEES, THAT HAVE BEEN COLLECTED TO MARCH 31, 1976 MORE THAN FOR THE SAME QUARTER OF 1975, AND IF SO WHAT AMOUNTS AND HOW DOES THE FIGURE COMPARE WITH THE ESTIMATES FOR THE YEAR?

(c) WHO WAS RESPONSIBLE FOR FIXING THE NEW MEDICAL RATES AND ON WHOSE RECOMMENDATIONS?

2. PRIVATE MEMBERS' MOTIONS:

(i) TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN

CARIBBEAN UTILITIES COMPANY, LTD. - TRANSFER OF FRANCHISE

(ii) TO BE MOVED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO BE SECONDED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN

ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY SHOULD NOT OCCUPY POSITIONS AS DIRECTORS OR OFFICERS IN COMPANIES.

(iii) TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN.

WRITTEN AGREEMENT BETWEEN CABLE AND WIRELESS, LIMITED AND THE CAYMAN ISLANDS GOVERNMENT RE REPAIR OF ROADS DAMAGED.

3. OTHER GOVERNMENT BUSINESS:

DRAFT LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976 - COMMITTEE THEREON.

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
PRIVATE MEMBERS' NO. 1 - CARIBBEAN UTILITIES COMPANY LTD. - TRANSFER OF FRANCHISE	3
DIVISION	24
PRIVATE MEMBERS' MOTION NO. 2 - ELECTED MEMBERS OF THE L.A. SHOULD NOT OCCUPY POSITIONS AS DIRECTORS OR OFFICERS IN COMPANIES	25
ADJOURNMENT	30

MONDAY, 20TH JUNE, 1976

10 A.M.

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

HON. V. G. JOHNSON: Mr. President, could I just say a few words before the meeting begins, Sir.

I would like if at the end of this meeting of the Legislative Assembly, Members of the Finance Committee meet in a very short session in this Building. There is a matter which I would like to discuss with the committee and I thought that this would be a very convenient time to call the committee together at the end of this meeting.

MR. PRESIDENT: Proceed with questions.

MR. G. HUGH BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE B. O. FRANKS, MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES -
IN VIEW OF THE HONOURABLE MEMBER'S ABSENCE ON ACCOUNT OF ILLNESS THE QUESTION WAS ANSWERED BY THE HONOURABLE FIRST OFFICIAL MEMBER

(a) WHO GIVES FINAL APPROVAL ON THE TEACHERS FROM BRITAIN SELECTED TO SERVE HERE, THE CAYMAN ISLANDS GOVERNMENT OR GREAT BRITAIN?

ANSWER

CAYMAN ISLANDS GOVERNMENT GIVES FINAL APPROVAL - WHETHER WE RECRUIT ON THE OPEN MARKET OR THROUGH THE MINISTRY OF OVERSEAS DEVELOPMENT.

MR. JAMES M. BODDEN: Supplementary. Following on the answer - the Cayman Islands gives final approval as to the method we recruit, whether it is through the open market or through the Ministry of Overseas Development, but who gives the final approval to the individual teacher selection - is it this Government or is it the Ministry of Overseas Development?

HON. D. V. WATLER: This Government gives the final approval. What happens - we would ask the Ministry , if necessary to try to recruit - they would put out their ads and then send us the particulars of the teachers and the curriculum vita and all particulars about them, and then this Government decides which ones will be recruited.

MR. JAMES M. BODDEN: Mike turned off.

HON. D. V. WATLER: That would happen - in case the post is being advertised by the Ministry of Overseas, so that all of the applications would go to them and then they send all of the particulars - both of those who might have applied here, and those that applied to them, but all applications in that instance would go to the Ministry and they send us all the particulars of each and then we select.

MR. JAMES M. BODDEN: Mike turned off.

HON. D. V. WATLER: I should think so, but because of the Ministry doing the ads for us, we think it is nice for them to have all of the particulars and they would know, and may be it would help the applicant if he is not accepted, for another post somewhere else.

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

QUESTION PART (h):

CAN LOCAL TEACHERS OPT TO GO ON GRATUITY BASIS AND IF SO, WHAT BENEFITS DO THEY RECEIVE?

ANSWER

YES. REGARDING BENEFITS THEY RECEIVE A GRATUITY WHICH IS TWENTY-TWO AND A HALF PER CENT OF THEIR SALARY IN LIEU OF PENSION, BUT GOVERNMENT ENDEAVOURS TO DISCOURAGE THIS AND INSTEAD TRIES TO GET THEM TO GO ON THE PERMANENT PENSIONABLE TERMS.

MR. JAMES M. BODDEN: Supplementary. Do we have any local persons in the Educational Department who are presently serving under the gratuity basis?

HON. D. V. WATLER: Yes, I can think of one just off - what happens this gratuity basis is open to those of mature age and that for one reason or another finds it a little difficult to go on the pension, because of age no doubt, or other connections they have overseas, but we do have a teacher now that is a local person that is on the gratuity system.

MR. JAMES M. BODDEN: Mr. President, my next question is really in one sense a bit of a new question, although it is relevant to what I am getting after, so if I step out of line, Sir, I will abide by your ruling - we have local posts and this member's portfolio not really as a teacher that is presently filled by what we consider local qualified people, yet it is being advertised - could you give us any idea what happens in a case like this?

HON. D. V. WATLER: I am not exactly sure what the Member is referring to, but there would have been cases, or could possibly be a case of anyone that is on a temporary basis, I don't know if that is what the Member is getting after, because there have been occasions when a person for one reason or another could not come on even on a contract or on the permanent, but we're using that now too, because there are sufficient Caymanians eligible that could come on so we are trying to get away from this temporary, but this might be what you are thinking about, I don't know the case and I don't know exactly what this is about.

MR. JAMES M. BODDEN: Mr. President, I thank your indulgence as well as the Member for answering it, Sir.

MR. CRAWFORD FRANKS: Mr. President, if I may ask a supplementary, what is the rate of pension being paid if any member accepts to be pensionable rather than the gratuity?

HON. D. V. WATLER: The pension is based on a system of one sixth hundred of every completed month of salary that the officer draws. To go on even a little further, after thirty-three and a third years in the service one is eligible for the maximum pension, and the maximum pension that anyone can draw is two-thirds of their salary.

MR. PRESIDENT: The remaining questions, I think will have to lapse if the Honourable Member responsible for the subject is not here for the remainder of the meeting, but may of course be re-introduced at any further meeting, when I hope that he will be able to answer them.

We'll pass on/Private Members' Motions.

PRIVATE MEMBERS' MOTION

CARIBBEAN UTILITIES COMPANY, LTD. - TRANSFER OF FRANCHISE

MR. G. HAIG BODDEN: Mr. President, the first motion reads:-

WHEREAS the economy of the Cayman Islands has suffered immensely from the high rate charged for electricity by Caribbean Utilities Company Limited and a report validating the reasons for the increase was to have been prepared between Government and Caribbean Utilities Company Limited and submitted to the Legislative Assembly and to date has not been done

BE IT RESOLVED that Government does not agree to transfer of franchise to any new owners to whom the present shareholders may sell their shares to until the above has been complied with and the Assembly is fully satisfied that the company can fully substantiate justification of the prevailing high rate of electricity.

Mr. President, my debate will be very short as there are two other motions and also another item on the agenda, and I am hoping that we can finish the business of the House today. The substance of this resolution is a request that the franchise now owned by Caribbean Utilities be not transferred unless there is some justification for the prevailing high rate of electricity and I believe this is a reasonable request. There are three reasons why I think this motion should be passed; one there is a high rate charged at the present time - two there has been great public outcry against these high rates and three there now appears to be a change of ownership, or at least a change of the major shareholders; so this would seem to be the time when, if there is to be a transfer in the franchise or change in the operation of the company that an amendment could be made to the existing franchise, or some guarantee attached to the transfer to guarantee that Government would have some control on the rates, and I am hoping the Members will treat this motion favourably.

MR. JAMES M. BODDEN: I second this Motion.

MR. PRESIDENT: The motion is on record in full by the Honourable mover and as summarized on the Order of the Day - it is now open for debate.

HON. W. W. CONNOLLY: Mr. President, I rise to make my contribution to this motion before the House, and first of all I think I should declare that I am a director of Caribbean Utilities appointed by the Government, and I am also a small shareholder in the company. While the Standing Orders do not state that the person moving a resolution is responsible for the accuracy of the facts, yet in the questions I noticed that this is pronounced. Nevertheless, I think that at this stage I could inform the House that there is no intention whatever of transferring the franchise.

It is the case that the majority of shareholding has been transferred, which is a normal business practice allowed under the Companies Law, but as far as the franchise is concerned there is no intention of transferring the franchise and the company will be Caribbean Utilities Company Limited. Having said this, Mr. President, I fail to see how we can continue debating on this motion, because the motion says that Government does not agree to transfer of franchise: if there is no transfer of franchise then nothing that could be said here today, or agreement that Government could come under today that could change the status quo. The franchise that the Caribbean Utilities have been operating under has been a twenty year franchise with an option to carry for another term, and as such I feel like this motion as it stands before the House could not possibly succeed.

MR. JAMES M. BODDEN: Mr. President, Honourable Members, I rise to debate this motion, and in doing so I will declare that I am also a small shareholder of shares in Caribbean Utilities.

MR. JAMES M. DONOVAN: There may be some query as to the manner in which this motion is worded, but I would ask the House and seek the indulgence of the House to explain the position. Every Member of this House is familiar with the rate of electricity that is charged in this Island - every Member of this House is quite aware of the battle, I would say, that my colleague and myself have waged for several years in this House in regards to this point, and we have continually fought to have the contract, or the franchise as we call it, between the Cayman Islands Government and Caribbean Utilities placed on the table in this House, so that the Members who were not privileged to have been present when the original franchise was granted, would know the terms and references of that contract.

It did alarm me, Mr. President, to see the Fourth Elected Member of Executive Council, who also happens to be by his own declaration a shareholder and a director, get up and really try to block the motion to debate this issue. I agree with him in a few of the things that he said, but it has to be borne in mind that the Members on this side of the House do not know the wording of the agreement between the Cayman Islands Government and Caribbean Utilities. It may be that the operations of the company comes entirely under the Companies Law in which case there would be very little this House could do, but as most franchises in most countries go further than that and does put some teeth into it to try to protect the user, then I am sure that in this franchise this has not been overlooked and that this has some kind of teeth in it.

This is not setting a precedent, Mr. President, because under the Bank Law if you wish to change directors and sell the controlling interest of a bank you then have to submit the names, the occupations and character references of the people to whom it is being sold before the new licence is issued, so we are not setting a precedent really in asking for this. It alarms me, Mr. President, to know that when we place confidence and trust in an individual of this House by placing that person as a director to represent the people, and to take care of all actions which would affect the people, that Member then becomes a participating shareholder of that company. It is impossible for any human being to serve God and mammon. I think this is a dereliction of duty and it should have been looked into when it was exposed in this House sometime ago. Be that as it may, we do have the director position now as it was in the past and I am sure it is going to continue.

Mr. President, it is time that we look into this matter, it is time that we do something to protect the users, we must remember that this company is not like a supermarket, where you have six, seven may be a dozen of them on the Island, and the more of them you have the better it is in one sense/ because it does create competition, the better it is for business for the consumer, not for those who are in business. In this particular case we have a monopoly and any time a monopoly exists under the democratic form of Government, then Government has to step in and do something about it, if we follow what is happening in the United States even now we will find that some of the banks, the larger banks are being broken-up because of their holdings being considered monopolistic. We will also find out that the same thing is going on in the United States in regards to the oil companies. Now, Mr. President, there is no Member that sits in this House that is more capitalistic in his thinkings, his views and his actions than I am, but when it comes to flaunting the will of the people and putting them in jeopardy then I stand against points such as what has happened in regards to Caribbean Utilities.

Some Members of this House will recall that not too long ago my colleague and myself brought another motion dealing with Caribbean Utilities, unfortunately I do not have a copy of that with me, but I did debate for a long time that particular motion. I presented to the House photo copies of certain works I had done personally on the balance sheets of this company covering a period of about seven years. I do not remember the percentages, but I am sure that it shocked at that time the Members of this House to know that the company had been in a position to make that kind of money. There was a slight challenge as to the authenticity of my

MR. JAMES M. SCOTT: figures by one Member of the House, but unfortunately I must have been as good a mathematician as him, because the challenge failed, and further than that, Mr. President, I am sure that the majority of my figures were correct or by this time they would have been challenged by Caribbean Utilities. but they were not challenged so they must have been correct. We tried to explain to this House the exorbitant profit that this company was making, and unfortunately that motion was voted down. Now we are here this morning to tell you that the figures were correct, and they have been borne out by what you have seen in the paper in the last few weeks.

An offer to buy these shares has been made by another investor - to buy them at, I think the figure of twenty-four dollars and thirty cents U.S. per share, either that of twenty-four dollars and three cents, I don't remember which it is, but I am going to take it at twenty-four dollars and thirty cents for the purposes of my debate this morning. Again I am going to draw figures out of the hat. In the past few years I am sure that on a share owned in Caribbean Utilities the cash dividend to the shareholders has been as much as four dollars and seventy cents. If we add that together we get a total of twenty-nine dollars.

When this Company first went into operation, Mr. President, shares were sold for two dollars and forty cents U.S. per share, just a few years later there was a two for one stock split - now the only way a business can issue a stock split is to be making a tremendous amount of money - money which they are trying to hold in reserve rather than pay it out as cash dividends, so in order to keep the shareholders satisfied you make a stock split. When that stock split happened it meant effectively that each share only cost one dollar and twenty cents U.S. It thus increased the shares that we are talking about today - one share originally bought for two-forty to a value of fifty-eight dollars, for that two dollars and forty cents, or if we break it down further, one dollars and twenty cents for twenty-nine dollars. If there is any other business in the Cayman Islands, or in any part of the world that legitimately has shown a profit like this in eight years, I challenge it to be shown.

The only thing this reminds me of, Mr. President, was some years ago there was a mining stock issued in Australia, I don't remember the name of that particular mining stock, but I think that most people who had bought it had papered the walls of their bathroom with it, and all of a sudden a big strike was made and the value of it just went skyrocketing, I think the name of this stock was Poseidon. However, lets not argue about the name of it - it did show a tremendous profit, and I am saying that is probably the only stock that has been issued in the last ten years on the free world market that has ever shown the profit to the investors that Caribbean Utilities stock has shown. It is unheard of in any country for a public utility company to make this kind of profit. If we go further into that, Mr. President, we will find that the profit increase has been two thousand four hundred and sixteen per cent increase. That is the profit that has been made in the last eight years, for a further breakdown, Mr. President, just figuring it roughly without going into my compound interest factor on it - would be three hundred and two per cent profit per year on the original investment. And all of this has happened, Mr. President, without any further injection of capital into the company - no original shares have been sold at an increased profit to generate more operating money. Very little bit of money has been borrowed from the banks, so what has caused this profit. This profit can only be caused, Mr. President, because of the high rates that were charged - it generated a terrific profit which was ploughed back into [illegible], and do you know whose expense that was - the users in the Cayman Islands.

This has been brought to the House long enough that I am saying today Government has been derelict in its duty to the public in not doing something about this. We have heard excuses about the oil increase - the price - the oil embargo - that is a camouflage - that is like the recession, it covers up a multitude of sins. In most countries of the world, Mr. President and Honourable Colleagues, a company such as this is forced by Law to keep their profit margin in the neighbourhood of ten to

MR. JAMES M. BODDEN (CONTD.): twelve per cent return a year. In most countries of the world utility bonds are the hardest bonds to sell, because of the low yield, because of the fact that it is a monopoly, and because of the fact that its price is controlled by Government. Even in the most democratic of democratic societies this is one thing that is controlled. Yet in our Island nothing has been done about it. These people were allowed to put in an increase sometime ago without even Government consenting to it, and if I understand correctly there was also a further increase after the initial increase - this has put electricity rates in the Cayman Islands to a point where not even the richest of the rich can afford it any more. If you ever talked about the enjoyment of a luxury - enjoying your little electric bulb up there in the corner, today has become a luxury. Poor families in this Island with it being so hot who would like to enjoy the privileges of a fan, being so scared of what is going to happen to them if they use that fan cannot enjoy it, Sir, because to use that fan it is using a little bit of their coffin money - this is how bad it has gotten, Mr. President, and I am ashamed to say that I feel that Government should have done something about this a long long time ago.

I remember in past debates in this House, being assured by the Honourable Member for Communications and Works that he had this problem well in hand, and that the House would shortly be blessed with his report from an expert, which would prove that Caribbean Utilities rates were right, and if they were not right then you would have gotten a few small pennies returned to you. He never explained to us how he was going to return these few pennies, but neither, Mr. President, has he been able to bring that report back to this House - where is it - did the expert suddenly die, or was it no expert at all. You should not promise the people something that you have no intentions of giving them.

Mr. President, we should not have to be standing here today debating this issue, because this should have been dealt with firmly when it came up - these people should have been firmly told you are not going to get an increase until you can prove to us that it comes within the perimeter of what a utility company should make on its return, and what the average company should make as a profit. If it was any storekeeper in this House today, or in this country that was importing merchandise from the United States or from the U.K., or wherever it was from and charging three hundred per cent profit on their investments you would want to flog them from one end of the Island to the other. Yet the Housewife can do without may be her freeze or her fan, but she cannot in this day and time do without her electricity. Why was this allowed to happen. Was it because we had been derelict in our duty and had not put together a franchise that could hold Caribbean Utilities nose to the grindstone, or was it because Members of this House were shareholders of that company and directors .....

MR. PRESIDENT: I think that is casting aspersions on Members of the House - it is going too far.

MR. JAMES M. BODDEN (CONTD.): I agree with you, Mr. President, but I am publicly calling on you as the Governor of this territory to protect the peoples rights now, and see if nothing else is done that we have a director board on Caribbean Utilities. This franchise should have been brought back to the House, and the poor ignorant representations on this side of the House should have been able to know what was into that franchise - just what had we offered them - just what had we given them - just how far could they go. Mr. President, lets look at another alarming thing about this. I will agree that the members on my constituency benefited from this, but I understand that this Government gave Caribbean Utilities a soft loan of a hundred thousand dollars repayable over donkey years at a very very small rate of interest. I don't know whether any of it has ever been repaid even - in order to extend electricity to the Eastern Districts. I will not stand here this morning and argue as to whether or not that should have been done - the Eastern Districts did need electricity, but I believe that there was power under the Law to force Caribbean Utilities to go Eastward, rather than to say them off to go

MR. JAMES M. BODDEN (CONTD.): Eastward. Now if they have been able to get this loan from us - we need it back - they are making their huge profit and they are paying us nothing for this loan - they don't need it - their balance sheet/that they don't need it - the newspaper reports on the transfer of the shares show that they don't need it - so why don't they pay it back to us - who else is going to be so beneficent as the Government of this country has been to Caribbean Utilities. Let the poor man on the street fall behind two months in his payments and see what happens - see if they are going to be beneficent to him. Further than that I understand that they really did not have to expand this money to go Eastward because another utility company in the Island - the Telephone Company has to more or less subsidize their poles in order for them to have the use of the line also, which means that it doesn't cost them but very little bit to put down any new lines - they get it from another public utility, and they get it from the people.

I am submitting to this House today, that it is time this Government pull up its boots and say to Caribbean Utilities regardless of who the controlling shareholders are, whether they are the old group or they are the new group, bring your books in - prove to us what is happening - how can you justify it - an increase of two thousand four hundred and sixteen per cent in the value of your money invested in eight years - prove it to us why you needed this raise, and if it is found, which I am sure it will be found, that alone can show you the proof - that they took a raise in utility rates when they were not supposed to - then they should be brought to the bar of justice. Too long have we been content to sit down and let people tell us what the experts say, and we believe it, because if it was an expert that told you this, you should have gotten rid of him before he got here. This is not good for the country, Mr. President; and I am hoping that the Members of this House will join my colleague and myself today in putting the motion through the House that will force Caribbean Utilities to present to your Government their books, their accounts and proof to justify this increase - we must get action - this is probably one of the last chances we will have for a long time to get action, and I am hoping that we will get that action today - I am hoping that for one time directors of companies will find out that they cannot trifle with the people of the Cayman Islands. I hope that they will find out that we are willing to walk hand and hand with any investor - we are willing to go the last mile, but we are not willing to put our heads on the chopping block. Thank you.

MR. CLAUDE M. HILL: Mr. President, Honourable Members, I rise to give my support to this motion - I voice the sentiments of the last speaker, he has clearly outlined quite a few points which I am sure are in the public's interest, and/this motion is seeking for Government not to agree to franchise or transfer of franchise to any new owners, or shareholders - I feel that this is very essential, Sir.

I have no axe to grind with this company - I have worked with that company, and I feel/if this company working under the present franchise is on the verge of selling shares to another company, or to another party concerned, this franchise that we now have at present with them should be considered by our Government. It is quite true that rumours have it, as well as the papers carrying headlines that it is not a transfer of company to company it is a matter of shareholders. Quite a few songs have been sung and I did not sing, and I am sure that the public is not taking for granted what appears in the paper, or should not at all times take what appears in the papers for granted, because in the long run these things prove not to be facts - we find ourselves in difficulties continually by being misled by following what we read in the papers.

It is quite true that we are enjoying electricity and I am sure that ever since electricity has been extended throughout the Island everyone in the vicinity of the transmission of lines can be hooked-up provided that they pay their monthly dues. Rumours had it some-time ago that they could not extend or make any connections on account of the difficulties which confronted them. I am quite sure that the oil has brought on a problem on everyone concerned in the purchasing of oil. A big country

MR. CLAUDE M. HILL (CONT'D.): like the U.S.A. has suffered tremendously from oil shortage - some say that it is not a shortage, it's some other move. Well, be it what it may there is a concern which the only how to get at it is to get down to the root of it, and find out what is causing the trouble. I am not here to tell America how to run her country or tell them how to get oil, but I feel that we are here and we are getting oil into this country at a higher cost than it was a few years aback, and if it reflects on the consumer here I can see the reason for that for that small consumption added on, but not at the rate that we are paying in the Cayman Islands for electricity at this present day. Mr. President, something is wrong here from the facts, Sir, it is useless for us to just grin and bear it - we're grinning, but let me say that laugh is not a good laugh, Sir, it is a laugh of great concern with people who have to pay for electricity, and if the present franchise, as the motion seeks to make an amendment to, if that continues and new ownership takes this job over, we'll find ourselves paying for what we should not be paying for. I thank you, Sir.

HON. A. B. BUSH: Mr. President, Honourable Members, as the Member for Government under whose portfolio this utility falls, I feel it is my duty to speak on the motion before us, and I must say, Sir, I disagree with the motion.

I have never seen a motion brought to this House that is, in my opinion, more incorrect than the motion that is before us. And let us see what it says -

> WHEREAS the economy of the Cayman Islands has suffered immensely from the high rate charged for electricity by Caribbean Utilities Company Ltd"..

Is this really so, that the economy of the Cayman Islands has suffered immensely because of the high rates of electricity? Now, if we could stop there this motion would sound alright, but I think what we should ask ourselves has this high cost of electricity also brought a highly qualified service to the island in electricity? This is what is omitted from the motion and all that is mentioned is the charge, nothing about the service that has been provided.

Mr. President, Honourable Members, I believe that the Member who introduced this motion has been tutored in it in salesmanship from the Member who seconded this motion. Because I have heard the seconder of this motion say many times in this Assembly I am an expert salesman. I can sell anything to anyone. Well, I want to say, Mr. President and Members, he cannot sell this motion to me. Admittedly the cost of electricity is high, and I want anyone to tell me here today really what does carry a low price on it today in the Cayman Islands. There is nothing that I know of that is cheap in this Island, and in fact even in the world, because prices have gone beyond all expectations - the Caribbean Utilities electricity price is no exception, and I agree that if we could get cheaper electricity it would be most welcome to all of us, but what has been said here on this so far has made it seem as if the Government has closed its eyes to the operation of Caribbean Utilities, and has let it do exactly what it wants to do - this is not so - Government have their eyes on things like this - has gone into the matter and Government is satisfied that there is no exorbitant fee being charged by the Caribbean Utilities Company.

Let us look at the second part, as we read on -

> and a report validating the reasons for the increase was to have been prepared between Government and Caribbean Utilities Company and submitted to the Legislative Assembly and to date has not been done.

Mr. President, that is not true, I know I have been asked questions on this, motions have been moved on it, but at no time was any assurance given from the Government Bench that a report from Caribbean Utilities would be brought before this Legislature. Now Mr. President and Honourable Members, if you would bear with me I will go into this a little deeper. Everyone knows when the price of oil, price of diesel

HON. A. B. BUSH (CONTD.): fuel on which Caribbean Utilities operate for the supply of electricity was increased, that this brought quite a howl from the public, and I must say that Government was very concerned itself about it, and Government after receiving an application from Caribbean Utilities for an increase due to the increase of diesel fuel; took this matter up examined the books as has been said; the balance sheet of Caribbean Utilities and our economist at that time looked the matter over and he said that it was beyond him, and that Government should employ the services of someone more experienced and more capable of determining a true rate of electricity than him, and this is why Government took it further to be satisfied with it, and employed the services of one versed very much in the operation of a utility company, such as Caribbean Utilities.

When Government received the report from the expert on this, Government was advised that Caribbean Utilities had lost money due to the increase in diesel fuel, and should be permitted to carry on with the rate which had been set in order to recover the losses it had suffered; Government took this advice, I think Members were told about this, and it was to have been permitted to go on until April last year. We got our report from the expert who said now that they have recovered their losses and are making a little money Government can now approach Caribbean Utilities to reason out a rate of electricity, which could bring a decrease in the rates - Government undertook this, but the moment that Government got into negotiations with Caribbean Utilities they were faced (Caribbean Utilities) with an increase in the price of transportation of their oil here to the Island, and also there was threat that the price of oil would go still higher, so we let it run for a few months, and again up comes a threat of a strike by the employees of Caribbean Utilities - a strike by the employees for higher wages - Caribbean Utilities approached Government on this and laid the matter before the Government and said, we can pay a fifteen per cent increase in wages, beyond that or above that we will have to increase the price of electricity; Government did its best to try to have the employees of that company accept a fifteen per cent increase in their wages, which could be afforded by the Caribbean utilities without a further increase in electricity; Government succeeded in doing this and the price of electricity was not raised.

Now, it has been said that Government has been dragging its feet, I wonder whether the Members who introduced this motion knew all this, surely they know of all other things that have happened in the company, and I fail to see how they did not know of this. So that brought increases, Mr. President, for the Caribbean Utilities in their expenditure of operations, which could have been passed on to the public had they never occurred, but with such increases in expenditure Government could not press them for a reduction in the present rates of electricity, and even now, Mr. President and Members, I think that it is sometime next month that the petroleum producing countries of the world are going to decide whether there will be a further increase in the price of oil or not, and until then I don't see how we can expect to ask Caribbean Utilities to consider any reduction in the price of electricity.

As to my something about the service, Members will remember, I think it was in 1960 that Caribbean Utilities bought this company from the Government - took over the supply of electricity - we had a company that failed, Government had to to take it over - Government tried to operate it for a couple of years, and Government got nowhere with it, and I want to tell Members that I was one who urged the Government to sell the electricity company to somebody else - someone who know something about it - someone who had the expertise to operate it - someone who had the money to develop it, and produce and provide a reliable source of electricity for our Island, and whether it was Caribbean Utilities or not, I am here to say that I don't believe you would have had any company to have done any better with it than the Caribbean Utilities Company has done. The mere fact that when electricity was to have been supplied to the Eastern parts of this Island that the company was not in a position to undertake this, because of their financial problems. All that they made from year to year, they took it and ploughed back into the company in order to develop it to extend the electricity as the Island needed

HON. A. B. BUSH (CONTD.): it. And so Government was called upon to assist financially in supplying the Eastern end of this Island with electricity. The mere fact, Mr. President and Members, that Government was called upon to do this shows clearly that Caribbean Utilities Company was not in a financial position as has been mentioned here today.

Now we come, Mr. President, to the resolve section of this motion -

BE IT RESOLVED that Government does not agree to transfer of franchise to any new owners to whom the present shareholders may sell their shares to until the above has been complied with and the Assembly is fully satisfied that the company can fully substantiate justification of the prevailing high rate of electricity.

First of all, Mr. President, there is no transfer of franchise, and I would have thought that before the Members introduced this motion they should have gone into the facts of all this, because to Government it is still the Caribbean Utilities Company Limited of the Cayman Islands. So there is no need - there is no question whatever as to a transfer of the franchise. And as to Government being satisfied that the prevailing rate of electricity is justified, Government is satisfied that that is so. I want to let Members know that Government is the biggest single user of electricity here in the Cayman Islands, and Government does not want to spend money if it could/any better do on this particular commodity. Government therefore is the most concerned of all that it should be a reasonable rate of electricity for its own operation, not even taking into consideration others, but what has been said here is that Government has done nothing about it, and just don't care as we hear, for the little man. I think the Government is more concerned than most of us here for the little man, in that they try to provide most of the needs for that little man.

Mr. President and Honourable Members, there will be new shareholders as I understand in this company, but I don't believe, as far as Government is concerned that it is going to affect the operations of Caribbean Utilities Company in any adverse way. I believe it will probably/be new capital injected into it which will expand it, even much quicker than we expect. With the new shareholders of this company Government hopes to sit down and review the franchise as/has expressed by some of the Members, now is the time to do it - Government is mindful of all this, and the price of electricity according to the franchise hinges all on the price of oil, and the company has been for sometime, and I think that they are going to pursue this, to seek a more reasonable rate, if they can bargain on the open market, and/be tied like how they are now with one single company, because that is the only company that will undertake to supply fuel to this company, and therefore they suspect that they may be paying more for fuel than they should be paying because of no competition in it: they are pursuing this to see if there is any way out of this, and I do hope that they will find a way.

There are a few puzzling clauses in the franchise which are not very clearly defined and which Government will undertake to clarify under the new arrangement, but as to say, Mr. President, that the motion should be accepted by this House as a correct motion on the operations of Caribbean Utilities Company Limited, I would say it should be put aside it should never have been brought, and as the Elected Member for Executive Council - who is as we heard a shareholder - I can truthfully say I have nothing in it - I am no shareholder, I wish't was - I was foolish I believe like all of/us were when it first started. When the shares were so that we could purchase them: very few Caymanians invested, we should have, but everyone knows that at that time what everyone thought about the supply of electricity.. Without a company such as Caribbean Utilities that has done a wonderful job on providing electricity for the Cayman Islands, we today wouldn't be enjoying this building that we are in - just imagine what it was in days gone by - just imagine some of the Members here I know, were in the old Town Hall when the big improvement when we could operate on electricity with ceiling fans, before there was nothing of that. Today we have nice air-conditioning. Surely it costs money, but does anyone expect to have a building like this in the comfort that you are sitting in, and pay for it.

HON. A. D. DUSH (CONTD.): no one expects that, and the price of electricity is no higher than the price of other things in the Island - no one wants to pay it I know - this was the problem with Government I know when Government had it no one would pay their bills, because they considered it was public - it was Government's - it was free and I was the Government and I had a right to use it free, and this why Government was compelled in a way to get rid of it, and I can say that if Government had continued with it we still wouldn't have had building like this with the comfort that we are enjoying here today.

And so, Mr. President and Member, I am against this motion, I think it is unrelated for, I think it expresses no faith in the Government. It is believed that unless a few Elected Members can see all the confusion, can sit in on all of Government businesses that Government cannot do anything right, and I would hope that they would take a different view of this, because when Government is puzzled about anything Government calls in expertise: down what they have in the offices, and this is where expertise, or advice on matters like this comes in. When we get puzzled on things that we cannot see clearly on we call in someone higher, and this is where Government has the advantage to probably even the private sector, and Government makes sure that the decision they make on matters like this is right and fair, and reasonable to all concerned. Thank you, Sir.

MR. PRESIDENT: I think if the Lady Member doesn't object I'll suspend for fifteen minutes at this stage.

Proceedings are resumed.

MISS ANNIE A. BODDEN: Mr. President and Members of this House, I am surprised to know that when Government was operating the company now known as Caribbean Utilities, that people did not pay their regular monthly dues. I was one of the unfortunate ones that had to pay, and I felt it was my duty/ I don't know how anybody could be so presumptuous, I would say, as to expect that Government would furnish electricity and they get it free. I don't know who that applied/ but certainly it didn't apply to me.

Mr. President, the first that I recall of electricity being introduced to the Island, or at least that I would get it, was the time that Mr. Bishop had a business going which supplied electricity. I was working for Mr. Bishop keeping his books, and I could get two bulbs three shillings and six pence each; seven shillings a month and I did his work for ten shillings a month, and the other three shillings I got in ice. Well,because in those days, Mr. President, ice was a luxury. I recall during the war days when the United States Coast Guard came here every/two weeks and we had regular parties to entertain these men, and I would go to Mr. Bishop's place and he would say what do you want now: Coast Guard coming soon - get your three shillings worth of ice, and that three shillings worth of ice was kept in reserve, because ice was a luxury and so was electricity.

At that time, Sir, the lights I think came on at seven o'clock and by eleven they were off. Thursday was the appointed day to iron, and that was what we got from two til six. It was a great luxury to us, and I am very proud and happy that Caribbean Utilities Company have taken over, and I would say that they are doing a good job. We are able to get electricity twenty-four hours a day, and I will say that it is a great improvement, but if what the First Elected Member for Bodden Town says that they have made a profit of two thousand four hundred and sixteen per cent in eight years, or an average of three hundred and two per cent per year, I feel that their rates must be too high. I can say, Sir, that when I first had electricity in my house I paid something like fifteen to twenty dollars per month, it suddenly went up to thirty and not too long ago I had to pay as much as forty-five dollars. Now I have only a refrigerator in my house,two pumps, an iron which is hardly used and one fan, and to me forty dollars per month is entirely too much money. I do not burn lights at night now, thanks to having a light installed in front of my yard, the light shines through the window and I do not burn electricity. So forty dollars per month with the little bit of current that I burn, to my way of thinking is very exorbitant. Sometimes when I go in the country parts and

MISS ANNIE H. BODDEN: I see houses lit/they like were British-men-of-war: I say electricity must certainly be cheaper in the country than it is in George Town.

I feel, Mr. President, that if what has been said here that this company is able and have made a profit over the past eight years of such an exorbitant amount, it must be that their rates are too high. I will agree, Sir, that Government is the biggest user of electricity, and I really can't see the Government allowing such rates to be charged if there is anything that can be done to curtail the expenditure. Now, everybody here is looking for all they can get the easy way, and I feel that this company is no exception, and while they have done a marvellous job and we are really very fortunate to have electricity twenty-four hours a day, still I feel that Government should use every effort to go into these accounts, and if what has been stated is correct, I don't know if it is or not, but I presume it must be - that they are really earning too much profit. I don't think that there is a company in the Cayman Islands that could hope to make three hundred and two per cent profit per year ..... (POWER FAILURE)

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

MISS ANNIE H. BODDEN (CONTD): Mr. President and Members, when the lights went off I think I was speaking of the improvement that we now have with electricity, and while it is a great improvement, I feel that the rates are really very excessive, and I would say that if Government was prepared to go into this matter, and see if there is any reduction which can be made it would be greatly appreciated/one and all. As has been said Government is the largest buyer, I would say, of electricity, and I feel that/we can go into this matter and have the rate reduced, or some concession given whereby the rate would be lowered that it would be a great benefit to one and all. Now I would repeat that electricity has gone a long long way, and even the great benefit that it is if we can in anyway reduce the cost of it, it would be appreciated I am sure by the Government as well as the public.

I would not say, Sir, that there has not been an improvement, that would not be true, because there has been a vast improvement, but on the other hand if a company, as has been said can make a profit of three hundred and two per cent, it must be that they are collecting more money than they actually should, and I feel that we should go very thoroughly into this matter, and if at all possible we should use every effort to see that the public is saved some money. With regards to all of the extensions which, and providing electricity to the Eastern Districts - the Government as I recall loaned them a hundred thousand dollars; what I am not sure of is has any part of this loan ever been returned. I feel that if it has not that steps should be taken before any transfer is made whereby these new shareholders could not be held responsible - the Government should see that a proper document or whatever would cover it is signed whereby the Government will not lose the money. Thank you, Sir.

CAPT. CHARLES L. MCKOONEN:

Mr. President, the Private Member's Motion the second section where -

BE IT RESOLVED that Government does not agree to transfer of franchise to any new owners.

I would like, Sir, to move that since the franchise has not been transferred, I would like the following to/substituted for the present resolve section -

BE IT RESOLVED that the Standing Finance Committee meet at as early a date as is possible to study the rates and review the franchise of Caribbean Utilities Company Limited:

and further that the Committee be empowered to call in persons and papers. By this I mean, Sir, to have our learned Attorney General - I have him in mind to give us legal advice. Thank you.

MR. CLAUDE M. HILL: Mr. President, I beg to second the motion, Sir.

MR. PRESIDENT: Does the Honourable mover wish to elaborate.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think that it is quite straightforward Sir, - the Finance Committee to meet under the Financial Secretary as Chairman, and to go through with the company, to have a review of the franchise and to have a review of the rates. I think this quite straightforward, Sir, and that we could have the Attorney General to go through with us and to advise us just what we can and what we cannot do.

HON. W. W. CONNOLLY: Mr. President, I am thankful that the Member gave me the opportunity of getting to my feet again, I am speaking on the amendment - he has opened the debate again.

Mr. President, I might say that it is not my intention to prolong the debate on this motion - it was my intention this morning when I spoke and I was very short, and I gave the facts. I did that as being probably one of the only persons in here that was capable of advising the Assembly of the facts that the franchise was not being transferred. Mr. President, I intimated my involvement with the company and I will now make a statement that I shall not vote on this motion.

Mr. President, my statement this morning brought a lot of fiery comments from my opponent on the other side. I was criticised .....

MR. S. ERIC BODDEN: On a point of order, Mr. President, the Member should be debating the amendment, not replying to the Member from Bodden Town on the original motion.

MR. PRESIDENT: I think the subject matter of the two, both the motion and the amendment are so close that it is very difficult for the Chair to intervene with complete effect on this. I think I'll ask the Members to remember that they are speaking at present to the amendment. I would remind the House that at the closure of the debate the Honourable mover of the original motion has a right to reply, but not I am afraid, the mover of the amendment.

HON. W. W. CONNOLLY (CONTD.): Mr. President, I am quite aware of the Standing Orders on this; it was only the resolve section of the motion that actually has been changed or amended and, Mr. President, if the Honourable Member on the other side had stuck to the motion as is, I probably would not have gotten to my feet. Mr. President, I'll try my best to confine my statements to the amendment, but nevertheless, first of all I would like to say this that we should consider one prime factor in all of this exercise that we are doing here today. First we have a Law - The Electricity Law, which has been legislated by this body standing on our statute books, and stemming from that Law this Government has entered into an agreement with a private company for the production of electricity for the Island. This contract is for a period of twenty years in the first instance, and as far as I am concerned, and I would like to make this notification now: when this contract was entered into no Member of the elected Members of the Executive Council were on the Executive Council at that time. I definitely was in the Legislative Assembly, but not on the Executive Council, but I think that it is only normal and reasonable that a Government honours commitments by the former Government, people who were in at the time those particular offices.

Now, Mr. President, here we have a signed contract with a private company, and this particular amendment seeks to study the rates and to review the franchise of Caribbean Utilities. There is nothing wrong with doing that, probably the company will give the Members of the Legislative Assembly a rate sheet, and there is nothing wrong with the Government reviewing the franchise but, Mr. President, how does

HON. W. W. CONNOLLY (CONTD.): that take us. Are we suggesting to arbitrarily change that franchise, are we suggesting to just arbitrarily going and telling these people they have to reduce their rates - I think, Mr. President, that we have a signed contract with the company - no doubt that the Caribbean Utilities on/mutually agreed basis would discuss this matter with Government - they have been open all through the years, as far as I/concerned, have been open - there have been free and frank discussions between Government and Caribbean Utilities - there have been, and I believe today that Caribbean Utilities is still willing to have that free and frank discussions. But if it is in the minds some Members that because certain individuals feel that the rates are too high, or that the Government should have done something different ten years ago - that we can just arbitrarily change these arrangements, I think we are making a big mistake - because Government is obliged by the terms of that contract to honour that contract, and there can be damages coming. If Government arbitrarily changes the terms of that contract, I am sure today that it could leave the Government wide open for litigation. I am/saying whether the company would succeed or not, I am only saying that litigation could ensue, because a contract is not a likely thing and I am sure that Caribbean Utilities has a firm of lawyers.

Mr. President, I don't feel today that because certain individuals - because a lot of what I heard this morning going on in the debate dealing with this matter was more personal matters, than matters, in my estimation relating to the public. And if someone has a personal grievance with a company surely I feel this is the wrong place to come to take out that individual attack .....

MR. JAMES M. BODDEN: On a point of order, Mr. President, the Member is trying to impugn the reason why we brought this motion - we have brought motions similar to this, Sir, for a long time and they have been brought for the good of the people, because everyone in this Island pays electric bills, not just the two Members from Bodden Town.

HON. W. W. CONNOLLY (CONTD.): Mr. President, I am not trying to do anything, I am only saying that if some Member or some Members have personal gripes, I feel that this is the wrong place to bring them out, I feel today that we should look at things here in a broad and in the widest concept, and surely there is, as the Honourable Member informed the House this morning, that there have been several attempts by Government to look into this matter - Government has not been brushing this thing by lightly, but let me ask again in speaking on this motion: the amendment says that the committee should be empowered to call for persons and papers - this/fine, these persons who would be called I would take it to be persons with expertise as far/the rate structure of companies - I would take today that these persons would have been persons qualified to look into the/legality of the contract, and certainly, Mr. President, the Honourable Member under whose portfolio this subject comes says that he has done this - this has been done.

I fail to see the Finance Committee at this stage of the game could serve a useful purpose, I fail to see that Members of the Finance Committee could sit down there and say, I believe the rates are too high, or I believe that the company is making too much profit, without having that expertise to back that up - I don't think that we would have gone very far. And Mr. President, I don't know what else that can be done to prove that the Honourable Member has gone into this matter - has got the expertise, and I am certain that he has got legal advice as far as the contract is concerned. If we feel like the rates are too high, and if this motion was to ask the Member to use his influence to probably continue that dialogue then I can see, or probably I could see no real harm. We must remember, and what is bothering me, Mr. President, is this, that a motion comes before this House and naturally the motion is, as far as I am concerned, we must take it debating this motion - we must take what is written down there. I personally looked at the motion, studied the motion as what it says, yet we find that out of a motion, one finds that everything is criticised.

HON. W. W. CONNOLLY (COORD.): Mr. President, I hope that, as you said it is pretty difficult for me to speak on this half of/coat of bread without poisoning some of the other slices, but surely to clarify just what I said a while ago, I would like to remind members that the Government does not select members to the board of directors of Caribbean Utilities. I believe that under the Companies Law, and I believe that/commercial company/board of directors have a vote on the members of the board of directors, and I believe that the board of directors of Caribbean Utilities Company selects/ or elects members to their board. I have been a member of the board of directors of Caribbean Utilities since it was founded - it is not a paying job - I get nothing for it - I have contributed my valuable time - I get paid twenty dollars if I attend a meeting, and that is it, and I have put in a lot of hours in settling disputes other than those meetings that I haven't got a penny for, so if anyone believes that I am in it for/gain. I am getting out of it, I will say they have been mistaken.

I was asked that if I had been nominated if I would stand for election as a member, and I was asked primarily to ensure that electricity went to the Eastern Districts - that of Bodden Town, East End and North Side. As far as I am concerned, what I was told then 1966 ten years ago - my job has been completed. I have lived to see the time that electricity is serving all these Districts and serving it well, and I have made my contribution. I would feel, Mr. President, that being a Member of the Legislative Assembly, and not only that, I didn't have to be A Member of the Legislative Assembly, but I was a member of the community and I was asked by the then Executive Council if I would stand the nomination if I had been asked, and I said yes and I did, and I have been there ever since.

So I have declared, Mr. President, my interest in the company, I shall not vote on this, but I could not in my argument support as here today doing anything that could be counter to the democratic principles of a contract signed between this Government and a private company - I would not like to see this Legislative Assembly make a move that would lessen the confidence that private investors have in the Government and the people of this place. I feel today that if this Government arbitrarily attempts to alter this contract, or try to maim it in any way that the company will use its best endeavours through the courts to protect the licence which they now have, which I think is a matter of twenty years, there is ten years left on it, and I think there is an option for a further twenty years, something of that nature if I read it correctly. I would think, Mr. President, that as I said before if Members suggested that the Member for Works under whose portfolio this falls - if he was asked to invite the company to sit down and discuss, and if people can support allegations of this two thousand and three thousand and four thousand per cent profit, then I feel that the company is reasonable and the company will listen, and probably on a mutually agreed basis there can be a compromise.

I think it is unfair to the company to say that the company hasn't borrowed any money. As a director of that company I would like to tell this Assembly that that company borrowed over one million dollars from the Bank of Nova Scotia, and as a director I would know. I would further like to tell the public here that shares in the company, although argument was that they were sold for a dollar, I have evidence and can prove that shares in that company were sold - some of the shares were sold for twelve dollars U. S. per share, so there is a lot that has been said this morning that could not be substantiated, and I would like Members in voting on these matters to bear in mind one thing that this is not a verbal document, this is a written document between this Government and a private company. In saying that, Mr. President, I shall not vote on either the amendment or the motion, I think I have laid my case, Sir.

HON. V. G. JOHNSON: Mr. President and Honourable Members, I think I have the right to speak on the original motion as well as the amendment.

HON. V. G. JOHNSON (CONTD.): Mr. President, when I first saw this motion and read the statement in it that the economy of the Cayman Islands had suffered immensely because of high rate, I thought there was a misquote in the motion, because the cost of electricity in the Cayman Islands is perhaps one of the basic items of cost of living, and would have thought that the high cost of electricity would affect the cost-of-living rather than the economy. When we speak about the economy being affected, of course we probably would refer to things like the recession, or poor traffic in the tourist industry, or the financial industry - something that adversely affects the income of the Islands as a whole. But the cost of electricity is no more of a concern to the Cayman Islands as the cost of basic food stuff, or anything else that is included in the cost of living, and this is the reason why I thought that the motion was perhaps taking a different meaning, rather than the high cost of electricity having effect on the economy.

If we examine the cost, or the rise in cost of commodities over the past few years, as a previous speaker has said, we will see that this has affected everything, or everything was affected by high cost, or the rise in cost over these years. This can be borne out by the rise in cost of living which necessitated the rise in wage, rise in salary and we saw that it had a chain reaction in the rise in price of everything. Now, Mr. President, when the first increase was advised by the company Government examined the proposal and as was said, the first rise in the cost of electricity was brought about because of the rise in the cost of fuel. The economist from the Department of Finance and Development was called upon to examine these figures and to examine the proposal for the increase in the rates, and his examination revealed that there was ground and that the proposal was reasonable. These rates were put into effect. Early afterwards the company again announced that because of the rise in the cost of fuel it was necessary to consider a rise in the rates. At this time the Government decided that it would go beyond examining these proposals locally and it employed the services of an advisor who was a rates expert in an electricity company in Barbados for many many years. The advisor was very knowledgable in the subject - he came over on two or three occasions - he examined the accounts. The proposals of Caribbean Utilities and he advised Government accordingly. Because of this it was seen that there was no need to consider any further increase beyond what was originally approved.

It wasn't because we brought an advisor in, Mr. President, it was because the advisor saw that the increase which was allowed in the first instance was sufficient to take the company out of its present difficulties, and the advisor said that if within six months of operation there was a further case for the increase of fees, or rates rather, that he would be willing to examine the position then and advise Government accordingly. Six months after this was done Government was advised that the company had weathered the storm pretty well, and that its financial position was not in too bad condition and so no further increase in rates was allowed.

Mr. President, the Member who spoke this morning about the increase in the assets of the company, and especially in the equity of the company, perhaps failing to mention the fact that Caribbean Utilities Company took the operation over at a time when there was the need to inject a lot of capital in the development of the company - it was at a time when the Cayman Islands was moving forward in progress, development and a time when electric power would play a most important role in the development of the country. It was at a time when we had to be insured and assured of reliable electricity, otherwise many of the developments which we saw over the past few years would not have come to reality without this very essential and important service. Mr. President, in order for the company to keep abreast of this development the shareholders themselves elected not to take any dividend out of the company. They decided to inject the dividend back into the company - to plough it back into the development of the company, and perhaps that is one of reasons why we are hearing about these enormous percentage increases in the equity of the company today, no doubt. We must also take into consideration that the shareholders themselves gambled when they did this, they tried to do a great part of their development with the aid of loans, finance the capital expansion of the company, but this was not sufficient, the company saw that it

HON. V. G. JOHNSON (CONTD.): was necessary for all the profits/it generated to be ploughed back into the development. And as I said it was a risk, it was a gamble.

Can Members imagine what would have been the position of those shareholders today if that company had failed. Fortunately I think the company was very successful in its business operation. Perhaps it is because they had a very strong and reliable management; people who were aware of the need on the Island and people who were aware of the need to ensure their own interest. Nevertheless the company was successful and we see today that the shares of the company have grown tremendously in value over the years. I think that they should be congratulated for this; they have played a very important role in the development of this country and certainly I think that this is something which we should be very grateful for.

Now, looking at the resolution section of the motion, Mr. President, we see that it is asking that Government does not agree to the transfer of the franchise - but the position here has already been made clear by previous speakers on the Government bench - the franchise has been granted for a period of twenty years under The Electricity Law, as the last speaker said, and unless there is an agreement between the company and this Government, I doubt very much that Government could proceed to examine the franchise or any area of the franchise. It is one thing that we must bear in mind at all times, Mr. President, and that is when this Government enters into a contract with any private company or any institution we must at all times honour our obligations. This is one of the things which has brought great reputation to this Government as a reliable Government, and I am sure that if we attempt at any time to tamper in any way with this, that our position will be jeopardized. We must honour our obligations - we must remain a reputable and reliable Government.

I think the company is willing to look at some area of the franchise dealing with the fuel escalation; that clause is a clause which I think needs to be clarified both for the interest of the company and the interest of this Government, and I think the company will be willing to sit with Government and clarify that particular section. But the other areas of the franchise will remain, as I said it is a contract covering a period of twenty years and I don't see where this Government has any authority or any latitude to interfere with that franchise before the end of that twenty years; unless of course we want to do it arbitrarily and without due regard for other people, but I think this is something which we should avoid.

The shareholders of the company have decided to sell their shares, the fact is it's not just today that they have been giving thought to this, they wanted to sell this from some years ago; they have been looking for buyers, and I dare say that Government has to approve of these shareholders before the deal goes through. But the thing is that under the Companies Law there is no authority there on the part of Government - I think it is done more or less under the Electricity Law - for the Government to unduly withhold any permission to transfer shares, and once the new shareholders are reliable people, then I think there is an obligation on the part of Government to allow the transfer. This has been done, but it has nothing to do with the transfer of the franchise. The company will remain as Caribbean Utilities Company Limited, and it will do so, I suppose as they wish to. I think it is a good thing for the management of companies to change every, perhaps a period of ten, fifteen years. It gives the company a greater opportunity to look at its operations, to perhaps inject fresh capital to improve its operations and to do much more, and I think this/what Caribbean Utilities wanted - this has been done, and we should look forward to the new shareholders taking a very active part in the operations of Caribbean Utilities, and to provide the service which we need to push on the development which we hope to see continue over the years to come. Thank you, Mr. President.

MR. JOHN D. JEFFERSON: Mr. President, I rise to speak on the Private Member's Motion before us. I find myself in a sort of awkward position, because I want to be true to my own conscience and I want to be that of a

MR. JOHN D. JEFFERSON: ...responsible Legislator of this country, I cannot agree with the first part of the motion which says: -

WHEREAS the economy of the Cayman Islands has suffered immensely from the high rate charged for electricity by Caribbean Utilities Company -

I don't believe that we could actually agree that that is a fact. It is true that rates have been high - there is no question about that - and to be quite honest with you while I have great confidence in Members, I personally am not satisfied myself that the increase asked for by Caribbean Utilities can be fully substantiated, but I cannot agree that the economy has suffered immensely because of this high rate. Mr. President, we cannot afford to allow any precedent to be set here today, as far as I am concerned, I feel that what we have to do, we have to remember that we have benefited many times in the past from the mistakes of other countries, and I do not want in anyway to cast any reflection or paint any picture that would have the foreign investors feel that this is the beginning of the end. I want to say wholeheartedly that I support any principle involved by Government - any commitments that Government has made - I feel that we should be a responsible Government - I believe that is the reason why we are where we are today, as far as our financial picture in the world is; because people have been able to have confidence in the Cayman Islands Government.

I wouldn't want to stand here in this Chamber today and dissolve any agreement that Government has made with anyone in particular, because I have no reason to suspect or to feel that there is any great violation as far as the rights of the people are concerned. I feel that I want to show responsibility in every respect, on the other hand, Mr. President, I can quite agree that certainly the company must be making .....

(POWER FAILURE)

MR. JOHN D. JEFFERSON (CONTD.): Mr. President, I will reiterate what I said before, that is, that I sincerely find myself in a very awkward position. While I would like to see pressure brought on Caribbean Utilities, enough pressure that I could be absolutely assured that no increase that has been granted is any increase which is not fully substantiated by figures and facts. On the other hand, as I have said, when we think of really what is before us - we are aware of the fact that what is done by this legislature is taken and echoed around the world. Mind you there are many persons that are very envious of the position that the Cayman Islands Government holds in the world. And while I want to do everything possible to make sure that nobody comes in this country and is able to get away with anything that is not really justified, on the other hand I realise that I have also to respect that under the law - a private company there are certain rights, even though there is a franchise with the Cayman Islands Government. While I would like to say today that I would like to see the rates in the Cayman Islands reduced - I would like to see that, but: I wouldn't like to see that rate reduced at the expense of the people of these Islands or its Government.

What I am saying is that I wouldn't want to stand here and agree to any legislation that would hamper this company or any other company that has been providing a very vital service in this Territory. We cannot ignore the fact that they have kept pace - for a little while there was a problem of power, but I believe that this Legislature served in that respect - that pressure again was brought, where they were aware that we were not going to sit by idly and see the development of this country suffer because of the fact that one company could not provide or keep pace with the services required for the development of this Territory. They have moved swiftly - they have provided a vital service - today the people in the Eastern Districts, because of Government's initiative today enjoy electricity like the people in George Town, or any other part of this Island. Mr. President, as I said I find myself very awkward. The amendment offered here is not one which I believe would do what I would like to see done. I think

MR. JOHN D. JEFFERSON (DUNCO.): it is far [illegible] - I think it is little bit strong. I would like to see a review of the rates on the franchise; what could we actually do. We have a commitment, I believe someone has said another ten years on the franchise, and no facts or no figures have been produced by anybody that would tend to make us think seriously that these people have really gotten away with too much.

When I say that, Mr. President, what I would like to see - I would like to see a franchise by that company and Government. But I would like to see a definition - I believe they should be able to pay their duties just like everybody else. Because I haven't been convinced up until now that we get much in return for what we give. Like I said I know that this company have been providing a very vital service, I realise that the stockholders of the company have been ploughing back the money into the company, instead of paying out dividends, this has been ploughed back in it - that is the only how they could done what they done. To say that I would definitely support the motion that is before us - I am not sure. Mr. President, I would like to hope that something could be done - that some further amendment could be offered that would help us to achieve what we want to achieve, and what we want to achieve is to bring pressure to bear on this company - make this company aware that nobody is going to sit idly now or any other time in the future, and see anybody come in here and dictate to us what the terms will be. As an Elected Member I don't feel like being dictated to by anybody, but on the other hand I too have to respect. I too have to show responsibility.

The day that we get to the stage where this Government makes an agreement, and I have no reason to feel, and nobody else has produced anything here to make anyone say or feel that this Government has agreed to any proposal that would be at the expense of its people, but what I am saying is...What if we get to the stage where an agreement was made here, and next year there were other people in the House, and they said all of a sudden, well we are going dissolve these agreements - in a very short time we would be just in the same position that so many of our other neighbours are in, whose nobody can have confidence in our Government. I am not going to in this motion, exercise any part of what I call irresponsibility - I want to discharge my responsibility - I want to make the world to know that I honour any agreement that cannot be proven that it is to the detriment of our country and society. I hope that out of this motion something will come that will help this Company, and no doubt one or two others to realise that we are not asleep - we are awake - we are looking out for the best for our people, and that is what we want. I don't think that that is asking too much - and that we are not going to sit down and let everybody come in here and they are going to be able to say, well tomorrow the rate for electricity is going to be four dollars a kilowatt and the next week they are going to say that it is going to be eight.

As I've said, the motion as it is I cannot fully support it - I am in sympathy with it and I hope that some amendment can be offered that will enable us to achieve what I hope that we are trying to achieve. With that, Mr. President, I'd like to thank you very much.

MISS ANNIE N. WOODEN: Mr. President, as I understand this resolve part of this resolution it says -

BE IT RESOLVED that the Standing Finance Committee meet at an early date as is possible to study the rates and review the franchise of Caribbean Utilities Company Limited -

study the rates that is all that I understand that we are going to do, and review - what do we mean by review - as I understand review means looking over, and this resolve says that we are to study the rates and review the franchise. so I can't see any harm can be done by that, I hope that some good will evolve from it, but it can't be any harm for us the opposition as we are termed to look at this contract, certainly no harm can come of that, that wouldn't put us to be irresponsible - that would make us do

MISS ANNIE H. BODDEN (CONTD.): exactly what the Second Elected Member from West Bay is saying; to grant that we are not asleep, we are not accepting everything that everybody tell us; we want to study these rates, and I don't see any harm in this - I am afraid it won't be much good, because it will be brought in such a manner that these companies are always right, so I can't see anything wrong about this, and I would support it - that we must to study the rates and review the franchise, because as it is we never see any franchise - any contracts, any anything - I don't know what it says, and frankly, although I am a woman and women are supposed to be more curious than men - I am not curious to see these contracts or franchises orwhatever they may be called, but I feel that in this instance looking at the contract can't do any harm, and if we can review the rates we certainly shall be doing some good to the public. Thank you, Sir.

MR. CLAUDE H. HILL: Mr. President and Honourable Members, as seconder of this amendment, I would like to express my feelings towards the resolution that was brought up by the mover.

Mention by a previous speaker of personal feelings which existed, I personally have nothing, as I said in my first speech or debate on this matter - I have no Axe to grind, Sir, and I want it clearly understood; I am speaking on behalf of the public and the public is oppressed with light fees and we have/nothing about it in this place, Sir. It is quite true that Cayman Islands Government has entered a franchise with this company, everyone of us hear of the franchise, we hear about twenty years, we can't do this, and I hear about another possible extension for another twenty years even, which I don't think I'll be here, and many of us won't be here also. I hear about changing the franchise, that to me is a middle - no one is suggesting changing of franchise - we are asking here in the resolve motion that the Standing Finance Committee meet at an early/date possible to study the rates and review the franchise of Caribbean Utilities Company Limited. I thank you, Sir.

HON. TREVOR FOSTER: Mr. President, Honourable Members, much has been said regarding these matters here today, and we have not seemed to be able to come to a suitable conclusion yet.

One thing listening I have gathered that Members need to look at the recent position in a more realistic manner. First to recall that this franchise was given by the Government of that time, which evidently was some ten years ago. It was given with the/interest of the Islands, the best terms agreement that could be derived at at that specific time. I can see the views of Members and what they want, however, since my time in Executive Council I would like to make it clear that when the Utility Companies asked for increases, the request is just not made and an agreement posted back to them. The Government goes through the request deligently and in many cases the answer that is given is always lower than what is requested.

As I gather from statements made/Members here today: all they want to do is what has been done in the past by the Department of Government responsible for this subject. I recall sometime back when the increase came about that this Government brought an advisor in who studied the increase and studied the books of the company, and after a while the increase was justified according to increased cost of... fuel etc., and in order for the company to be financially solvent they needed an increase. I don't think that it is quite right, as a matter of fact it is not, to state that the company has increased its cost of electricity as it saw fit without having permission from Government. I think the Government/that this comes under - their portfolio has been capable of looking into it, and I think that this is the point today that is bringing the argument. Under our set-up at present that when increases are asked for it is presented to Government - it is studied by the Department to find out if the increase is justified, and if it is justified the increase is allowed. Government went through that process in the last increase by bringing an advisor in to study the financial situation of the company and justification was found. No doubt if this takes place in the future again

HON. TREVOR FOSTER (CONTD.): the same road will be followed. If our present Government facilities can do the job it will be done, and if Government feels like they are not capable of doing it and an advisor needs to come in, they will bring one in to study the situation, and if an increase is not justified, well they should not get an increase.

I have to look at this, particularly our position today with the franchise; even if this Assembly does not agree that the rate being charged here today is justified what really can we do; we must respect the franchise which was given by the Government previous to us. We would be in a sad state that with each new election we would want to undo what the others did - the Government or the Cayman Islands as a whole would be in a sad shape. If it is the fears of members that the Government department that is in charge of this is not doing justice - not looking into the company's affairs; I feel this is not quite right - I feel that they are capable of getting the necessary machinery to make the necessary investigations and report to Government what is the position. My knowledge since I have been in Executive Council with the two Utility Companies, this has been done every time. I might say in some cases if the increase which was requested was granted then we might have a lot of argument here today.

On the whole, Mr. President, I think it is not exactly a misunderstanding, because I am assured that Members realise what department is supposed to attend to this. The only thing I can draw a conclusion on is, that they might not be satisfied with what the department has done in the past, but here again I am certain that not much more could be done - if an advisor was brought in and after studying the tariffs and the accounts of the company, and seeing that an increase was justified in order that the company may go ahead in its operations, and be financially successful as well as supplying current which this Island so needs for its development, what more can they do. Now, you might say to yourself lay the pressure on - that is one anyway, but we do not want the service to deteriorate. In modern development a very needed facility is electricity, and cost of materials fuel, wages and everything in this modern age does not come cheaply. I am a director of our local company - Cayman Brac Power and Light Company and we have had the trouble just like Caribbean Utilities had, and particularly this time our rates are on the same level with the company here - giving that our volume is much less, but on the other hand our costs are a bit more and we also have to remember that our company in the Brac is pretty well locally owned and our dividends mostly of service and financial wise. But the position with this company here is different - they are not only looking for a service, but they are looking for financial returns.

Mr. President, I could go on, but I don't think it is necessary - I think the main item/this afternoon is that Members must have faith in the Government department that this subject comes under - they must have faith to believe that Government is capable of supplying the expertise to study the tariffs, to study the accounts of the company and see that the best result is given to the people of these Islands, and Mr. President, I think this has been done in the past, and I feel every effort has been made by Government, if there was anyway at all to get a reduction to do that. But one has to bear in mind that cost is constantly escalating daily, and it would be hard to think that a utility company would be able to decrease the rates while everything else is going up. I thank you.

HON. A. S. BUSH: Mr. President, Honourable Members, if Members here in this Chamber aren't convinced that all that could be done to stabilize and to decrease the price of electricity as charged by the Caribbean Utilities Company, I will have to say that they are most unreasonable, and have made up their minds that they will not agree to good sound reason. I don't know what else could have done to get a better price on electricity than what Government has already done, and I am very surprised to know that after all has been said that there is still doubt that all has not been done that should have been. I want to make it quite clear that I don't know of anything else that could have done in this matter.

Speaking on the amendment, Mr. President,

HON. A. B. ROSH (CONTD.) to the motion which is before us. I think it is entirely out of order, and I don't see how any reasonable bunch of people can expect such a thing to go forward. There is no room for review of the franchise - Caribbean Utilities Company has/been given a franchise for twenty years to supply electricity in the Island of Grand Cayman, and that is it. It must be of course to the satisfaction of Government. Taking all the circumstances into consideration. There is no room for renewing of franchise, so that is entirely out.

The rates, as I explained are based in the franchise on the cost of fuel oil. There is a clause there, which as I explained this morning that is under review by the mutual consent of Government and Caribbean Utilities to make it a little clearer for both sides of the parties to understand it clearer; to clarify this particular fuel clause. This is under review by consent of Caribbean Utilities, but even that, Mr. President and Members, there is nothing in the franchise which could compel Caribbean Utilities to even review it, but talking it over with them, they have agreed that we will try to work together to work out something on this particular clause where it will be clear to both sides -- this is what is going on.

As far as the rates are concerned, I doubt very much that Caribbean Utilities would agree that they would abide by any rate structure worked out by the Finance Committee, and I think this is what the amendment seeks to do. If it has no purpose of introducing the rates that should be charged by Caribbean Utilities, then it has no reason to be down on this amended section of this motion, and I think this/what it seeks to do, but as I said, Mr. President, Government and I think this has been made quite clear by other Members, that the Government cannot arbitrarily determine the rates of this company, neither can they raise them/, so it has to be. if there is anything in this respect, it has to be by the mutual consent of both parties, and I do hope that Members will take into consideration all that has been said on this matter - they will realise, as I made it clear this morning that Government itself is the biggest user - the biggest single user of electricity in the Island, and all of us knows that Government tries/every way to get the most for its money, and if Government felt like they were paying too high a rate for electricity we must take it that they themselves would be the first ones to say, no, we are not going to pay you the rate which we have been charged.

The motion that was brought this morning requests that before any franchise (which again has been ruled out, because there is no transfer of franchise) - that Government be satisfied that there is justification for the rates, and we have presented to the Members here the whole story of the operations of the company, and why the increase of rates were brought about, and if Members do not believe what was said then I don't know how much further I can take it. We should bear in mind, as I said this morning, rates are high - we all admit that, but it must be understood that we pay for what we get - or we get only what we pay for. I don't think that it would be in the best interest of this Island to endeavour to hold any utility company to the bare bones to where they had to rack and scrape every penny to meet their payroll or/their expenses at the end of every month; surely this would not be good practice at all, and we are satisfied - the Government is satisfied that the rates which are being charged by Caribbean Utilities, taking All the circumstances into consideration - that the rates are justified, and I would ask Members to ignore the amendment which is put here about the review of rates and the review of the franchise, because no such thing to my mind is possible and the whole motion - the original motion and the amendment to it is entirely to my mind out of order. Thank you, Mr. President.

HON. D. R. WADDINGTON: Mr. President, the previous speaker, the First Elected Member to/Executive Council has given what I think is a very clear and lucid explanation of the effect of the franchise which was granted to Caribbean Utilities Company Limited by a previous Government ten years ago. Now, I take it, Mr. President, that the resolution portion of the original motion is being proceeded with, because as has been pointed out by previous speakers on the Government bench, there is no question of any transfer of a

HON. C. E. WASHINGTON (CONTD.): franchise and so there is nothing for this Government to give consent to. Shares are being transferred yes, it is true but there is no reason why that can't be done without the consent of the Government, because there is no power in the Government to object on the transfer of shares; so I take/that resolution portion of the original motion has fallen away, and I will deal therefore with the resolution portion in the amendment.

Now the resolution is, Mr. President, that the Standing Finance Committee meet at an early a date as is possible to study the rates and review the franchise of Caribbean Utilities Company Limited. There is no reason in the world of course why the Finance Committee can't study the rates, anybody can do that, but the resolution must be read as a whole - it is not only a study of the rates, but it is a study of the rates and to review the franchise, and it is obvious that the reason for the study is to effect a review, and as I understand the word review it can only mean that after having studied the rates then the Finance Committee will decide whether there should be some change in the franchise, because if that is not to be ascertained then the whole object of the study would really be ineffective - when a thing is reviewed it is looked at to see just what changes can be made, and as has been pointed out the franchise is a franchise for twenty years and there is no power in the franchise to review anything in it, or to change anything in it, and I think that we should be very careful in this House in doing anything which might give the impression, not only to the commercial sector in the Islands, but commercial interest outside of the Islands that this Government is a Government that would in anyway do anything to compromise the sanctity of a contract.

Just at this very moment there is a case proceeding in the Supreme Court in Jamaica; it has gone on for some two weeks now I believe and may go on for weeks and weeks more, dealing with a similar sort of thing where the Government unilaterally altered the terms of a contract with one of the Jamaican companies, and we should be very careful, Mr. President and Members, how we deal with this motion because we do not want the impression to be given, either locally or beyond our shores that we are a Government that take lightly the sanctity of a contract. The resolution goes on to say - and further that the Committee be at liberty to call for persons and papers - now if this resolution is passed in this form it would mean, Mr. President that the Finance Committee could call upon the Caribbean Utilities to appear before it with a view to reviewing its franchise, and clearly if the resolution passes that form there would be no question at all about it but that the impression will be gained that because ten years after entering into a contract, that the Government having entered into a contract it finds that there is something in the contract which it considers to be unsatisfactory, and it is now seeking to compel the other party to the contract to appear before them and to, perhaps alter the terms of that contract in a manner that would be not to the interest of the other party, and that is the feature of this resolution with which I am very much concerned and I think that Members should consider that aspect of the matter very carefully indeed, and do nothing to cause the reputation of this Government for respecting the sanctity of contracts to be in anyway impuned. That is all I'll say, Mr. President.

MR. PRESIDENT: Is there any other Member who has not spoken on the original motion who wishh to speak, or any other Member who has not spoken on the amendment which to speak to the amendment.

MR. JOHN D. JEFFERSON: In speaking to the amendment, the only thing I would like to say, Mr. President.....

MR. PRESIDENT: Has the Honourable Member spoken to the amendment already, if so he is not entitled to further remarks.

If there are no further speakers the mover of the original motion has the right to reply.

MR. G. HAIG BODDEN: Mr. President, since the filibustering

MR. G. HAIG BODDEN (CONTD.) strategies have not worked and since nothing has in fact really been said against this amendment - I'd ask you, Sir, to put it to a vote.

MR. JAMES M. DODDEN: Mr. President, before we vote, Sir, I declared at the beginning that I had a pecuniary interest, but in perusing the Standing Orders 47, Sir, I think I can ask on you to make a judgement. I have a few shares in Caribbean Utilities and for me to vote under (47) sub-section (b) in the interest with the rest of Her Majesty's subjects, in other words I am in favour of this motion for something to be done, and I am voting directly against my pecuniary interest. So I feel like subject to your ruling I would have the right to vote.

MR. PRESIDENT: Under Standing Orders I do not give an opinion unless the Members votes and this is challenged. I would draw attention to the first two of these Standing Order which seem to very clear.

HON. W. W. CONOLEY: Mr. President, I think I declared a pecuniary interest and I shall not vote.

MR. PRESIDENT: Well we have got an original motion and we have an amendment, and before I put it to the vote I hope that Honourable Members have taken that legal opinion given by the Honourable Attorney General, who is also legal advisor for this Chamber. And in light of that I think there is severe doubt even if the original motion was passed whether the Government could proceed to implement it. So I think that should be taken into account if the original motion is put to the House, but Standing Orders oblige me to put the question which in that the words stand as in the original question, that means if Honourable Members vote for that motion they are voting against the amendment.

So I shall put the question first that the words stand as in the original question, or that the words of the question stand as in the original motion.

QUESTION PUT: AYES AND NOES. MR. PRESIDENT, THE NOES HAVE IT.

MR. PRESIDENT: The next question to be put is: the motion as amended - I'll read the resolution clause - BE IT RESOLVED that the Standing Finance Committee meet at an early date as possible to study the rates and review the franchise of Caribbean Utilities Company Limited.

QUESTION PUT: AYES AND NOES: MR. PRESIDENT, THE AYES HAVE IT.

MR. G. HAIG BODDEN: May we have a division, Mr. President.

DIVISION

AYES	NOES
MRS ANNIE H. DONDEN	HON. D. V. WATLER
MR. CLAUDE HILL	HON. C. B. WADDINGTON
MR. G. HAIG BODDEN	HON. V. G. JOHNSON
CAPT. CHERIAN MCCONNELL	HON. A. D. JUDD
MR. CRADDOCK BEANKS	HON. T. FOSTER
5	5

ABSTENSIONS

MR. JOHN JEFFERSON
MR. JAMES M. DODDEN
HON. W. W. CONOLEY

MR. PRESIDENT: For the result of the division, I have five voices for and five voices against which means that as President I am

MR. TORTOLONE (CONTD.): obliged to give a casting vote. In light of the legal advice given to this House I am obliged to give my casting vote against the motion. That means that the motion is defeated on the President's casting vote.

Proceed to next motion.

PRIVATE MEMBERS' MOTION NO. 2

ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY SHOULD NOT OCCUPY POSITIONS AS DIRECTORS OR OFFICERS IN COMPANIES

MR. JAMES M. BROWN: Mr. President, Fellow Members, we have a motion before the House which has been circulated - I am sure everyone by this time is conversant with it.

Under this motion what we are trying to accomplish is that people who stand for election and are elected to represent their constituencies should not use that honour to enrich themselves. Mr. President, we are not against private enterprise or business, so I wouldn't have to debate that aspect in the House. That is the reason why our motion is couched in the words of having a twenty-five per cent interest. We feel this twenty-five per cent interest should be without question beneficially owned by the Member of the Legislative Assembly who is taking a directorship. We feel like the days have passed when a Member of this House should have may be one share in a company and be able to be a director. This has become a profession in the past - we have had many instances of people opening banks, opening other businesses and they say, well, Mr. Brown you're a good member to have on our team you're in Executive Council or you're a Member of the Legislative Assembly and we would like to pay you twelve hundred dollars a year to be a director so that we can have the assurance of your vote behind us - I am calling on those days to diminish.

In the past, Mr. President, we have had occasions to know that information has leaked from Executive Council into the private sphere which was beneficial to/businesses involved. I hope I am not challenged on that because I would not like to tell the full story in the House. If I am challenged I will. But, Mr. President, too long have we gone on with cases like we have gone on with today where we see that the people have no right. We have just had what I consider to be a worthy motion on a flimsy excuse that we were trying to change the franchise; far be it from it - any commitment that this Government enters into or has entered into should always be stood by regardless of the consequences, that is why I stood in this Assembly a couple of days ago and refused to debate a very important motion that the Government had placed before the House and supported it fully by saying that we should support it regardless of the consequences or where the money came from that is how much I believe in standing behind your commitments - but commitments is they are going to be dishonoured I don't think they will ever be dishonoured by Members from this side of the House.

Mr. President, we feel, and I think the public at large feels that when they elect a person to the House of Representatives that a person should not be a tool for another business enterprise. His prestige should not lend glory to the business whatever it may be. It has happened in the past and I wouldn't want to go into the banks and so forth that did it - some of them are here with us no longer but for prestige purposes Members of the Legislative Assembly were put on those boards, and I am saying that is in time that it cease. It is just like the Honourable Fourth Elected Member from Executive Council being put as a director on Caribbean Utilities to represent the good of the people and he buys shares for himself instead, and stands here and fights with us when we try to reduce the rates - these are the things, Mr. President, that I am against and I will always stand against it - I believe if you want to make your money go on the outside and make it - all I have done since I have ever been here is lose mine, and I guess I'll lose a lot more. This is not the place to come/and reap the glory that has been spread on your wings by the public at large to enrich yourself, and I am

MR. JAMES M. BODDEN (CONTD.): asking this House to begin to put an end to it by voting with us today on the motion before the House. that before a Member of the Legislative Assembly can take a directorship, unless it is an honorary directorship such as may be in the Rotary Club or something like that, but not in a company that is going to be of pecuniary interest to him. I do not believe that we should continue along those paths.

I have no doubt but for what this motion does down like the Titanic, but thank God I can look anyone in the face and say that in four years if it is anything that I have learnt/accept as defeat. I have learnt and continue to learn it that/support is promised to a motion in this House that the words that echo it are sounding brass and tinkling symbols. You will never have any doubt as to the way I stand - if I don't believe in something I am man enough to come here and say I don't believe in it, regardless of who I hurt, if I hurt myself even, by the same token you are not going to hush my voice very easily. Because when I believe in something, I am going to believe in that for a long time - until you/show me otherwise, and I think the people as a whole of this country have had a sufficient opportunity to view what has been going on, and to realise whether the Members of this side of the House are fools, or whether it could be the other side. Thank you.

MR. PRESIDENT: Is there a seconder for this motion?

MR. G. HAIG BODDEN: Mr. President, I second the motion.

MR. PRESIDENT: The motion is as stated by the Honourable mover, and as set out in previous papers of the House. It is open for debate.

MISS ANNIE H. BODDEN: Mr. President and Members of this House, I am beginning to think that we need only four Members of the Assembly, because it appears to me, Sir, that everything is defeated, and when it is not defeated by yea or nay it is from people abstaining from voting.

Now, I come here, Sir, and I feel that if my conscience dictates that a thing is right - I vote and if it is wrong I also vote against. Now, the Bible says that we are either for against - there is no middle way and when we come here to represent the people I say regardless of who we hurt we should do our job. Now, Mr. President, I have no affiliation with any companies except I have mine registered in my office - I don't get any hand-out from anybody - I don't want any - I have never in all my times in this Assembly ever used - I don't know if I can term myself as leader - I recall myself as a lady who has a great influence if I want to use it, but I don't use it, except it is for somebody else's benefit. So I don't know really what to say about this motion, because I can hardly credit that anybody in this Chamber would/their office to get any gain for themselves - I can hardly credit it..

I know that not too long ago a very prominent gentleman came to my office and he made certain statements regarding certain people who had got money from the bank that collapsed, and never had to pay one penny. Now, I was so ashamed of that that I never asked him who these people were - he was willing to impart this information, but he could have gone out and said that Annie Bodden said so and so and so and so, and I have to guard my good name, and I have to keep out of trouble, because I am a lone woman, I haven't got any husband, no brothers, no man or anybody to call in to help defend me, I have to defend myself - and that man made it emphatically clear to me that certain people used their office to get what they want, and I could have found out those names, but I would not - I didn't want to lose the confidence that I have in whoever they might have been, but he told me you're too trusting, you believe the best of everybody; I said that the day I don't believe the best of everybody, I will be in a very very awkward position. Now, I don't know who in this Assembly would use their influence to get what they want, but we have to be careful - we don't want any reflections on any of us, and I might as well tell you the truth - I don't know how to vote on this motion, because it must be some foundation to it - I suppose the mover and the seconder might have heard the same story that I heard - the only

MISS ANNIE H. BODDEN (CONTD.): thing is they might have let their curiosity get away with them and found out who these people were, who were using their influence to get easy money.

Now sometime ago I was in a certain board meeting and a certain business was granted a certain thing. Some weeks or so afterwards I went to that business place and as I stepped in the door - good Miss Annie the meal is on the house today: eat all you want - I said no thank you I never here to pay for my meal, I don't want any concession whatsoever - he said but you know you done me a great favour - I said no I didn't do you any favour I did what I considered my duty - well let me get you a cool drink - I said no thank you; it will never be said that Annie Huldah Bodden has ever taken anything from any member of the public for anything that I have done in the Assembly or otherwise. I feel, Mr. President, that that should be the aim, the standard by which every Legislative Member lives. A lot of people say if you are in Government, and as my friend here says a leader of the people - you can get most anything you want. People told me the other day, they said you know what the Government can't buy you all, but they can give you a medal to raise your pride so you'll have to vote against the people; I said that I am very sure that the Government never had such a thing in view - they gave me that medal, if you want to call it so, on my functioning as a proper Englishman, and I feel that I have my weaknesses and the only thing that I can attribute that I do wrong in life, I have a violent temper if I am provoked, and another one of my weaknesses and these are the only two that I know of; when I sit in this Chamber I feel fighting for the good of the people and filling my life with the things that make me happy: how I am attacked by some of these Members and I feel that they do it because they think that I haven't got anybody to fight my cause, and it gets me really very annoyed but only cowards give up, and I am sixty-eight and if I could live another sixty-eight and could carry on this place I'll be here to represent the people like I am doing now. Because/from serving the people to the best of ability in my humble way I get a lot of pleasure by being able to contribute something to what I consider the welfare of the Cayman Islands.

I heard my friend over here say the other day - this blasted radio. Well I must tell you that I was a bit annoyed at him, because when I hear this radio I am proud about it - that is the only thing that I turn on my radio to, I don't turn on to hear about war this way and fights the other place and burglary - I don't turn it on - I want to live in a calm peaceful world, but I am very thrilled when I hear that Cayman Radio, and most of all these beautiful carved songs, they even make me cry they are so touching, and I feel, Mr. President, that we as Legislators should do everything to promote the good and welfare of the Islands, but when it comes on any personal gains lets step aside - go aside and let those who want to get things easy let them get it - but never let it be said of Members in this Legislative Assembly that they are using their position to get stuff for themselves. Now, I don't believe - I can't credit that anybody would do it - I haven't got too much faith left in people, but I feel today that not one of these twelve Members, including myself, would really conscientiously do any thing wrong to promote their own interest - I cannot credit it, and I hope that my confidence is really well placed.

I don't know what to do about this motion, because if anybody or the most crowd that get in want to double-cross there are always ways and means to do things, And I would hope that we should have no less honourable a crew than I believe we have now, so I don't know if I should abstain or what from voting for this - but I can't really credit that any of us here would do anything so really embarrass this Government to get anything for ourselves. Thank you, Sir.

HON. T. U. MATTHEW: Mr. President and Honourable Members, I am not an Elected Member so I think I can feel safe in speaking on this motion.

It is rather an awkward motion and you may have sympathy with it but when you turn at it what is it saying - in case a Member of the Legislature is a director or an officer of a company in which he doesn't own twenty-five per cent. Now what is the difference between owning

HON. D. V. WATLER (CONTD.): twenty-five per cent and not owning anything - I don't know because the same benefits that they may be able to do and influence that they might be able to use will be whether they own the shares or whether they're just employed.

The Elected Members of the Legislature do get a small allowance for attendance - they are not paid any fancy salaries - some of them could be employed and there are a few of you that are self employed, but you could have people that are employed. Is it going to be that only those who are self employed and have money would be able to be Members of the Legislature, because they might be an officer in that company which they do not have shares. At the same time when you turn to you Standing Order which was referred to this afternoon - Standing Order 47 says that any Member that has any pecuniary interest will have/declare it and/he is challenged his vote can be disqualified. There is very little that goes on in Cayman for what we know about - we know sometimes before a person think what they are going to think much less what they do. So we will know whether most of them have pecuniary interest or not. It is quite easy to challenge that vote. On top of it what would we do in this Bill that we would put forward you're going to forbid the Member to have these interests - what if they do have an interest - what is going to be the penalty - there are one of two things to be a penalty - there is going to be a fine or imprisonment, and generally it carries a fine and or imprisonment.

Now if a Members happens to violate that and keep on he could be imprisoned. Now under your Constitution if a person, a Member of the Legislature or a Candidate has been in prison for twelve months he is disqualified automatically. At the same time there is another section of your Constitution - section 19 - No person shall be qualified to be elected as a Member of the Assembly who is a party to,or is a partner in a firm or a director or a manager of a company which is a party to,any contract with the Government of the Islands for or on account of the public service and has not, in the case of a contract election, caused it to be published, at least one month before the day of the polls, a Government Notice/setting out the nature of the contract and his interest, or the interest of any such firm or company, therein. So again you have that reservation been into your Constitution And the Constitution does not forbid but it says you have to notify it and have to make it known and published. So that if you are going to forbid an Elected Member from holding an office or being a director you're actually going contrary to your Constitution, and I don't think any Bill can go beyond the Constitution; the Constitution is what governs all the Bills.

So, Mr. President and Honourable Members, there may be something that some Members know that I am not aware of. You might after your forthcoming election set out a code of conduct for your Elected Members, if you care to, but lets don't try to get a law there that is going to go contrary to your Constitution - if you have them locked up for doing a thing, then he is going to be disqualified any how, so I am sorry, Mr. President and Members, but I cannot support this.

HON. W. M. CONOLLY: Mr. President, I think that I will agree with the lady who said that she doesn't know how to vote on this motion. I don't think anybody really knows how to vote on this. I think this would trouble the minds of the greatest of Legislature to know exactly what is behind this. I am a bit perturbed, Mr. President, in a motion of this sort coming before the House, surely there has to be more behind it than what meets the eye and the only conclusion that I can come to in a motion like this - well it reminds me of the saying that great minds think alike, and there is another saying that says that an evil mind can think of evil things.

MR. PRESIDENT: Does anybody else wish to speak on this motion.

MR. G. HAIG BODDEN: Mr. President, in my thinking this Bill would not be contrary to the Constitution. In fact it would be quite in keeping with it, because the Constitution in section 19 (g) which was

MR. V. G. BRIU BODDEN (CONTD.): referred to by the First Members recognizes the problem of a Member of the Legislative Assembly being even a party, or a partner in a firm or a director or a manager in a company which has a contract with Government. Of course section 19 (g) is only setting out the qualifications for a Member of the Assembly, or how that person might be disqualified as a Member. The First Official Member said that he could not understand how the ownership - he might not have put it in these words - but the ownership of shares would make any difference with benefits that a director would be able to bring to a certain company, and perhaps that is true, but the fact remains that if a person was interested because of his shareholding rather than as a paid director he would naturally make different decisions - it would make a difference.

In the days of the Bible we read about the hired mourners that were brought along, and certainly these mourners were in a different position from the relatives of the people and so could not be as sincere in their declarations of sympathy or whatever it was as the real mourners, and so a person who is a paid director would be in an altogether different position from another director. The First Member also referred to Standing Order 47, but Standing Order 47 is weak on this particular point because Standing Order 47 could not be used against a director if he was not a shareholder or had a direct pecuniary interest. I hardly think it could be used against a paid director. There is great merit in this motion that is before the House. It is an awkward situation and probably would call for an Amendment to section 19 (g) of the Constitution, rather than a particular Bill because that section of the Constitution already deals with the qualifications of a Member of the Assembly with regards to the Member being a director of a company that has a contract with Government. There is no doubt in my mind that this motion, if passed, even perhaps with an amendment, and I am not proposing any amendment at this time, but if this motion was passed much good could be done it.

HON. V. G. JOHNSON: Mr. President and Honourable Members, one of the things that I often boast about is the integrity and honesty of Members of the Legislative Assembly whether they are Elected Members or whether they are Official. I think it is one of things that the Islands today are well noted for and this is the reason why the Government is always referred to as a reliable Government; without this I am sure that we would not hear that being.

Now, the resolution that is being proposed here would, in my opinion, be very damaging to that prestige which the Islands carry because once a law is brought into effect specifying certain positions, or setting out certain restrictions against Elected Members it means that it is going to indicate mistrust somewhere along the line - it is going to indicate that somebody has no confidence in Elected Members, and I think that it will be more damaging than any good so far as the country is concerned. As I said before we have been blessed I am sure, and I hope so, that we have no graft, no under the table deal, and I think that this is something we should hope to continue in the Government in a long time to come.

I agree with the First Official Member that bringing into effect any form of legislation to introduce the control which is sought in this motion could only be in conflict with what is already provided in the Constitution and the Standing Orders of this Honourable House. I therefore, Mr. President, join in not supporting the motion.

MR. PRESIDENT: Does the Honourable mover wish to reply.

MR. JAMES M. BODDEN: My reply, Sir, will be very short, because really there is no reason in fighting when you know you are whipped, so even if we could the Members on this side and perform the miracle that the good Lord did with the fishes, we still would not be able to come close to winning.

I would just like to state my objections to a few arguments against the motion that was placed by the Members on the

MR. JAMES M. BODDEN (CONTD.): ...side of the House that is, number one, I'd like to remind the Members that when you are employed to somebody you do as you are told. When you have your own business interest you try to look out for what is good for yourself without fear or favour, but a person who is employed has to take the orders from somebody. I'll leave you with just that thought. Again I think that it is sort of ridiculous to look on this as being something that would be beneficial to so called rich persons and of hurt to the person of modest means. I cannot see how this interpretation could ever have been put into it; that this would have kept a person of meagre means in trying to seek a seat in the Legislative Assembly. Again I fail to see how it can be contrary to the Constitution as there are other things that are already in the Constitution that could be detrimental. I'd like to dispute the words of the Fourth Elected Member to Executive Council in saying that it could only be for ulterior motives why a motion such as this was brought in the House, and that an evil mind can only think evil things. Mr. President and Fellow-members, I submit very humbly that that only applies to very few people in this House.

Mr. President, in winding up my argument I will state this that it is impossible for Members on this side of the House to ever learn any information as to what goes on in the inner-sanctum. We cannot be trusted that much, but, Mr. President, this information sometimes goes into the hands of people where it can be beneficial to a select few and detrimental to the whole community, so let us keep our eyes open. Thank you.

QUESTION PUT: AYES AND NOES. THE NOES HAVE IT.

PRIVATE MEMBER'S MOTION NO. 3
WRITTEN AGREEMENT BETWEEN CABLE AND WIRELESS LTD. AND THE CAYMAN ISLANDS GOVERNMENT REPAIR OF ROADS DAMAGED.

MR. G. HAIG BODDEN: Mr. President, seeing the treatment given to the other two motions and having counted the votes against the third one, I beg the leave of the House to withdraw it.

MR. PRESIDENT: The question is that the third motion on the Order Paper be withdrawn. If there is no debate I shall put the question. Those in favour please say aye; those against no. The motion is by leave of the House withdrawn.

That leaves one official motion still to deal with which I am very doubtful that we will get through with tonight - it's the examination of the proposals for amending Standing Orders in Committee. I think it would be a pity to rush this - something that the Committee of the Commonwealth Parliamentary Association has been working on for about eighteen months.

MR. JAMES M. BODDEN: My President, I would like to make a motion for adjournment.

SECONDED BY HON. D.V. MUTLER.

QUESTION PUT: AGREED.

AT 5:10 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY MORNING THE 29TH OF JUNE, 1976 AT 10 A.M.

M I N U T E S

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY 29th JUNE, 1976

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE. - PRESIDING

GOVERNMENT MEMBERS

Hon. D. V. Watler, CBE., JP	First Official Member, Leader of Government Business
Hon. G. E. Haddington, CBE., QC.	Second Official Member, Attorney-General
Hon. V. G. Johnson, CBE	Third Official Member, Financial Secretary
Hon. A. B. Buck, J.P.	Member Responsible for Works, Communications and Public Transport
Hon. Trevor Foster	Member Responsible for Co-ordination and Information.
Hon. W. W. Conolly, CBE., JP	Member responsible for Tourism, Lands, and Natural Resources, MCD.

OTHER ELECTED MEMBERS

Mr. John D. Jefferson	Second Elected Member for the Ninth Electoral District of East Bay
Miss Annie E. Bodden	First Elected Member for the Second Electoral District of George Town
Mr. Claude M. Hill	Third Elected Member for the Second Electoral District of George Town
Capt. Charles L. Kirkconnell	Second Elected Member for the Third Electoral District of the Lesser Islands
Mr. James M. Bodden	First Elected Member for the Fourth Electoral District of Bodden Town
Mr. G. Haig Bodden	Second Elected Member for the Fourth Electoral District of Bodden Town
Mr. Craddock Banks	Fifth Electoral District of North Side

ORDER OF THE DAY

SECOND MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 10th JUNE, 1976.

(NINTH DAY)

1. OTHER GOVERNMENT BUSINESS:

DRAFT LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976 - COMMITTEE THEREON

TABLE OF CONTENTS

	PAGE
DRAFT STANDING ORDERS, COMMITTEE THEREON	1
DIVISION	29
ADJOURNMENT	65

THURSDAY, 29TH JUNE, 1976

10:00 A.M.

MR. PRESIDENT: Proceedings are resumed. There is only one matter left on the Order Paper of today.

HON. D.V. WALKER: Mr. President, left before the House is the Draft Standing Orders, and in accordance with the Constitution I move that the House go into Committee to study the Draft and to submit them to the Governor for his assent.

SECONDED BY HON. G.E. WADDINGTON.

MR. PRESIDENT: The question is that the Assembly resolves into Committee to consider the Draft Legislative Assembly Standing Orders, which has been circulated to Honourable Members.

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

MR. CHAIRMAN: In view of the volume of these, I think that it would be appropriate if the Clerk reads out several Clauses at a time, and Honourable Members will be free to debate any of these Clauses in the usual way, suggest amendments, and hopefully we should arrive at Standing Orders suitable for our future business.

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

CLAUSE 2. INTERPRETATION.

QUESTION PROPOSED:

HON. G.E. WADDINGTON: There is a typographical error in the definition of "session"; there is a slight error, the word "termination" I think should be "terminating".

MR. JOHN D. JEFFERSON: Mr. Chairman, I would like to ask the Second Official Member to repeat that.

HON. G.E. WADDINGTON: The definition of "session" the word "termination" in the last line should be "terminating".

MR. CHAIRMAN: "Terminating" instead of "termination" in the last line in the definition "session".

HON. V.G. JOHNSON: These Orders, Mr. Chairman, are Standing Orders 1976.

HON. G.E. WADDINGTON: I wonder, Mr. Chairman, whether the term proclamation is correct. Are these put into force by a proclamation? I should have thought "publication" was the correct word - Clause 1. The present Standing Orders used the word "proclaim" as from the date they are proclaimed, but I haven't seen anything anywhere to show that there should be a proclamation.

MR. CHAIRMAN: Clause 31 (1) of the Constitution merely says, 'it shall have effect, unless they have been approved by the Governor'. I don't know whether .....

HON. G.E. WADDINGTON: I should imagine that there will be a formal document of approval which would be published in the Gazette, but it's not a proclamation.

MR. CHAIRMAN: I don't think it would be a proclamation in the legal terms - the date of their approval if that would meet the point.

HON. G.E. WADDINGTON: Publication? The word publication.

MR. CHAIRMAN: Publication.

MR. JOHN L. JEFFERSON: Are you saying then that 'publication' is the right word?

MR. CHAIRMAN: The Attorney-General suggested this, as these will be published in the Gazette, that the date of publication would be the effective date.

HON. G.E. WADDINGTON: We could add in "the Gazette" if necessary.- "the date of their publication in the Gazette".

MR. CHAIRMAN: Well, the amendments suggested to Clauses 1 and 2 so far are:- under the Short Title, Standing Order 1, "1976" inserted in the second line. The word "proclamation" deleted and the words "publication in the Gazette" substituted for "proclamation".

MR. C. CRAIG BOURNE: Mr. Chairman, just before you put that, I notice that in the old Standing Orders they read, "and shall take effect from the day upon which they are proclaimed". I don't know if we'll want to change that?

MR. CHAIRMAN: Well, I think we're bound to take effect of the wording of the Constitution, which reads that " the Assembly may from time to time make, amend or revoke Standing Orders, but no such Standing Orders or amendment or revocation thereof shall have effect unless they have been approved by the Governor.".

So there's no guidance as to how this is done and the Attorney-General, I think, is suggesting that this should be done by an instrument, and the whole thing would be published in the Gazette and they would come into effect upon the date of publication. I think in 1959 there wasn't a Gazette, so this is possibly the reason why it was done by proclamation.

The other amendments are:- in the definition of the word"session" in the last line the word "terminating" is substituted for the word "termination".

QUESTION PUT: AGREED. STANDING ORDERS 1 AND 2 PASSED WITH AMENDMENTS.

CLERK: STANDING ORDER 3. OATH OR AFFIRMATION OF ALLEGIANCE.

STANDING ORDER 4. PRESIDING OFFICER.

MISS ANNIE B. BODDEN: Mr. Chairman, in subsection (2) on page 2 I do not like to see that we shall have any Speaker of this House.

> "The Governor, acting in his discretion, may appoint a Speaker of the House, who shall be a person, whether or not a Member of the House, who is fully qualified to be a Member but this subsection shall not come into force until the House has passed a resolution that there shall be an office of Speaker.".

Mr. Chairman,I might not be in this Chamber but I do not feel that we need a Speaker. I feel, Sir, that the office of Speaker which I understand to be that he or she will be a substitute for you, Sir, as President and as Chairman. I feel that we can very satisfactorily carry on without any Speaker. We don't know who he'll be or what they will be or so on. I don't think that we should have any Speaker of this House for the time being.

MISS ANNIE E. BODDEN (CONT'D): I am quite satisfied - although as I said I might not be back here, but if I am not here in a seat I shall be like a fly in the Gallery or I might have to come and perch there to hear what is going on - I shall not be sleeping.- but I do not agree that we need any Speaker, and I would hope, Sir, that the other Members feel the same.

MR. CHAIRMAN: I would point out that this clause merely repeats what is in the Constitution; and under section 32(2) of the Constitution, and that, of course, nothing can happen unless there is a resolution of the Assembly; but that this clause in the Standing Orders merely repeats what is actually in our Constitution at present.

MISS ANNIE E. BODDEN: I agree about that it is in the Constitution; but is it absolutely necessary that we have this inserted here, Sir? I don't know that or not but I would rather it left out.

MR. CRADDOCK REMMER: Mr. Chairman, if I understand it, it is only appearing here as a part then in connection with the Constitution - because it is embedded in the Constitution that if and when we might want a Speaker the provision is in the Constitution that we could appoint a Speaker; but as you have rightly said this wouldn't be dealt with other than a motion to the House if and when the time comes whether it be this year or next year or ten years hence - it doesn't make any - being in here as far as I am concerned doesn't make any provision that we're asking for a Speaker now or will appoint a Speaker.

MR. JOHN D. JEFFERSON: If I could add to that, Mr. Chairman, I think the provision is there whenever the Members would feel that it is right; I would agree with the Lady Member. But, in section 4 (3) the last part of it says, "until the House has passed a resolution that there shall be an office of Speaker", in otherwords it's there but it won't be occupied until a resolution comes before this House. So, I think that's straight forward.

HON. V.G. JOHNSON: Furthermore, Mr. Chairman, the heading of that particular section is 'Members and Officers of the House", and I think it would be right to name all of the Officers including the Speaker if and when one is to be appointed. I think it is right as I've said, to name the Speaker as being one of the Officers so named under the Constitution.

HON. W.W. CONOLLY: Mr. Chairman, you know there are times when one has to face up to realities, we here, we would like all of the amenities and the modern and sophisticated things of developed countries; and I feel that sooner or later we have to face up to our responsibilities - most people here. And I think this was a great cry from the populace, those who made the effort to pass on their views or that they wanted that Caymanians would have a greater say in the affairs. And, I can see the time coming, and not too distant future; in fact we should now have a Speaker. If we are going to develop our parliamentary democracy equal with our other material development and social development in the island I would think that we have to look forward to these.

The old Standing Orders as Members can see came into being sometime in 1959, which is about seventeen years ago, and we struggled through the House here with these regulations a lot of short comings; and it is best for us to envisage the possibilities of the future. And, as has been rightly said, these Standing Orders are actually word for word what the Constitution says, and nothing can come into being unless or until a resolution is passed into this House. We here on Members of this House now don't know what will be the composition of this House in a few months time, it is possible that people then could want to pass that resolution, I don't know; and if they feel, if the people who succeed us, if they feel like the resolution should be passed I think they have every right to feel that way, and I think they have every right to carry it out provided it is carried out by the majority of the House. And, I think this is only being sensible for us to enshrine in whatever document we are doing now on to get the best regulation and rules for the House regardless of who's going to sit in these chairs.

MISS ANNIE H. BODDEN: Mr. Chairman, now, if it comes to a show down that it has been suggested that there shall be a Speaker we have no need to ask if it would be passed or not passed, we don't need to ask that, we only want to know that who wants it will get it, that's all. But, I am saying, Sir, that we - I can't say we have struggled? think we have successfully carried on; I feel that we can well do without a Speaker, I don't know what good a Speaker would be, I don't know - I can't -but my brain is not so dumb as it is thought - that some people think I am, I can't see any benefits being derived from having a Speaker; not everything that's modern is the best for us, not everything in my way of looking at it; I think we have gone as far as we need to go constitutionally. I could never in my wildest dream ever anticipate or have anything to do with this little two by four islands calling themselves independent, independent with what or for what? We ought to be proud that that we have a great mother country that will take care of us. And, this Speaker of the House might be one of the steps that's creeping in to get this so called independence or whatever it is, and I personally do not like it; and of course, they think I'm the least of the least, but I hope that we will be sensible enough to keep things as we have it now. If you write it in, it never comes, if it's suggested that they want a Speaker he or she - it not a she I'm sure it won't be a she - will be here overnight, and I don't like to see that put in.

HON. W.W. CONOLLY: I was only echoing words that I hear, that after the next election it's going to be changed; and I think that came from the other side.

MISS ANNIE H. BODDEN: Well, sure the people says that they're going to change - they are going to root everyone of us out.

HON. W.W. CONOLLY: So, I was only echoing that, I'm only saying if that change comes, I don't know. As far as I concerned I have never suggested any changes; I'm only suggesting that we are doing a document now which is intended to be for the future that we should put all of the foreseeable elements in it: that's my only.....

MISS ANNIE H. BODDEN: Mr. Chairman, we are bad enough as we are, and if we would act with a little humanity to this side, and try all this foolish arguing and talking and insulting we would be an All Among. But, I heard a very old man say sometime ago that Caymanians could not stand power, when they got power it took them out of their elements. Well, I'm not saying that, but I'm saying this What if we would treat each other as human beings and the eight on this side, they were treated as if were not puppies, we would get on wonderful. And, I feel that, as I see it, we do not need any Speaker in this House; and if it comes when they want to change the Standing Orders to put the Speaker in, let them do so. But as of now, I feel that we do not need any Speaker and I will not be agreeing to that.

HON. A.A. ABEN: Mr. Chairman, I think it is quite clear that this can only be if there is a resolution coming before the House and passed by the House for the post of a Speaker, so it cannot come until a resolution comes and is passed by the House, so it's no reason why we should be worried about that.

MISS ANNIE H. BODDEN: Mr. Chairman, I'm not that dumb What I can't read what it says, I'm only saying, that if the Government bench, and I put it in very plain language, wants a Speaker they will put it. And, I say, it's not needed.

MR. CHADDOCK EBANKS: Mr. Chairman, I am not too worried about the appointment of a Speaker, whether it be soon or whether it be late; as the Lady Member has just stated she don't know what would be the role of a Speaker. Mr. Chairman, for the first time of my being in the House I have enjoyed the privilege of you as President of this Assembly sitting in the capacity as a Speaker, previous ~~/the~~ President of the Assembly has more to say than any Member on any debate - where they guided the debate and argued it and swung it and twisted it and did as they wanted about it; but it is for the first time in my being in this Assembly that I have enjoyed the rights of you as President of the Assembly and sitting in the as a Speaker, and that's all a Speaker more or less is concerned to do, to see that the House is run in order; in the Parliamentary manner, in the right way in behaviour and all the rest of it. A Speaker dont have any debate, no arguments, no nothing; but as I've said we have encountered a lot of that before. so to sort of enlighten the Lady Member the role of a Speaker is just what is being carried out in this House since your being President of the Assembly.

MR. CHAIRMAN: I am grateful for these remarks, but I think we should be careful, we're not debating the merits or demerits of having a Speaker; the point really is at issue, we have this exact same provision in the Constitution, whether it's in the Standing Orders or not doesn't effect the right of the Assembly by resolution to resolve that a post of Speaker should be appointed; for the crux of the matter really is, do we repeat this provision in the Standing Orders or not? There are points for and against it, if this is to be a comprehensive document there is some merits in having the provisions of the constitution repeated, but it's entirely for Members to decide.

MISS ANNIE H. BODDEN: Mr. Chairman, coming events cast their shadows, and I am sure that within one year we shall have a Speaker in this House; all

MISS ANNIE H. BOLDEN: (CONT'D): I hope and pray is that his - you never can tell though - if it is a he or she, that their conduct will be equal to yours.

HON. W.W. CONOLLY: It's a good way of shutting you up.

MISS ANNIE H. BOLDEN: Mr. Chairman, if Mr. Conolly would stop insulting me, and trying to interfere with me he would be far better off than he is.

HON. W.W. CONOLLY: Miss Annie, I'm not interfering with you, I'm just .....

MR. CHAIRMAN: I think I'll put the question on those two clauses.

QUESTION PUT: AGREED. CLAUSES 3 and 4 PASSED.

HON. G.E. WADDINGTON: In sub-clause 3, Mr. Chairman, "The person presiding shall,at such capacity" I think that should be "in such capacity" and not "at such capacity".

MR. CHAIRMAN: In section 4 sub-section 3 first line.

HON. G.E. WADDINGTON: In clause 4 sub-section 3 first line, the word "at" should be change to "in".

MR. W. CRAIG BOLDEN: Mr. Chairman, since we're changing that, shouldn t we change the position of the word "shall" and let it read "The person presiding in such capacity shall act", I don't see why we should separate "shall" from the other part of the verb "shall act".

HON. G.E. WADDINGTON: I think it is correct as it is, Mr. Chairman.

HON. V.G. JOHNSON: The commas are there.

CLERK: STANDING ORDER 5. PROCEDURE FOR ELECTION OF MEMBERS OF THE EXECUTIVE COUNCIL.

MR. CHAIRMAN: The question is that Standing Order 5 be approved.

MISS ANNIE H. BOLDEN: Mr. Chairman, I don't know exactly what paragraph this should be in, but I would really like if possible to put in "that in regards to voting". Now, as I understand this Election Law there are two people for George Town, and if anyone desires to vote for one or two they can vote for one or two and up to three, but in the last session when we were appointing these elected Members to the Executive Council we were told that we had to vote for the four. Now, is it clear in this document, Sir,what that proceeding will be?

HON. G.E. WADDINGTON: I think it is quite clear, Mr. Chairman, .. sub-section 4 says out "Each Member shall indicate on the ballot paper which name or names, not exceeding four".

MISS ANNIE H. BOLDEN: Then, Mr. Chairman, if I wanted to vote for two names or three names I could according to this section, because it says, "name or names". (HON. G.E. WADDINGTON - you could vote for four not exceeding four) but I could vote for one if I so desired. (Hon. G.E. WADDINGTON: You could vote for two if your want). Thank you.

HON. W.W. CONOLLY: This in the first time you voted for four because the constitution applied four, let's say you'll vote for two ....., you didn't vote for me Craddock. I think that you all won't vote at all - that's one of our inherit rights - you didn't want to vote for Trevor - how you mean.

MR. CHAIRMAN: I'll just mention a point that strikes me on part six, which may be a red herring, if so I'll throw it out. But, it strikes me that there could be an equality of votes where three Members definitely have a higher number of votes than anybody else; and I'm just wondering whether this is clear enough to guard against, somebody saying, look, two people have gotten an equal number of votes, although they've got a higher number than people below them, and there should be another ballot.

HON. W.W. CONOLLY: I think, Mr. Chairman, that will be necessary. You know on speaking on this particular procedure at this point, it has caused a lot of discussion, we had a lot of dialogue on this; personally I was not in favour of it, because I know before it's finished we're going to run into a lot of problems with it, I can see it coming. And, we had a precedent set in the House and as far as I was concerned the precedent should have remained, but as a democratic principle the majority of the committee was in favour of having this wording go into it, and as a result we sought the assistance of Mr. Kenneth Bradshaw who - and this is what will come up, but I see the point because the tie could be at a very top level rather than the last one, the tie could come in the first instance rather than being the last, and there you're going to run into problems. I agree with you, Mr. Chairman, but of course as I have said, I was dictated to by the decisions of the majority on this, Sir.

MRS. G. WHITE BOOTHE: Mr. Chairman, I understand your point quite clearly and I feel that what would correct this in this sub-section 6 is that line should read "indicate upon a further ballot paper which name or names they support". Because, you may have a situation where when the first balloting is done one Member might have lots say six votes and three Members might each tie with five votes, there is a possibility that you could have three Members tying with the same number of votes. But, if we just add to that "which name or names" as is in sub-section 4 that would clear it up.

MR. CHAIRMAN: But my point really is this, that say six Members stands for election and you get on the first ballot - I'm throwing these numbers out just for example - say that you've got one member with ten votes three members with six votes and two members with two and one, now there is an equality of votes and the second,third and fourth members; now, are these automatically returned or does one have to have a further ballot; one would exclude the two that had the least votes, and one could then revote again so that you get the second third and fourth members precise in the second ballot. But, one wants to be quite clear I think that if on the first ballot four members emerge above the others with more votes than the others that they were returned.

MISS ANNIE H. BOBBUM: Mr. Chairman, as I recall that's what happened in the other election, there was a tie and we had to get those two names that tied and vote for those two individuals, and which one got the highest vote then was elected.

HON. W.W. CONOLLY: But, this could be a situation, that was easy to solve, because you put them back in the and decide: what would be the situation if you had two Members with ten, one member with nine and one member with eight? Now, you have two for ten in the it says that whenever there is a tie you have again to put them in, isn't that what it says? in the event of an equality of votes. And, you could very well now change that, that ratio and keep tying down the line to split that particular tie in the top bracket could create a tie later on down the line. As I have said, this I don't think is a new section in the Standing Orders, and it was put in on the insistence of the majority of Members of the committee; but I do believe that it's going to create problems. The real purpose for it was the fact that Members believe that the composition of the Executive Council will be different

HON. W.W. CONOLLY;(CONT'D): or can be different if Members have this right. I don't see too much how the computation is going to produce that.

The second argument was that some Members were forced to elect or vote for somebody who they didn't feel competent of going in the Executive Council; this could be an argument, but as far as the composition of the Executive Council is concerned I don't see in either way where it's going to make any difference, whether you vote for four or you vote for one; it is the people who have the greatest number of votes to sit there. And I believe this as it is here now could create more problems than what is anticipated.

MR. JOHN D. JEFFERSON: This is just as clear as mud to me.

MR. CRADDOCK FRANKS: Mr. Chairman, it appears to me that in any place, or if there should be a tie, it makes it clear then that there should be further balloting; so it just have to be one or the other, either a clear cut voting I would say, one got nine, one eight, one six and one seven, other than that, whether the tie is at the head as the Member just said, two got nine, it could be in the middle, two got seven, it still brings the same procedure to go on; any place that you get the tie that you won't have to cast further balloting again. So, I don't know anyway that you can - if it was reading that the four, then you'll get a tie again; it still brings counting or casting ballots again; so I don't see the .....

HON. W.W. CONOLLY: Mr. Chairman, what I was saying is this, if a tie is at the end there is no problem, but if a tie is at the top you could've by breaking that tie you can easily create a tie with the next person down the line, then you cleared one tie and created another. Because, suppose two persons had ten and one had nine, to clear that ten tie one of those got nine and the other one got eleven, then you automatically then put a tie then with the nine that was there already; this is what I'm saying, I think it's quite clear, it's quite clear to me. If a tie is at the bottom, fine, it can be cancelled out ok, but if it's on the top it could (I'm not saying it's going to do it) but it could create further ties down the line.

MR. G.CRAIG BODDEN: Mr. Chairman, I can't see this, I can't see what the Member is talking about; this section here is for the purpose of returning Members to Executive Council, it is not for designating their names as the first Member, second Member right down the line, there can be no tie at the top. If you have two Members getting ten votes each, well, they automatically go in .....

HON. G.H. WALDINGTON: No, Mr. Chairman, under clause 5 we have to elect the first, second, third and fourth, and they are known as such.

HON. D.V. WATLER: Mr. Chairman, what I think is that in case the first two get ten votes each, there are two of them, and then there is another one with nine and another one with eight; as I read it, it's a further ballot paper upon the other ballot paper which name they support. Now, I'm wondering is it not the two that have the ten then votes, it would only be those two that they would have to vote on in order to decide whether it's number one or two; this is what I'm thinking.

HON. W.W. CONOLLY: But, wouldn't that create a tie?

HON. D.V. WATLER: No, no, you have two at the top with ten and one with nine and one with eight; when you are doing the next ballot you'll leave off the one that have nine and eight, you're only clearing the ones with the ten tie, you left the three and four, all you're doing is selecting one and two.

HON. A.B.BODEN: Well, suppose one comes out with nine?

MR. CRADDOCK FRANKS: That's exactly what I was saying.

HON. W.W. CONOLLY: I still feel like you're going to create a tie then; because remember this election is not finished, the election is not finished until the Members are declared. And, then by breaking one tie you're creating another tie, this is as I see it.

MR. CRADDOCK BRANKY: Mr. Chairman, when that one is broken then one Member or the other would have to get eleven, or however they may attempt to break it .....

HON. W.W. CONOLLY: Then you'll have two Members with nine then.

MISS ANNIE H. BODDEN: Mr. Chairman, as I said it we are only dealing with the two top ones; and I mean, the third one down he wouldn't have anything to do with it.

MR. CHAIRMAN: I don't think in this type of election if you had -- you could have three people each with eight votes and then somebody with six, somebody with five and somebody with four, and normally one would declare that the three top people to be returned, and then you would then reopen a balloting for the fourth place. Now, if there is a tie and two of them got six votes and one got two you'd eliminate the one with two and you'd then revote on the people with the tie for the fourth place, but it seems that under the wording of this at present if you did get three people with an equality of votes at the top they would not be returned, one would have to under 5(6) one would have to take a reballot omitting any others simply on three with the equality of votes, and you'd reopen the thing for voting; and I don't know if that's what Members want.

MR. JOHN D. JEFFERSON: I think, Mr. Chairman, this is the time to try to resolve this, because I would like to see this written clear enough, so whenever we get to that stage we won't have a muddled up House. Because, as far as I'm concerned it isn't clear enough for me personally.

MR. G. HAIG BODDEN: Mr. Chairman, if we compare this with the Election Law you'll find that this is almost identical; you have an election, certain Members are returned, if there is a tie, well the returning officer would make a casting vote, here we would go to a further balloting instead letting say, the Speaker make the casting vote. So, I don't see any difficulties; my contention is, if the three top Members had an equal number of votes there is no reason for a further balloting on them, they automatically go in. Now, how would you designate who is number one Member or number two Member or number three number, is a different matter; but this section is not qualifying them with names, this section is for returning them to office; they could perhaps put name tags on themselves.

HON. W.W. CONOLLY: Mr. Chairman, if section 5 says, "The Member receiving the highest number of votes shall be declared to be the First Elected Member to the Executive Council and other Members shall be declared to be the Second, Third and Fourth Elected Members in accordance with the number of votes received". If this is clear enough that those with the most votes go down the line, I mean it's always if we are going to take five and six and this, and you don't have a problem whenever you do have election, then I'm not here. I'll just warn, I'm willing on I have said, to be guided by the majority's vote, if the majority says leave it, fine with me; but I had quite a bit of dealing with these Standing Orders and I feel that this is an area that I have reservations on.

MR. G. HAIG BODDEN: In this case, Mr. Chairman, I suggest that we delete sub-section 5.

MR. CHAIRMAN: I think to put it in perspective, we'll go back to the Constitution. "There shall be an Executive Council in and for the Islands which shall consist of the Three Official Members (b) Four Elected Members

MR. CHAIRMAN: who shall be elected by the elected Members of the Assembly from among the elected Members of the Assembly". So, that is all that governs the election under the Constitution, and it's then for the Standing Orders to lay down exactly how that election is held. I think Mr. Connolly has a point that there is a precedent and one perhaps shouldn't depart from that lightly because we have our existing Standing Orders as well to consider.

MR. C. HAIG BODDEN: Exactly, Mr. Chairman, the Constitution makes provisions for return of four Members to the office of Executive Council; so the primary purpose of section 5 here is to return those Members to office. Now, how they're named, whether the number one Member or the number two Member is a minor matter and it should not interfere with the actual return. Some system could be worked out for naming them if there was an equality of votes, for example, if one Member had twelve votes, as Mr. Bush had in our last election to Executive Council, automatically he is the number one Member; if say two Members tied you could use some other system for designating who would have the honour of being number two or who would be number three, it might be age or seniority or something in the House, but that shouldn't interfere with the system of returning Members to Executive Council, because the Constitution is clear on it, the Election Law is clear on how Members are returned to the House. And there shouldn't be any tie breaking to give a person the designation of being number one Member, because, I don't see what it means.

HON. W.W. CONOLLY: Mr. Chairman, this is another precedent that was set in 1959, it was the first time that the Executive Council was written into our Constitution; prior to that we had an Advisory Council that was done under a motion I believe and/direction from His Excellency the Governor. The Standing Orders 1959 made no provisions for the conduct of the House in respect of the election of Members of the Executive Council, and the precedent that was followed was as such, the then Constitution said, two Members should be returned; and Members were told to vote for two Members of the Legislature to be Members of the Executive Council. This situation was the situation existing in 1959; in the election in 1962 the same situation existed, in 1965 and in 1968, now, in 1972 we had a change of Constitution which brought four Members to the Executive Council, but as far as I'm concerned it was the same directive in our Constitution, instead of having two Elected Members and one Nominated Member we had four Elected Members. And, my contention was that the precedent had been set from 1959, and the precedent was, that the person who got the highest number of votes was the First Elected Member; and if you look back on all of your records this you will see was the situation, and once a precedent is set I am loathe to just change for the sake of changing.

I don't think that we can altogether go by the Election Law in the absence of any written directives, one is guided by the usual procedure of the election of officers that is done in the Robert Rules of Order or Erskine Mays Parliamentary Procedure. But, I would not like to have completed this, and then when we find the next election time we'll have this problem here where we will half a day trying to resolve situation that has erupted up. But, as far as I'm concerned I don't see any particular reason for changing the system that we have; and when a Law is silent the House can then make its own Regulations, but once you lay down stipulations you have to go by them.

MISS ANNIE K. BODDEN: Mr. Chairman, if I understand this argument, in number 6 it says, "In the event of an equality of votes the elected Members shall be called upon to indicate upon a further ballot paper which name they support ". Doesn't that clear the situation with these ties? if that's what they are talking about.

HON. D.V.WATLER: It would seem to me, Mr. Chairman, the whole problem arises over the fact that you're having the first elected Member, the second elected Member and the third elected Member and the fourth; if you did not designate those as such then you would take the first four, but if you're going to have the first, second, third and fourth as I see it here, you could

HON. D.V. WALSH: (QC'D): Dave - I just putting down figures here - now, you could have two getting ten votes, you could have two getting nine and one getting eight, now you're going to try to split it; the two top ones have had ten votes, that is a tie, you will have to find now who is number one and who is number two: now, you'll have to go back now and do those two by themselves, there are only twelve elected Members, so there are only twelve votes that can be cast for those, one may get eight and the other one may get four which is less even than the one with the tie with number nine. But, because of that the one that gets eight would be number one and the one that gets four gets number two, then you turn round and you'll have to do the two nines the same way; that further breaking of the tie may give them less votes that they got originally, yes, but it is in order to break the tie. And, it's only because you have them designated one, two, three and four, if the House wishes to designate them that way, that's the only way I see you can get around it.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I agree entirely with the First Official Member. The Clause of first, second, third and fourth - I don't see where this has any real meaning to it if we deleted that; then the rest of the Law is quite straight forward.

MR. G.HAIG BODDEN: Yes. Mr. Chairman, either we delete that or we amend it; and I believe a suitable amendment would be that we give say, the Governor the power to declare who is first, second, third or fourth if there is a tie. For example one Member had ten, we know he would be first, the next two Members had nine, well, then it could be left to the Governor to determine which of those two would be the second or the third, either by age of the person or by seniority in the House.

MR. JOHN D. JEFFERSON: Mr. Chairman, I hear Members now saying that what happen in our last election with the previous President. I wouldn't like to see that placed in the hands of the Governor, I like to see it spelled out clear enough right here.

MR. G. HAIG BODDEN: But, we are not leaving it to the Governor to determine who goes on Executive Council, we are only leaving it to the Governor to give him a proper name.

MR. JOHN D. JEFFERSON: He designates one, two, three and four, I don't see .....

MR. CHAIRMAN: I think the crux of this is, whether Section 5(6) refers to an equality of votes for determining who is first, second or third Member or whether there is an equality of votes for the substantive voting for membership of Executive Council. There are two issues here and if you have got an equality of votes, one, two, three, at the top and every other candidate has less votes than each of these, are these three returned as Members of Executive Council? If so, you then got to resolve under Clause 5(5) which is the first Member, the second Member and the third Member, then you return to voting for the fourth vacant place. But, my worry at present is that I'm not at all clear whether section 5(6) refers to an equality of votes for placing a Member as a Member of Executive Council or whether it's an equality of votes for determining the grading as it were, first, second and third Member; if we could straighten that out, then I think there would be a solution.

MR. G. HAIG BODDEN: Mr. Chairman, I think if we renumbered those two sections it would be clear, make section 5 section 6 and section 6 section 5; then in that event what is now section 6 would refer only to what had gone ahead I suppose which would be the actual return to Executive Council rather than the name.. If we renumber those two clauses it would take out some of the ambiguity.

MISS ANNIE H. BODDEN: Mr. Chairman, I dare say, those who are in the Executive Council, whoever gets twelve they want to be first, the one that gets eleven, he want to be next and the one that gets ten wants to be next; so

MISS ANNIE R. BODDEN:(CONT'D): I feel that this really has some incentive when you say, I am the first elected Member on the ground, and I don't think that we should take that out, I would prefer to see it remain in, and then we'll have to solve how we can get the balloting down to take in the other ones. And, as said by the First Official Member, I feel that if there is a tie for the first two you ballot for them to clear that situation and the other two the same way; I can't see too much difficulty in it.

HON. D.V.WATLER: Well, Mr. Chairman, could you then in the 6 then, if you want to leave that in, "In the event of an equality of votes to be a Member of the Executive Council", then that would only be in the case of a tie at the end: spell that out clearly, it/the equality of votes to become a member of the Executive Council.

MR. G. HAIG BODDEN: That might help a lot, Mr. Chairman, and I might further add, the name doesn't seem too important because under the section dealing with responsibility the Member would normally now be assigned some responsibility, and he would have the name, you could refer to him as the Member for Tourism and development or whatever it is, rather than the first Member or third Member which really doesn't mean anything.

HON. G.E. WADDINGTON: How would you determine where we sat in the House?

MR. G. HAIG BODDEN: Well, I suppose they would stand wherever they are.

HON. W.W. CONOLLY: Mr. Chairman, a lot of precedent has gone on here, and if I know the English Constitution which is built up on precedents as Customs and what not; I think that it would be a pity to change the setting that we have laid out in this House. I mean we have a precedent made up, and I don't see any real reason for even putting in this in it. This is my feeling, I really - I told the committee that, and I would not like to set precedent; but as far as I'm concerned I think I'm wide open on this .....

MR. G. HAIG BODDEN: I agree with you, we should delete 5.

HON. W.W. CONOLLY: We should delete the whole thing, I don't think that we should even specify in the Standing Orders, because precedent has been laid on the election. It was not in the old one, and if anything was written in it, it should have followed the precedent that had been going on, with no particular reason for change. Because, I believe the majority of Members in the House put into Executive Council/the Members that they wanted; this is as I see it. When it was two Members there,/they put in the two Members that they wanted, and I believe that in the last election when there were four Members that the Members of the Executive Council were the result of the majority of Members decision, which I feel should be the position. So, I don't see any real reason for putting this in. I don't know what was the motive behind this in the first instance, I understand that there was some opposition to being told that you have to vote for four Members, but I believe these were the words that was said down the line. They didn't say four Members, because you didn't have four Members,/they said two Members, and we have to be very careful with what we write on this; or what could happen is, if you don't write the proper things and the right things in here you'll probably get people in Executive Council that you didn't want to get there, and you didn't figure that they were going there. So, I throwing this out as a warning.....

MISS ANNIE R. BODDEN: Mr. Chairman, if I may be permitted to ask the Second Official Member, this paragraph 6 here; do you feel Sir, that that should remain as it is, or what please?

HON. G.E. WADDINGTON: Well, it seems to be in accordance with - as the Fourth Elected Member said, in accordance with the precedent of this House; and I can't really see that much difficulty is going to arise in practice, because what I think would happen is this, Mr. Chairman, in clause 6, clause 6

HON. G.E. WADDINGTON: (CONT'D): would determine first of all the four, the four for Executive Council. And, as the First Official Member pointed out, if two Members had ten votes each and two had nine votes each, and one had eight, automatically the one with eight would be eliminated, and then you'd know that the four for the House would be the two with the ten and the two with the nine, then the problem would arise who's first, second, third and fourth; and then you go on now to determine that by the ties, you take the first two first with the ten and you decide between with a revoting who is first and second, and likewise you'll proceed with the two with the nine. I really can't see that any problems are going to arise at all.

HON. W.W. CONOLLY: Now, Mr. Chairman. The two with the ten and the two with the nine, yes, I could say that, but suppose when the tie is broken one of those gets seven and the other one gets eight .....

HON. G.E. WADDINGTON: It doesn't really matter, Mr. Chairman, because you've got your four for Executive Council and now all you want to know is determine now the order in which they should sit in Executive Council. Now, the two with the ten each they can't be denigrated, they have the ten so the tie only exists between those two for first and second, and the two with nine, they only got nine originally, they can't get any more but to determine which is third or fourth according to the revote; you can't affect the original position with the votes which they obtain.

MR. JOHN D. TEPPERSON: All I'm saying, Mr. Chairman, is that we sit here this long trying to come to a solution, and actually there is no real pressure but when you come to election when Members' feelings are pretty high, I dare say we'll probably sit here all day trying to resolve that. It's not clear to me personally, it's not very clear to me at all.

MR. G. CRAIG NOURSE: Mr. Chairman, I wholly agree with what the Second Official Member has said; I remember in the committee, I was a Member of the committee that dealt with this, and Mr. Bradshaw from the House of Commons spent a long time on this portion, and he thought it was very necessary to have it in the Standing Orders, and this is what he has come up with, and I don't think that we can improve on it. And, as the First and Second Official Members have pointed out it can be workable, because your first election is to determine really the four Members that will go on Executive Council, and once you get that, I'm not concerned with anything else: that is all we want, I don't care what name you call them because a rose by any name smells the same; whether the Member that had ten votes is now number three, that won't matter, what matters is who is returned. The Clause here is I feel the way it should be, that we have the proper system for returning the member and once they're returned if you need any tie breaking to determine who will be first member or second member well go on with that. Of course you may also need a tie breaking to determine who will be returned.

MR. CHAIRMAN: I'm quite happy to rest with that position provided that it's quite clear that if on the vote for Members of Executive Council you get three people with ten votes and then a number with six, five and four, that these three people are returned as members of Executive Council. You then vote for the fourth vacancy. One would then get five, six because there is a tie to determine which is first, which is second, which is third Elected Member. But otherwise I can see difficulty.

HON. G.E. WADDINGTON: I think, Mr. Chairman, that that is the only comment some way to interpret five and six, that's the only way it can be interpreted. The very first essential is to get your four in Executive Council. Having got your four now then they can't be denigrated. They have gotten the votes necessary to put them in Executive Council, it then becomes necessary to determine who is first, second, third and fourth and that's where any subsequent balloting would take place in case of an equality of votes.

MR. JOHN D. JEFFERSON: Do I understand you to say then Mr. Chairman, that because of the fact that we understand it as such here among ourselves and we're not writing anything clear. What happens in the event if you are not here and we are not here?

HON. G.E. WADDINGTON: Well I think the Chairman has the final arbiter on the interpretation of the Standing Orders.

MR. CHAIRMAN: I think we should try and get clear today if we're going to leave it as it is. I think we ought to be very clear how it has to be interpreted in guidance for the chair.

MR. JOHN D. JEFFERSON: Absolutely right Mr. Chairman.

MISS JANNIE M. BUDDEN: Mr. Chairman, as I understand it, we get these off the Executive Council, the four with the majority of votes will have to be elected. Now if they want to find out who is first, second, third, you take them in groups. If you start with the first two, the two tie and the next two tie, you take it in groups, each one dealing separately, I can't see any problem.

HON. W.W. CONOLLY: Mr. Chairman, that is fine if we tie, we have four people tie. What about if you got five tied or six tied then you got to resolve that four then. And what I'm saying is this, suppose you have three members with ten votes and you have two members with nine and one with eight. Now that tie has to be resolved before you can decide which members are going to be members of Executive Council and this is where your problem is. What I'm saying, when you're doing that, when you're unleashing that first tie of those three members you could easily tie down the line.

HON. G.E. WADDINGTON: No Mr. Chairman, I think that is an incorrect interpretation on the example given, three with ten, two with nine and one with eight. One with eight is eliminated, then now the three with ten are bound to get in because they have already been elected, there are the three with the highest number of votes, they tied with the two for the fourth place and that's the only tie you would have and you settle that tie, two with the nine. And then now having got your four, then you break the tie with the three with the ten for first, second and third.

HON. W.W. CONOLLY: Well in that particular but you could have two tens and we could have two nines and we could have two eights.

HON. G.E. WADDINGTON: If you had two tens and two nines and two eights. The two eights are automatically eliminated, you then break it, you then have your four in.

HON. A.B. BUSH: Yes but how are you going to name them one, two three?

HON. G.E. WADDINGTON: Well then now you break the tie now for the two with the ten, would have to be first and second.

HON. A.B. BUSH: Right.

HON. G.E. WADDINGTON: You break that tie.

HON. A.B. BUSH: And who will be first and who will be second?

HON. G.E. WADDINGTON: Well you break that tie. You vote again for that. Just for the first and second, not for the Executive Council, just for the position and then you break the tie with the nines. It seems to me to be absolutely common sense.

HON. A.B. EBER: I don't know, Sir. It's not quite clear to me I'll tell you.

MR. JOHN D. JEFFERSON: It's clear as mud to me.

MR. G. HAIG DUDDEN: It is very clear, Mr. Chairman, because what we have to bear in mind. that once you have gotten your Members for Executive Council the other eight Members are out altogether. So you only have the four to deal with and it's only a matter of positioning them then and it is so clear.

CAPT. C.H. KIRKCONNELL: Mr. Chairman, I think the secondary consideration is really the number - the first, second, third and fourth. I think that is the least consideration. You've already got the four in and reballoting can then give you the first, second, third and fourth which is a secondary consideration in this bill.

MR. CHAIRMAN: We'll go back to the Constitution. It simply says 'that there shall be four Elected Members'. There's no mention of first, second, third and fourth. That is something for our Standing Orders to determine I think. But clearly the first thing to do is to decide who your four Elected Members are going to be. Then if it's not cleared by the voting which is first, second, third or fourth, one would have to determine that by a supplementary ballot.

MISS ANNIE H. DUDDEN: Mr. Chairman, we had to do that in the last election. There was a tie and we had to take the names of those two who tied with seven or six whatever it was, and the one that got one extra or two extra they were elected. So I don't see there's any problem.

HON. G.E. WADDINGTON: It seems to me, Mr. Chairman, that any permutation that is named you must get your four in Executive Council. You start from the bottom and you eliminate those who are outside and then you go up to the next group and then you get your four.

HON. A.B. EBER: How do you propose to make this clear in words then?

HON. G.E. WADDINGTON: It is as clear as it is there now. It can't be any clearer.

HON. W.W. CONOLLY: But this says in the event of the equality of votes. It didn't say Elected Members shall be called upon

HON. G.E. WADDINGTON: Yes but in an equality of votes you've got to get your equality of votes - the example that you gave , two with ten, two with nine and two with eight, you've got to start from the bottom. Because the first two and the second two are bound to be in, because they have got the greatest number of votes. It's the two with the eight who will be eliminated and then you go up.

HON. W.W. CONOLLY: We were supposed to have had three written down here.

HON. G.E. WADDINGTON: Well give us another permutation. Any permutation that you want to give. Give another permutation.

MR. G. HAIG DUDDEN: Mr. Chairman. This clause is .....

HON. W.W. CONOLLY: Two with ten.

HON. G.E. WADDINGTON: Two with ten.

HON. W.W. CONNOLLY: One with nine.

HON. G.E. WADDINGTON: One with nine.

HON. W.W. CONNOLLY: We could have had two with nine.

HON. G.E. WADDINGTON: Two with nine.

HON. A.B. BUSH: And two with ten.

HON. G.E. WADDINGTON: Two ten, two nine and what else?

HON. W.W. CONNOLLY: Three with ten.

HON. G.E. WADDINGTON: I beg pardon.

HON. W.W. CONNOLLY: You can't work it any plainer than that.

HON. A.B. BUSH: Two tens and two nines, you've got your four members there now.

HON. W.W. CONNOLLY: What he has said is if you take two nines and two tens then.....

HON. G.E. WADDINGTON: You got your four members there.

HON. A.B. BUSH: You got your four members. Now with the balloting then goes between them for first,second and third.

HON. W.W. CONNOLLY: Suppose you had three tens and three nines?

HON. G.E. WADDINGTON: Three tens and three nines? Well the three tens are in, so you want one man out of the three nines.

HON. W.W. CONNOLLY: No no, you only had the balloting on ....

HON. G.E. WADDINGTON: on the three nines.

HON. A.B. BUSH: But what I'm saying Sir, how are you going to write that in here.....

HON. G.E. WADDINGTON: It is there already.

MR. CHAIRMAN: I think to put it another way, if you have four persons ignoring whether they have got an equality of vote. But if you've got four persons in the first ballot, each of which has a greater number of votes than any others in the ballot, are these automatically returned. You say you've got ten, ten, seven, four, three, two, do you automatically say ten, ten, ten and seven are members of Council?

HON. G.E. WADDINGTON: Right.

MR. CHAIRMAN: Then you use clause six to say there's been a tie for three places. We will determine by ballot who is First Elected Member, who is second and who is third. If that's the interpretation I agree with the Attorney General.

HON. G.E. WADDINGTON: Right.

MR. CHAIRMAN: There's no difficulty.

HON. A.B. BUSH: What I'm saying Sir, is how do we write that in to get it?

HON. G.E. WADDINGTON: It is there right now. To alter this you're just going to cause confusion.

HON. A.H. BUSH: Well if we understand it that way then it's alright.

MISS ANNIE M. BODDEN: Mr. Chairman, I must agree with the Attorney General. I must agree the thing is as plain as A,B,C.

MR. CHAIRMAN: Well I said it might be a red herring.

MR. G. HAIG BODDEN: Yes, Mr. Chairman, I agree that section five is alright as it standsHowever, if we do not want to designate particular names, well we can delete sub-section five, but I agree with leaving the whole clause as it is. But if the House decides that they do not want to refer to Executive Council Members as first, second and highest place in the kingdom of God or whatever it is, well we can delete sub-section five altogether, but I would say leave it exit is, leave the whole clause as it is.

MR. CHAIRMAN: Well I'm grateful for this clarificatory debate which I think helps the chair for the future and if it's no further discussion I shall put the question.

QUESTION PUT: AGREED. STANDING ORDER FIVE APPROVED.

CLERK: STANDING ORDER SIX. ABSENCE OF MEMBERS.
STANDING ORDER SEVEN. DUTIES OF THE CLERK AND THE SERJEANT-AT-ARM.

HON. G.E. WADDINGTON: In the second to last line of six the word "section" is left out between "under" and "twenty" I think under section twenty!

QUESTION PUT: AGREED.

MR. CHAIRMAN: I think I might suspend at this juncture for fifteen minutes.

Proceedings in committee are resumed.

CLERK: MEETINGS, SITTINGS AND ADJOURNMENTS OF THE HOUSE.
STANDING ORDER EIGHT. MEETINGS AND SITTINGS.
STANDING ORDER NINE. SPECIAL MEETINGS.

QUESTION PUT: AGREED. STANDING ORDERS EIGHT AND NINE APPROVED.

CLERK: STANDING ORDER TEN. HOURS OF SITTING.

QUESTION PROPOSED:

MISS ANNIE M. BODDEN: Now Mr. Chairman, that is the one thing that I object to most strenuously. Beginning at two thirty and concluding at eight thirty P.M. Well Mr. Chairman, that could never work Sir. Those that will admit the truth knows that the morning session you're at your best, having slept the night before and you're full of energy and zest, whereas at two thirty you practically worn out and I will never agree to that Sir. I might not be here but I feel that we have the proper hours now, begin at ten o'clock, adjourn at twelve thirty one as the case may be, resume and even go on till five o'clock, but if it's to go on till eight thirty Sir, I regret I would not be here because I would be asleep and I want my saying to be put forth and I would hope Sir, that the Members here will agree to that, that we continue in the same hours that we are now using.

MR. JOHN D. JEFFERSON: Mr. Chairman, I don't want to disagree but on the other hand it certainly would give Members a better opportunity to dispose of other things and it definitely would give the Members of the public a better time to be able to attend at least partly sessions.

Two thirty in the afternoon, I'm not going to put up any big argument against it or for it but I feel that two thirty in the afternoon members are, like the lady Member said, their minds might be fresh at ten o'clock in the morning, on the other hand they might have alot of pressing problems also which sort of places them in an awkward position. But by this time in the afternoon they would have disposed of any pressing problems they would have had and the second thing is you would be giving the public a better time to be able to attend. I think most businesses here or some businesses close at four. I'm sure just about all businesses close at five. So say the business are closed at five, that means the public would have three hours. Like I said, I agree with whatever the majority of the House wants but there's alot of merits in that time of the afternoon as far as I'm concerned.

MISS ANNIE M. PODDEN: Mr. Chairman, when we set up ourselves as candidates for this Legislative Assembly we must realize that if we're going to put our best in it we have to, I would say neglect personal business. I have been in this House, I believe today is nine days, I have not made a penny in my office but I feel that if I go to my office and work till twelve thirty or two o'clock the best of my day is gone. When I come here I'm so worn out and I would not be any good. And further more if I go to court I never take one mouthful that day because after you eat your brain gets - that it doesn't function as properly as if you're not gorging yourself with food and you're alert, and if we come here two thirty in the afternoon it just does not work and then further more we'll see how much of the public really seem to be interested. Not a soul would come here whether it's nine o'clock, ten o'clock. The public just does not want to spare the time to come to hear what is going on except to criticise. I don't think that we should really put ourselves out, those of us who happen to get back to suit the public when the public do not seem to be interested except to criticise.

I know on one occasion, Mr. Chairman, we were here under the Honourable First Official Member one night until five minutes to twelve and fighting the Jim Matthew Bill I call it, and next day I had to sleep and I don't feel that it's any night work. I feel that we should have this a day work. If we can't spare the time we'll have to get out of it but I feel that we should put our best into it, as far as I'm concerned your best is from four o'clock in the morning till five o'clock that afternoon.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I am flexible on the time. However I do feel that this new hours are a bit premature for us at this time. I believe this is the feeling of most Members and as for the public, I don't know About any other business but judging from my own the minute the time comes the first and only interest is getting back home to their families. I would think that the hours remain as they are for the time being Sir.

HON. TREVOR FOSTER: Mr. Chairman, I will support that. I support the lady Member's feelings that we should remain opening hours at ten and one could think of maybe cutting the lunch hour shorter if this is suitable. But I would not agree that two thirty in the evening would be the correct time.

HON. A.B. DUSA: Mr. Chairman, I must also oppose the changing of any hours for the Assembly sitting. I believe the hours that we have, ten o'clock in the morning is more suitable. To put it to two thirty and till eight o'clock at night I think it is bound to tax the energies of Members.

HON. A.B. BUSH: (CONT'D): I know Members who sit in Council ought to fully realise this, because we sit from two fifteen sometimes till eight thirty at night and I'm sure that we have all had a full day when that is done. And I know we would not like to go on like that every day for three weeks as it has been going on here. And I feel like the time that we have now would be most suitable for us. Hours such as ours. Mentioned here may be suitable for other places where, probably, the climate is different and Members have to travel long distances from their homes which take them probably half a day to get to Parliament, but with us it is all within reach of us and I think we all better leave well down alone. We better stay as we are and leave the hours as they are at present.

MR. G. RALF ROWDEN: Mr. Chairman, as a member of the Committee I was in agreement with changing the time to two thirty. But since it's the wish of the Members for it to remain the same I would go along with that - And I am always open to change. I don't want to be like some people that I know that regardless of the argument put forward when they have made up their mind, they have made up their mind.

I would say that these Standing Orders are not only for the proper running of the House but the convenience of the Members should be taken into Account and I have no hesitation in changing it back to ten if that is what the Members want.

MR. CHAIRMAN: , Under Standing Orders as drafted, if it is a general view that the sessions begin at ten a.m., we shall need to have a time for interruption, either four-thirty or five o'clock because there is provision, of course, under new Standing Orders for a debate on the adjournment which can last for half an hour. So if we were sticking to the hours as we have now and aiming to finish at a certain time each night the hour of interruption should be half an hour before the time we expect to leave the Chamber, so it could either be four-thirty or five o'clock. And on the first line of 10(2) and on the first line of 10(3) would be either 'four-thirty' or 'five' whichever Members felt was appropriate.

HON. A.B. BUSH: Mr. Chairman, I take it if we put it an hour in advance like or a little beyond, anyway let us say, - You mentioned four-thirty, if we said five o'clock we really would not have to stick by that - I mean you could not go beyond five o'clock but you could finish four-thirty. Well I would propose five o'clock.

MR. CHAIRMAN: Propose?

HON. A.B. BUSH: Five o'clock.

MR. CHAIRMAN: Five o'clock?

HON. A.B. BUSH: To terminate at five o'clock. I mean the latest hour that we could possibly sit.

MR. CHAIRMAN: No, remember if you put five o'clock here you can go on till half an hour later.

HON. A.B. BUSH: To a half hour later?

MR. CHAIRMAN: Yes, because there can be debate on the adjournment.

HON. A.B. BUSH: Well we'll say four-thirty then.

MR. JAMES M. BONNER: Mr. Chairman, I too was in favour of two-thirty and it would have suited me much better but we can't think about individual self I think in here. Also, I looked on it that it might be a chance to

MR. JAMES M. BODDEN: (CONT'D): the public taking more interest into what was going on in the affairs of Government. But I join with my colleagues here in saying that we have always tried to be flexible and keep an open mind, and although the other Members might not believe that, we are willing to support them if they would like to keep it at ten o'clock.

MR. CRADDOCK EBANKS: Mr. Chairman, I think I should have the least to say on this, but if we were to adopt this timing then it more or less spells out a twelve hour work day, because whatever one might be consigned to as his own when he goes to work eight to eight-thirty in the morning till one or one-thirty in the evening and come in to the Assembly then till eight in the night it's a twelve hour day. And I don't think too many Members would want to go along with twelve hours a day, and I believe that when it comes to five, six o'clock in the evening Members will start moving out and probably you will find yourself with not a quorum to carry on.

So I, leaving out personal and I, would not altogether go along with it now at this time as it is proposed either because to me it just puts in a long stretch of continuous hours, and I don't think the sitting would get the full benefit of Members' thinking in dealing with issues before them. So if the majority feel that we ought to hold on to our ten through now, whatever might be the nothing I can well go along with it as well.

MR. CHAIRMAN: Well I think all speakers so far are urging that we stick to existing hours; so if we can take the question on Standing Order 10 as amended would read :- 10(1) "Every sitting other than the first sitting of the session shall begin at ten o'clock in the forenoon". And for "eighty-thirty" in the first line of Standing Order 10(2) and the first line of Standing Order 10(3) "four-thirty" would be substituted.

HON. D.V. WATLER: Would you need that - 10(1) "every sitting other than the first sitting" or would it be just "every sitting"? Would there be a difference in the first meeting?

MR. CHAIRMAN: I think normally the custom has been that on the first day of an opening of a session we meet at ten-thirty. The Clerk says ten o'clock.

HON. D.V. WATLER: Ten o'clock is what it has normally been, so that is why I wondered about this exception the first sitting.

MR. CHAIRMAN: It has been suggested that the words "other than the first sitting of the session" be omitted.

MR. JOHN D. JEFFERSON: I think that would sound more in order.

MR. CHAIRMAN: If there are no voices against that I take it that the Standing Order is amended by the deletion of those words "other than the first sitting of the session".

MR. G. HAIG BODDEN: There's only one thing, Mr. Chairman, would this mean that you could not stop at any other time? For example, suppose there is say the opening of the Appeal Court and you would want to start at eleven-thirty or something rather than ten should it be that "it shall start at ten"?

HON. G.E. HADDINGTON: "Unless the President otherwise directs".

MR. CHAIRMAN: Is there provision for this elsewhere?

HON. G.E. HADDINGTON: In the present Standing Order, Standing Order 4.

MR. CHAIRMAN: Well the wording in the present Standing Order is "every sitting shall unless the President otherwise directs at ten o'clock in the forenoon. I think that will give some discretion. I'll put the question on that, that Standing Order ten as amended be approved.

HON. W.W. CONOLLY: Well now you are going to add those words?

MR. CHAIRMAN: Officer otherwise directs "Every sitting shall unless the Presiding begin at ten o'clock in the forenoon".

MR. JOHN D. JEFFERSON: Mr. Chairman, would you just repeat that again.

MR. CHAIRMAN: Any further comments?

MR. JOHN D. JEFFERSON: Would you repeat that 10(1) again

MR. CHAIRMAN: The amendments to Clause 10(1) suggested are as follows: 10(1) would now read, "every sitting shall unless the Presiding Officer otherwise directs Begin at ten o'clock in the forenoon" and then 10(2) and 10(3) "four-thirty" is substituted for eight-thirty P.M.

QUESTION PUT: AGREED. STANDING ORDER TEN AS AMENDED APPROVED.

CLERK: STANDING ORDER SEVEN. ADJOURNMENT WITH THE HOUSE.
STANDING ORDER TWELVE. ADJOURNMENT - DEFINITE MATTER OF URGENT PUBLIC IMPORTANCE.
STANDING ORDER THIRTEEN. QUORUM.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. Chairman, I'd like to raise a question on 12 (c). Maybe I'm not quite understanding that section but I'd like to see that seven reduced to five. In other words Mr. Chairman, the way I'm interpreting it to ask for an adjournment on this side of the House it would take every Member of the House to support it which would be impossible and it would be some days again when the entire eight would not be present and I could not see the possibility of any one from the other side defecting to join us. So it would be impossible to get the eight Sir. See the Government bench is in a good position of that because they have got the seven but the seven is not on this side. No. I would really like to see serious consideration given to this unless I said like if anyone can convince me that my mind is wrong on it, but I'm not saying that we would want to ask for an adjournment but there could be the chance that we would and before you could even get that question to the floor to be voted on it would have to have eight to support it and it would be impossible. If we reduce the number to five.....

HON. W.W. CONOLLY: you would have a quorum.

MR. JAMES M. BODDEN: Yes you would have a quorum. The quorum of this House is seven. that's what I'm going to deal with a little bit on one of the other Standing Orders but remember this the Quorum of the House is seven but that seven is there. You can hold the meeting of the House and still be constitutional without a Member of this side of the House being present.

Even if, let's say that you had five and the one who raised it would make six and the six walked out from this side of the House you still got a quorum plus two.

HON. W.W. CONOLLY: This is what.....

MR. JAMES M. BODDEN: Now, Mr. Chairman, I don't think that's a valid reason because my colleague and myself do consider ourselves to be good salesmen and we have brought many a motion and many a question and we have never been able to get eight Members on this side of the House to agree to it and the only thing I could that if this building was falling down maybe if we moved a motion to adjourn we might get the eight Members on this to support Sir. That will be the only reason. So I don't think it's giving us a fair chance. I think we should move that to five. I know it is the last resort but still give us that benefit of having the opportunity to be democratic by having the last resort.

HON. W.W. CONOLLY: Whatever was done, whatever was said would be unconstituted.

MR. JAMES M. BODDEN: No but listen. Remember this [illegible] can get six on this side to agree at least then if I'm interpreting it correct we can put it before the House but if we don't have the eight we can't even put it before the House.

HON. W.W. CONOLLY: [illegible] the whole motion. You have not to read from twelve (1).

MR. JAMES M. BODDEN: Mr. Chairman, any way we read that to get you to consider the motion for adjournment we have to have eight. Now I'm going to refer to section 12 (1). Now "unless it is made by a Member of the Government" which means that you can move it on that side and it has to come to your air without anybody supporting you because it is assumed already I guess, that you have the seven but this is unfair because then it says on the other side than that on the other side we have got to have the eight. I think it's very unfair. A Member can move it from that side, we have no objection but if it is moved from this side we have to have eight Members solid to present it to you before it can even be heard. I'll admit I'm reading this without my glasses as my eyes are not too good.

HON. W.W. CONOLLY: Yes I agree with that because I don't see eight in it at all. It says " a motion for the adjournment of the House may not be made until Other Business". You turn over to section fourteen which gives the order of the day and you have Other Business. Is it fourteen? Yes it is, "if you want to raise that", it means that a Member cannot raise that. You can raise that motion at that particular time it depends upon whether you can get the support of the House or not. It does not say that you can't, it says "a motion for the adjournment of the House may not be made until Other Business has been entered upon". You must get to Other Business unless it is made by a Member of the Government or unless a Member rise in his place at the end of Questions and leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance. So at the end of questions you can rise to your feet and it depends on whether you can secure the majority of the House or not.

Now (2). "A Member who wishes to ask leave to move the adjournment of the House shall, before the commencement of the sitting, send to the Presiding Officer written notice of the matter which he wishes to discuss. Such a motion by the Member may not be made unless the Presiding Officer is satisfied that the matter is definite, urgent and of public importance" the decision is taken by the Presiding Officer and unless leave of the House is given, or unless seven or more Members rise in their places to support the request. So the whole thing hinges on whether the Member rising in his place, regardless of what time it is he must secure the majority of the House.

HON. W.W. CONOLLY: But when you raise a motion for the House to adjourn and the majority said no and they vote against it, so you're down.

MR. JAMES M. BOSDEN: But let's look at this another way. Under section 12 (1) the Government bench after "Other Business" has been entered upon. Any Member on that side can rise and ask for an adjournment, right?

HON. W.W. CONOLLY: Before "Other Business".

MR. JAMES M. BOSDEN: Right. But any Member over there can do it but then for any Member on this side to do it it has to be a matter of definite, urgent, public importance. But the Member on that side can ask it for any reason. On our side of the House it has to be for a matter of definite, public importance. This is the way I read it.

HON. W.W. CONOLLY: I would imagine if a Member on this side of Government rise at this point for an adjournment it would have to be a matter of importance.

MR. JAMES M. BOSDEN: But it don't say it in the Standing Orders.

HON. W.W. CONOLLY: Yes but it's automatic.

MR. JAMES M. BOSDEN: No.

HON. W.W. CONOLLY: You're taking bills. It's unusual to find where the Government has to get permission to introduce a bill. The Government introduces a bill.

MR. JAMES M. BOSDEN: Alright, let me follow this then, Mr. Chairman. I'm going to follow this one through till I get some answer better than I got in my head right now. We could be on this side of the House debating a motion that the other Members of the House are not, let's say in agreement with at all. They could be, or it could be one that is coming that they are not in favour of. Any Member on that side of the House can ask for an adjournment and it is enough votes on that side of the House to carry it. On this side of the House the only way we can do it is if it's a matter of urgent public importance, that is under section 12 (1). Now if we go on to 12 (2) "a Member", now I don't know whether that includes all the Members of the House because it does not say or whether it just includes the Members on this side of the House, before asking for a leave for adjournment, before the commencement of the sitting must hand to you, the Presiding Officer written notice of the matter, you then under section 12 (2a) must decide that it is a matter of definite urgent public importance, now by that being in there again as well as in 12 (1) I'm taking that the word "Member" really means the Member on this side of the House and not that side of the House. So we have got to convince you, we have got to hand it to you before the sitting. We have got to convince you that it is a matter of urgent public importance or we must have eight Members on this side of the House rise to support the adjournment, whereof it can be refused over there by one Member.

MR. Chairman: I wonder if the previous Standing Orders relevant under Standing Order eleven, any Member who is not a Member of the Government can still request an adjournment debate by giving two days notice, that's just simply a question of giving notice and this notice may even be dispensed with at the discretion of the Presiding Officer. So that there is already a fairly automatic right of a Member who is not an Official Member or a Member on this side of the House to request a debate at any time. This may be relevant to the point the Honourable Member is making.

MR. JAMES M. BODDEN: Mr. Chairman, I agree that it could be covered under our present Standing Orders but but that is the reason we're trying to change the present Standing Orders, in to have something that is going to be, let's say, better. Now I'm asking guidance now, I'm not really trying to pick an argument, I'm asking guidance. Under 12 (1) a Member of Government is defined. Now under 12 (2) it says a Member, now does that mean that a Member under twelve(2) is a Member on this side of the House or does it embrace the entire House?

HON. D.V. WATLER: Mr. Chairman, now what exactly is this adjournment going to be asked for? Apparently it is to discuss a definite matter of urgent public importance, this is the reason this 12(1). Now into 12 (2) I see the point about eight there but the reason for it is the Presiding Officer, take (a) first, "the Presiding Officer is satisfied that the matter is definite, urgent", then it could be adjourned for or the leave of the House is given Now if not then it says it should be seven Members. Now is this seven Members referred to here not tied in with the section eight of our Standing Orders. (2) Where you say there that a meeting can be requested by seven Members an irrespectable, whether the Presiding Officer would like to call it or not it will be called to determine of to discuss matters that they are going to put. So you see this is into this particular instance here in 12 (2a), again the Member is going to raise a question which the Presiding Officer may not have agreed with it or the House has not but because there are seven Members it must adjourn to discuss and I'm wondering whether that do not interlock.....

MR. JAMES M. BODDEN: Yes but let me say this, under that section at least we have put the death knell to one thing. You'll never again see a special meeting called by this House, not I don't think in my life time under this Constitution. But I'm not going to argue that section. I'm only arguing section 12. Can someone tell me under section 12 (1) if I'm reading this correctly, that a Member of the Government bench can ask for an adjournment without it being a matter of urgent public importance, am I correct in assuming that?

HON. W.W. CONOLLY: No, I would not think so. I think where the references here is the time when a Government Member can ask that question.

MR. JAMES M. BODDEN: No, I'm trying to really get it from someone with a little bit more authority than you. The Second Official Member would you answer my question Sir. Under section 12 (1) in dealing with the adjournment being asked by a Government Member, does the Government Member have to move that motion for adjournment on the matter of urgent public importance?

HON. G.R. WADDINGTON: No.

MR. JAMES M. BODDEN: Alright, follow it through. But a Member on this side of the House has to move it on urgent public importance.

HON. G.R. WADDINGTON: Yes.

MR. JAMES M. BODDEN: Right.

See that, I know I was right.

Now we're going to go to 12 (2). I'm still to you Second Official Member. "Member" there does that mean the membership of this House as a whole or does it mean a Member on this side of the House?

HON. G.E. WADDINGTON: "Member" referred to in (2) is the same Member who is going to want to discuss a matter of urgent public importance.

MR. JAMES M. BODDEN: Same on this side of the House Sir?

HON. G.E. WADDINGTON: Yes.

MR. JAMES M. BODDEN: Right. Alright, I'm going to follow it a little bit further. Now a Member on this side of the House before asking leave to move the adjournment of the House, before the commencement of the sitting must hand in the Presiding Officer notice of the matter which he wishes to discuss and that matter that we hand to the Presiding Officer, he then, if he is satisfied that it is a matter of urgent public importance can allow it to be done, correct?

HON. G.E. WADDINGTON: And the leave of the House is given.

MR. JAMES M. BODDEN: Right, and the leave of the House. Now on another occasion then it must be, then if he does not do that, seven or more Members which is eight, the entire side of this House can then move to support, let's say rise in their places to support the request, in other words if this entire side got up, eight Members.....

HON. G.E. WADDINGTON: Why eight?

MR. JAMES M. BODDEN: Well seven or more Members rise in their place to support the request, right. I was wondering whether the Member proposing plus the other seven would have to rise or whether that seven is only.....

HON. G.E. WADDINGTON: Seven Members.

MR. JAMES M. BODDEN: Well that's the only place I've been wrong so far then. So seven Members on this side of the House can rise and if they do that then the chair is forced : to put it?

HON. G.E. WADDINGTON: Yes.

MR. JAMES M. BODDEN: But, on that side of the House it can only be done by one Member?

HON. G.E. WADDINGTON: That's right.

MR. JAMES M. BODDEN: See, this is what I'm trying to get. It's unfair.

HON. G.E. WADDINGTON: But the other side can only move an adjournment to adjourn the House, not to discuss any matter. Just a simple adjournment. This is a special sort of adjournment that the Members on the other side are making and the reason why it has to be seven is that you must have a quorum to discuss your urgent matter. If the Members on this side walked out the House could still proceed with just seven.

MR. JAMES M. BODDEN: Right, but what I'm trying to get through is that it isn't disparity in it because it's allowed on that side of the House to move an adjournment for any matter by one person but to move it on this side of the House it going to take seven Members.

HON. W.W. CONOLLY: No. It only takes one Member to move it.

HON. G.F. WADDINGTON: No. It's a special adjournment. The ordinary adjournment of the House now to adjourn comes under eleven.

MR. JAMES M. BOWDEN: Yes Sir, I know that. But what I'm saying is Section 12, and you just agreed with me on it, one Member from that side of the House can ask for an adjournment and it does not have to be an adjournment for a matter of urgent public importance.

HON. G.F. WADDINGTON: Yes, that's the position.

MR. JAMES M. BOWDEN: But the Members on this side of the House, it has to be a matter of urgent public importance in order to even bring it up for debate: to raise the point of adjournment, and then we must go further than that, we must take it to the Presiding Officer who again has the discretion to decide whether to even place it before the House, and then even if he decides not to place it, then seven of us must get up in our seats and at that point then he has to place it. But it takes seven of us standing together on this side of the House to even get the motion before the House and then it has to be a matter of urgent public importance.

HON. G.F. WADDINGTON: Yes, but this is a special adjournment you know. Before Other Business has been entered upon.

MR. JAMES M. BOWDEN: Yes Sir, I know. But what I'm getting after is that it has to be a matter of urgent public importance to call for an adjournment under this section on this side of the House. But yet one Member on that side of the House can call it for any reason under the same section and I think it is unfair.

MR. CHAIRMAN: I think to keep it in context Standing Order 12(4) must be considered. This is only allowed once in every sitting and only one matter may be raised so that it is going to be a very unusual performance and not merely exercise because I think of the fairly easy procedure under Standing Order eleven.

MR. JAMES M. BOWDEN: Yes Sir, I agree with you. That's what it says that it can only be used once but I still believe what is fair for one side is fair for the other and this is unfair for this side of this house. I'm not prepared to push the argument any further. If the other Members are content to live with it, the short time I've got in here I can live with it, but it is unfair any way we butter this slice of bread.

HON. W.W. CUMMINGS: Mr. Chairman, the point again that must be remembered of public importance, there has been provision in the Standing Orders for private Members to have special priority on certain days where private Members' motion would have precedence over Government motions and on each day the order paper there would time alloted. So if it was not urgent I cannot see this particular section coming into play, and if Members would turn over to section 14 of our new present Standing Orders, it says"a motion for the adjournment of the Assembly may not be made until Other Business has been entered upon except it be made on behalf of the Government" and under this section, on several occasions I have used that in asking the adjournment of the House to raise a motion. The point is this that a person gets up in place as is now is no provision for you to give the Presiding officer previous notice, which this one does. But the whole thing hinges on whether it is considered that this particular point is of a definite, urgent and of public importance and I don't see as it said, sub-section four that it is only in a rare case where it would be used and I don't see that it is affecting the Members.

MR. JAMES M. BOWDEN: Yes, but I don't see why you should use the present Standing Orders as an authority to try to give the running for the change in this one business if that was so then why are we changing the Standing Orders in the first place? They should be good enough to live with. You say, and it is rightly so, that we have certain hours a day or something set aside, which I know it's in the Standing Orders, we have not come to that section I don't think yet which gives us the power to ask questions and so forth but that is such a small pittance that is being handed out that I rather to deal with that when we get to it. We are dealing with section 12 and I am still saying I am ready to concede the point, it's up to the Members but I'm only pointing out that in my estimation, and I think I've got support for that, that it's an unfair section because it gives the whip hand on that side of the House completely to ask for an adjournment without giving it to this side of the House. I am willing to finish my debate, go to a vote entirely in the hands of the Members, but that is there, no way getting away from it.

MISS ANNIE P. BOWDEN: Mr. Chairman, I'm wondering if there is discrimination, why is it discrimination. After all we on the other side, although we're not what is termed the Government bench, we are here and if it's such a thing that is discrimination, I don't think that really is right and fair. I never thought too very seriously of this section but it could be that with this discrimination or whatever word you wish to use, we might be put at a disadvantage. And I really can't see that there should be anything to put this side, these eight elected Members in any position where they can't really, as I would say, fight for their rights.

MR. CRADDOCK BENNS: Mr. Chairman, the proposed section in the Standing Orders has given Members a day to discuss every motion or question or what not, does not change on section 12. This section says "urgent public importance", that's not on the agenda or would not be on the agenda in the sitting. This is only if something arises that is brought to the attention of a Member and he feels within himself or she, as the case may be, that it's importance of public interest that should be dealt with immediately. So I don't see how the Member can see how to bring in the section that we have not got to yet that you got a day to debate these things. As an illustration if I wanted to move a motion that somebody had just killed John Wayne's horse in the street and the Member from Government side, a similar, somebody's killed Susie's cow in the street, what is the difference in it? Should not I have as much right to bring the motion as little problem as any Member from Government. I mean let's be fair about it. Why do the elected on this side have to struggle to this extent to represent the people who put them in here and we put the two Members in Executive Council where they are at, and they have such a leading priority over the elected on this side.

MR. JAMES M. BOWDEN: The thing to bear in mind here, Mr. Chairman, is that it can be moved on that side of the House for any reason at all. On this side of the House the only reason you can move it is if it's a matter of urgent public importance, and in order to do that it is discriminating against the Members on this side because we have to bring it to your attention first, you can rule against it and then if you rule against we have to get them to stand up in order to get it through, whereof all they have to do is either one on that side get up and say I move the adjournment of the House, bam bam the vote is taken and one defects from this side of the House to that side, you've got your eight and the Assembly is over. We could see to the point where this side of the House is bringing a motion or something that that side of the House does not agree with, does not want to listen to and what happens?, your Assembly is finished.

MR. JAMES M. BODDEN (CONT'D): And I think it is very unfair.

MISS ANNIE H. BODDEN: Mr. Chairman, I feel that we should do everything possible to try to destroy this feeling that now exists in this House because let us be very realistic about it, it is not a happy family feeling that exists here, it's like a case where a mother and father got their children under subjections, "now you do this or else" and we do not feel that that is the right spirit. And I would say that any prerogativesthat are given to the Members on that side in regard to adjournment should also be workable with us here. When I say "us here" I intend, if the Lord's willing, to stay right in this seat. I don't have no aspiration to get over there. But I feel that we should not do anything to let them on this side feel that they are in any way inferior to the four elected Members, I'm not including the Official Members, I would say they are ahead of us because they cannot be replaced.

MR. JOHN D. JEFFERSON: Mr. Chairman, I'd like to ask through you the Second Official Member to shed some light on that part.

HON. G.R. WADDINGTON: What sort of light?

MR. JOHN D. JEFFERSON: On 12 (1) and 12 (2).

HON. G.R. WADDINGTON: Well 12 (1) and 13 (2) is repeating more or less - what is now in the Standing Order 14.

MR. CHAIRMAN: If I may interject, I think the crux of this is that under Ministerial Government in the House of Commons a minister has this right because there may be something of urgent public importance that only he knows affects his port folio and it's something on which he wishes to obtain advice of the House. The right is given to a Member who is not a minister to raise a matter of public importance provided that the Speaker agrees that it is, and secondly that there is leave of the House for if that's not given that he has a certain measure of support in the House. And the Clerk has just referred me to the Standing Orders for the Assembly in Barbados which repeats pretty well the provisions that are being set out in these Standing Orders. But I think there is a difference between somebody who is responsible for a port folio wishing to raise something which only he has cognisence and which he wishes the House to discuss. And an ordinary Member of the Assembly wishing to raise something of public importance where he has to get measure of support, but I'm not arguing the case one way or the other, I'm simply trying to explain what I understand the constitutional reasons for this.....

MR. JAMES M. BODDEN: Mr. Chairman, Barbados does not influence me too much because like the old saying, "so million years behind the Chinese", that's probably the condition they are in. But what bothers me is this, I am willing to concede my argument on every one of these other points and take the discrimination that is shown providing it is put into it than in section 13 (1) that the Member on that side of the House who raise the motion for adjournment must do it under a matter of definite, urgent importance, the same as this side of the House. But the way that sentence is put together now they can raise it for any reason, it does not have to be a matter of public importance and that has been clarified in this House. So it is discrimination there. If that is recorded that the only way they can raise it is on a point of urgent matter, same as us I will agree than that one Member can raise it on that side and leave it for us seven over here to have to do it. I'll take that part the discrimination but not for anything, leaving it the way it is now that they can raise it for any matter.

MR. CHAIRMAN: But does not the marginal note qualify the right? The adjournment is only on definite matter of urgent public importance under the marginal note.

MR. JAMES M. DOUGLAS: That's in the margin Sir, but it is a lot of difference in the way that sentence is and I would definition from the Second Official Member again, I'll ask him. Although in the marginal quotation it says "adjournment, definite, matter of urgent public importance" the sentence does not read that way and could there be an interpretation under it then that the only way the Member from that side of the House can move it is if he moves it on a matter of urgent public importance.

HON. C.E. WADDINGTON: Mr. Chairman, you gave a very lucid and excellent explanation of the reason for this Standing Order. If a Member of Government is to satisfy the President that the matter is of urgent public importance, he would still have to get the leave of the whole House under (b) and I think that that would defeat the whole purpose of this Standing Order to give the right to a Member of the Government to adjourn for any matter which may be important to the Government but which may not be a matter of urgent public importance such as is stated in 12. It may be some other matter that is important to the Government to have an adjournment for and which he should not be required to have the whole leave of the House to adjourn.

MR. JAMES M. DOUGLAS: Then the same thing should apply to this side of the House. If the person on this side of the House is that incompetent in his judgement, then he don't need to be in here in the first place. And this is strictly discrimination Mr. Chairman, and I hate to say this but the only thing this section reminds me of is having lived in the southern part of the United States years ago. And when you went into a restaurant there was a sign that said, "coloured people you go around the bar at the side of the house and you go into that back door there to come in and be served. White ones you can come in here and you can use this one." There's two toilets there, one says "coloured", one says "white", the coloured man isn't stupid enough to go into the white one. That is the only thing this section can be compared to Sir.

HON. C.E. WADDINGTON: I think there is some confusion in the meaning of this Standing Order, Mr. Chairman. The adjournment which is being asked by the Members on the other side is an adjournment to the House nor to discuss a matter. The adjournment which is being asked for by the Member of the Government is a complete adjournment of the House because it becomes necessary to adjourn the House for some reason or other to end the meeting. But the adjournment which the Member from the other side is asking for is an adjournment in order to discuss a matter, the House continues, it's not really adjourned, it's adjourned for the purpose of discussing a matter before the Other Business has been dealt with. That is all it is.

HON. W.M. CONOLLY: Mr. Chairman, am I right in saying that the only Member that can raise that adjournment before Other Business comes, before we get down to Other Business on the agenda, would be a Member of Government. After we have Other Business any Member can raise a motion for the adjournment of the House to discuss.

MISS ANNIE H. HOLDEN: Mr. Chairman, if I may be allowed to ask, who is a Member of the Government, is it not these people on the other side?

HON. G.E. WADDINGTON: A Member of Government is defined in the definition section - the Members of Executive Council.

MR. CRADDOCK BANKS: Mr. Chairman, that's abundantly clear, undoubtedly but that's just the argument or the crux of the argument. A Government Member can adjourn the House but the elected Members will have to wait till after "Other Business" is done before he can get his adjournment. Then what in the devil could not happen in those hours in between if we are talkingabout public urgency/importance.

MR. G. HAIG BODDEN: Mr. Chairman, I noticed that "Other Business" does not seem to be defined too well in this. I wonder if it has the same meaning as in the old Standing Orders under 11 (11). I don't seem to see any definition here for "Other Business" while in the old Standing Orders under 11 (11) "Other Business" meant Government business - estimates, bills, private members bills, other orders of the day. The only thing is in section 14 (k) in the new Standing Orders, it says: "Business by Members other than Members of the Government". It seems like there are different connotations to the "Other Business" in the two orders.

MR. CHAIRMAN: I think this is so. I think there is a difference in definition here. But to the parts of this particular order - I mean we are talking about a specific time in the arrangement of business the time at which the adjournment may be sought. So we're simply taking a place in the list as it were.

MR. JAMES M. BODDEN: Mr. Chairman, I would like to ask that - time is running short and I doubt we are going to get anything better than what we have - that we call the vote on this Sir.

MR. CHAIRMAN: I'll put the question that clause 11 to 13 of Standing Orders 11 to 14 be approved.

MR. JAMES M. BODDEN: Well I was going to ask, sir, if we could take them individually.

MR. CHAIRMAN: Alright.

QUESTION PUT: AGREED. STANDING ORDER 11 APPROVED.

QUESTION PUT: AYES AND NOES. MR. PRESIDENT: The Ayes have it.

MR. JAMES M. BODDEN: A division please.

DIVISION

AYES	NOES
HON. T.V. RAFFLER	MR. JOHN D. JEFFERSON
HON. G.E. WADDINGTON	MISS ANNIE B. BODDEN
HON. V.G. JOHNSON	MR. CLAUDE HILL
HON. J.B. BUSH	MR. JAMES M. BODDEN
HON. T. FOSTER	MR. G. HAIG BODDEN
HON. W.W. CONOLLY	CAPT. C.L. KIRKCONNELL
	MR. CRADDOCK BANKS
6	7

S.O. 12 WAS ACCORDINGLY DEFEATED

MR. CHAIRMAN: The result of the division is votes for 6 voices against 7. This means that the Standing Order 12 is negative. And will be removed from Standing Orders. The remaining Standing Orders will of course have to be renumbered.

MR. CHAIRMAN: (CONT'D): I think at this stage we might suspend proceedings to allow the Attorney General to consider whether some alternative Standing Order has to be inserted or whether we can omit this Standing Order without affecting the efficiency of the new Standing Orders.

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

MR. CHAIRMAN: Proceedings are resumed.

MR. CRADDOCK EBANKS: Mr. Chairman, if I may say though we took a vote on this section 12(1) there is still a feeling in Members that if we could have a further detailed explanation or leading in this that we could probably give some reconsideration into this matter.

Members are not completely happy that it should, although it went to a vote, be plonked off at that. They still feel that there is [illegible] in it that should be adhered to, and we're not thinking of breaking for a division or anything, we want to try to bring things together in harmony not to have a separation.

So I don't know if the Second Official Member can give us some further detailed leading into this as to how it should be done into.

MR. CHAIRMAN: Perhaps I could make a remark before we start. It seems to me that under Standing Order 14, a Member of the Government can make a statement at any time but he has to give notice of that. But he doesn't have to ask anybody he simply asks the Clerk to put it on the Order Paper under Standing Order 14(3).

Now if something very urgent cropped up he would ask permission on grounds of urgency to make that statement as a motion on the adjournment. In other words instead of leaving it to the next day, he would say this is so urgent I think the House should be advised of this today. So that's the position of the Members on the Government bench.

Now, unlike the previous Standing Orders this Standing Order gives Members on this side of the House something extra. Whereby if they feel something is urgent they can put to the Presiding Officer they feel this is very urgent and ought to be debated today, and then it is for the House itself to decide whether this is of sufficient urgency or if seven Members on this side of the House or seven Members out of the totality of the House agreed then the motion on the adjournment is taken and this question can be fired. That's as I see it.

Perhaps the Second Official Member could elaborate a little further. I think this gives Members on this side something that they didn't have before. But I'll leave this to the Second Official Member to elaborate.

HON. S.E. WASHINGTON: I was about to say, Mr. Chairman, that I think it would be a great pity if section 12 was omitted from the Standing Orders because section 12 gives the Members of this House a very important right. A right, namely, to move for the adjournment before the other business has been entered upon in order to have a discussion or a debate on a definite matter of urgent public importance.

Now by deleting clause 12 the Members have lost that right. And as I understood the arguments on

HON. G.E. WADDINGTON: (CONT'D) the other side the reason for deleting clause 12 was simply because Members were jealous of the fact that on the Government bench an adjournment could be moved by a Government Member, before the other business had been reached. But this is a provision which I believe exists in almost every other Legislature's Standing Orders. It is an important provision because it may be necessary for the Government bench to move an adjournment for some emergency which has arisen which might not necessarily be a matter of public importance. It might be something that affects the Government and which would require immediate attention such as to require an adjournment of the House. As I've said it may not be a matter of public importance, but in order to deprive the government of that right Members are, to my view, depriving themselves of a greater right. So I think that what they are gaining by deleting this clause they're losing doubly so far as depriving themselves of the rights that the rest of the clause allows them.

MR. CHADDOCK EVANS: Mr. Chairman, that is exactly what we're trying to get clear. What might be considered public interest or government interest? Then a Member from this side could be raising the same question as an emergency dealing with what might not be of public interest but a government interest. Suppose for argument's sake somebody ticked me off that a half an hour from now there is somebody that is going to stick fire in one of government's offices or throw a bomb in it - well then if I bringing this and asking for a suspension to go into this of urgency and they say well you know under the Standing Orders you have to leave it - while the Presiding Officer, but if it is left then until the end of the day then where would we get off at. It is the matter of the urgency then that I am thinking in terms of that we should deal with efficiently. If the Presiding Officer getting the information and feel that it should be dealt with then either side it shouldn't .....

HON. G.E. WADDINGTON: You see what I was trying to explain is that there may be matters of urgency so far as government matters are concerned, which are not in the same category as a matter of urgent public importance.

MR. CHADDOCK EVANS: I could agree that it could be a difference. But an emergency to me is an emergency, I mean one emergency could be more extensive than another. Because for argument sake we could say a chap got both legs broken, another fellow in the same accident got one arm broken, well the fellow with two broken legs certainly his is a more urgent case.

HON. G.E. WADDINGTON: Well, you know that could come under the present clause 11. Because under clause 11 as it stands now it says "that where for any reason it is not desired to formulate a motion in expressed terms for the purpose of debating a matter or matters a motion that the House do now adjourn may be moved for the purpose of such debate"; of course, the Presiding Officer has to be satisfied that it is not an abuse of the process of the rules. But 11 gives the power to a Member to move a motion for the adjournment at any time . It says"it may be moved by a Member who shall give notice of his intention to the Presiding Officer". And 11 gives rather wide powers to Members to move that the House do now adjourn for the purpose of a debate on a matter which the Presiding Officer considers to be not an abuse of the rules of the House.

MR. G. CRAIG BODDEN: Mr. Chairman, I believe some of the

MR. G. HAIG BOSTOCK: (CONT'D): Members feel that they are severely restricted by 2(c) which says, "seven or more Members rise in their places to support the request". I believe if we deleted (c) or reduced the number of seven Members might not feel so restricted. Although I realise that for the adjournment to take place it would necessitate the leave of the House which would mean a majority of the Members that were present agreeing for it. But I think they feel restricted because this seven or more has been put in.

HON. G.E. WADDINGTON: Well you see the object of the seven or more is that - you see the whole object of this adjournment is to have a debate. A debate on a matter of urgent public importance. Now you cannot have a debate in the House unless you have a quorum, and the quorum of the House is seven. So that had to be fixed at seven.

That is a very important provision, because even if the leave of the House wasn't given as a whole with the Members over here if seven of you over there got up and stood up in your seats the debate would have to proceed.

MR. CRADDOCK ESSANCE: Mr. Chairman, that is quite true. Then if we didn't, you would say, have the seven from this side to support it, the other side of the House felt that they shouldn't take any part in supporting this - the difference then a Member making the motion from the Government Bench doesn't have to have this.

HON. G.E. WADDINGTON: Well, that is correct, that is what the motion says now. And as I pointed out this is in keeping with the Standing Orders of a Legislature of present Standing Orders; and in accordance with Standing Orders of other Legislatures.

MR. CRADDOCK ESSANCE: It could well be then at that particular time it could only say, as four Members present on this side of the House that such a motion may be made, then if you didn't have the support of the whole House - I mean I am saying this that they should be guided by the dictates of their minds whether to vote for or against - but automatically speaking or turning it the other way we hardly expect to get that support. Then it wouldn't be any use of a Member making a motion if it wasn't at least seven on this side. And we cannot get the debate unless we have the seven whether it was from this side or the whole House - the support of seven that it would be a quorum, but it is just then vice versa with government bench. The Member can get up and make his motion and that is the end of it, I mean he doesn't have to seek any further support.

HON. G.E. WADDINGTON: Well, you see all of these Standing Orders are designed to enable the Government to do its business if it becomes necessary to have an adjournment because of some important urgent matter. The Government bench ought not to be restricted in adjourning to go and talk about government business because Members on the other side object to the adjournment. That is the object of this provision.

MR. JAMES M. DOUGAN: Mr. Chairman, I apologize for being late.

Now I'd like to add my two bits in if what I understand is correct. We dealt on a vote before this House adjourned on section 12, and I am going to stand now on what

MR. JAMES M. BODDEN: (QUOTED): I think is right. If it had been this side of the House lost that vote it would not be before the House again.

MR. CHAIRMAN: It is before the House however Members on this side asked to discuss it further.

MR. JAMES M. BODDEN: Well, I don't see why that should have been , I'll have to stand by it.But I mean the only thing I am saying is, and I'll make my point quite clear before we go any further, I'm only one Member but the vote was taken on it and this side won; if there is another vote to be taken on this same section 12 again Jim Bodden is prepared to walk out of this House. I don't know how many of the other seven will be willing to do the same thing but if they stand for their convictions I am saying the other six Members of this side of the House should walk out when I do too.

MR. CHAIRMAN: There is no question of argument on this. The vote has been taken and as it stands this clause is deleted. When we re-entered before the Honourable Member joined the Chamber a Member asked if this could be discussed further as there was some unease about omitting this altogether without putting anything else in its place. And it was on that point that discussion took place.

If Members are ready to go on to the next clause I am quite happy to do so.

MR. JOHN D. JEFFERSON: Mr. Chairman, I regret being late and I further regret leaving my glasses behind. I would like to ask through you that the Second Official Member make the same statement that he made a few minutes ago, I didn't quite understand all he said, I'd like if he would repeat that.

The Members on this side are always talking about voting and as far as I am concerned the section we voted against 12(1), I personally didn't feel all that strong but I voted with them.

I think the point, as far as I am concerned, that a Member asked that it be discussed further - in other words regardless of what we vote on we have to consider and realise what is good for the operation of the House not just to say I object or I disagree.

I would like to ask the Second Official Member to make the explanation he was making a little while ago. I didn't get all that he said.

HON. G.F. WAUGHMAN: Well ,the explanation that I made was this. As I said it was a pity that the House voted to delete this clause, because it gives Members of the House a very important right, a right to move for the adjournment of the House before other business has been entered into in order to discuss a matter of urgent public importance.

Now Members have deleted that clause because they objected to the provision that such an adjournment could be moved by a Member of the government before the business of the House has been entered into, and without there being any matter of urgent public importance. But as I explained the reason for that is that occasions do arise from time to time whereby because of pressing

HON. G.E. WADDINGTON: (CONT'D): government business it might be necessary for a Member of the Government to move for the adjournment of the House.

So I think what the Members have gained by restricting the Government in that respect by deleting this clause they have lost a great deal more by denying themselves this right which the clause allows them to call for this adjournment to discuss a matter of urgent public importance.

MR. JOHN D. JEFFERSON: In other words, Mr. Chairman, what he is saying then is that with this clause being deleted there is no other provision in the Standing Orders - in matters of urgent importance there is no other place in the Standing Orders that would give Members a right to call an adjournment.

HON. G.E. WADDINGTON: Well, I pointed out that there is a right to move for the adjournment under clause 21. But under that section it is a restrictive right because the Presiding Officer may decline to put the question if he considers it to be an abuse of its rules.

MR. JAMES M. DOUGAN: Mr. Chairman, I for one would never want in any respect to tie the hands of the government; but all I am asking is fair play for both sides. We're all human beings and we were all voted in here under the same method. If this had been - I can quite remember the four years my colleagues and myself have been in here, and it has been brought to our attention many a time we didn't know Standing Orders and if we had lost a motion on a vote and then tried to bring it back we would have been ruled out of order so many times it would have been pitiful. What is good for one side now must stand good for the other.

Mr. Chairman, before this ever went to the vote there was a chance for conciliation. This side did say that if this could be toned down we would be in favour of it. Nobody on the government bunch saw fit to make an amendment to it and if they didn't make the amendment at that time as far as I am concerned I am prepared to listen to the arguments from both sides on it, but I am not prepared personally to see this go to any vote again.

MR. CHAIRMAN: Well, in that case I think we've had remarks from both sides following the vote on this Standing Order which has been negatived and I am quite prepared to move on to Standing Order 30.

MR. JOHN D. JEFFERSON: The only point there, Mr. Chairman, is that I for one am not prepared to do like the ostrich. I think if it is an important clause, which according to the Second Official Member it is, even though it does part of give the wrong impression rather than lose it if it is essential then what can we do about rectifying it. I mean after all we have to be sensible if we are dealing with the rules that govern Parliament, if we are dealing with the rules that are being laid down for the betterment of this country, of this House, the procedures and what have you - I mean we just can't say we are going to do this and we're going to do that - if it is going to work to the detriment of the House then we have to be sensible.

MR. CHAIRMAN: With respect, the question has been put on this. The arguments on both sides should have been taken into account before a final decision was taken. There is no amendment before the Chair - a general debate.

MISS ANNIE H. BOLDEN: Mr. Chairman, we cannot always be wrong. And I personally will not walk out regardless of what happens I am going to stay right in this seat until the adjournment comes, because that is not going to help the situation. But I feel that we as twelve sensible people plus three should be able to come to some sensible solution. But after all we cannot always be wrong. And it must be understood that we must have some rights in this Assembly. We just can't always be cowed down - and I don't know what is going to happen, but I am saying that we as sensible people should have this thing straightened out.

Furthermore, I always thought these Standing Orders should stand until after we get a new House, because we're saying something that I don't know what will be the proceedings in having these changed if they were not suitable. I don't know, because I don't know too much about this thing you call Parliamentary procedure and all the things that go with it but I know there is such a thing as justice, and I feel that we should not be cowed down in every instance.

But as I said, Sir, I am not prepared to walk out I am going to stand and face it. If this is passed and passed over our heads when we get back in the new House we shall make every attempt to correct it if there is anything wrong with it.

HON. A.B. BUSH: Mr. Chairman, maybe that would be the best thing to do. Since this House is getting to us mad, maybe it would be the best thing to do to set these Standing Orders aside and make the new House do what they want with them. That probably would be the best thing, that may be more satisfactory to the Members, let's say, over the other side.

MR. JOHN D. JEFFERSON: Mr. Chairman, with the greatest respect, I wouldn't think that would be to the best interest of this country. After all we have been - we have introduced and failed in this Legislature. I think that we are as qualified as anybody that is going to be put here later on to know what would be proper procedure. We're not taking - I've got my glasses, Mr. Chairman, so I am not lost any more we are not laying down something for a party, we're laying down a procedure to which the entire House will be operated under. And as far as I am concerned I would think that we would be the most competent people of doing that.

I submit with the greatest of respect that we ought to go on with the job of doing whatever is necessary. In other words getting this Standing Order done. And if we have made an error then we ought to be big enough to say well look: let's see if there is some compromise we can strike up, somehow we can do to make the thing workable. It is not a matter that is going to be like children, I am going to have my way because in regardless of what happens to the House. We've got to be sensible enough to know that we are dealing with something that controls this entire Parliament.

MR. CHAIRMAN: I think I am going to return to procedure at this stage. There is no motion before the floor, we have negatived one Standing Order and normally would have moved straight on to the next one.

The motion proposed by the First Official Member was that we should move into Committee to consider the Standing Orders. So I suggest we simply carry on. Decisions are not irrevocable. If it is found later by this House

MR. CHAIRMAN: (CONT'D): or the next House that graduation of this Standing Order puts a stamp on procedure then it is always open to the House to suggest that something else be put in instead of what has been left out.

MR. JOHN D. JEFFERSON: I would be willing to move that amendment, Mr. Chairman.

MR. JAMES M. BODDEN: Mr. Chairman, this man doesn't know what he is talking about he can't move an amendment now. The chance for that amendment was before section 12 was dealt with. We gave you the chance to do it, nobody did it.

HON. A.B. BUSH: If he followed me he would do it now.

MR. JAMES M. BODDEN: I know why. This goes to show what has been happening. If a man can't sit in here and make up his mind when a decision is before the house and has to wait until he gets outside for somebody else to make it up for him to come back in here then we don't need that kind of thing.

MR. CHAIRMAN: Well,I am going to move on to clause 13.

MR. JOHN D. JEFFERSON: I just want to say this, Mr. Chairman,that being A duly elected Member of my constituency it is not for the second Member or first Member from Bodden Town to say what Member is qualified to sit in this Chamber. And not only that. I would go on to say this that as far as I am concerned I would be prepared to move an amendment to that section 12.

MR. CHAIRMAN: It's too late I'm afraid. We've taken a vote on it.

MR. JAMES M. BODDEN: With all due respect, Mr. Chairman, I was not the one who started to make the remark. The remark was made by the First Elected Member to Executive Council and I just enlarged on it.

MR. CHAIRMAN: I am going to put the question on Standing Order 13.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. Chairman, I would like to just say something about Standing Order 13. I know that there is no way Standing Orders can be changed in this respect because what is said in section 13 is similar to what is said in the Constitution. So we could not go contrary to the Constitution, but I would just like to point out that the way section 13(1) reads I find objection to it because it says that the quorum shall consist of seven Members in addition to the person presiding. Hypothetical point could be raised here that these seven Members could be the Executive Council, and that could compose your whole Legislature.

In all fairness I feel like that should have read that it would consist of a quorum of at least so many but there would have to be at least one Member, as we're called, from the other side or two Members maybe to constitute a quorum. This would have been the democratic way of doing it. But as it is

MR. JAMES M. DODDEN: (CONT'D): that way in the Constitution I'm not going to raise a fight over it because I know it cannot be changed.

QUESTION PUT: STANDING ORDER 13 AGREED TO.

CLERK: STANDING ORDER 14. ORDER OF BUSINESS AT A SITTING.

QUESTION PROPOSED:

MISS ANNIE H. DOBDEN: Mr. Chairman, in this 14(2) "On all other days other than Thursdays Government Business shall have precedence over private Members' business". In other words am I to understand that only on Thursdays can this horrible opposing crowd have any say, Sir?

HON. G.E. WADDINGTON: No, that's not the position, Mr. Chairman.

MISS ANNIE H. DOBDEN: I'm only reading what -- "On all other than Thursdays Government Business shall have precedence over private Members' business".

Number (3) says, "On Thursdays private Members' notices of motion shall have precedence on the order paper, to be followed by private Members' bills, to be followed by Government Business.". Do I understand, Sir, it is only on Thursdays that we can have any chat, Sir?

HON. G.E. WADDINGTON: No, not exactly. It means that if there is any other Government business for attention on days other than Thursdays then they would be considered before the other business. But on Thursdays it is just like Opposite, that private Members' business will be considered first before taking Government Business.

MISS ANNIE H. DOBDEN: In other words if we start a session on Monday, Tuesday, Wednesday they would be Government days.

HON. G.E. WADDINGTON: Yes, but if the Government business is completed that the private Members' business will be taken even on those days. It is a matter of precedence.

MISS ANNIE H. DOBDEN: Yes, Sir, then if we start on Thursdays and we couldn't get through on Thursdays what would happen after that then, Sir?

HON. G.E. WADDINGTON: Well, on Thursday the private Members' notices would get precedence, that would be taken. If it is not finished then it would have to be taken after the Government business has been finished first.

MISS ANNIE H. DOBDEN: And then we'd have to wait until the next Thursday to get it finished.

HON. G.E. WADDINGTON: Not necessarily.

MISS ANNIE H. DOBDEN: Could we then go on on Fridays?

HON. G.E. WADDINGTON: You could go on on Friday if there was no Government business to take precedence.

MISS ANNIE H. DOBDEN: Isn't that dovetailing what we might

MISS ANNIE H. BODDEN:(CONT'D): have to say in one day.

HON. G.E. WADDINGTON: No it is not curtailing it, just putting it off until the Government business is finished. It is not restricting you in any way. You'll reach a stage when all government business will have been finished and then now you will have your time.

MISS ANNIE H. BODDEN: Is there any such like stipulation in these Standing Orders here? The prior ones.

HON. G.E. WADDINGTON: No, I think this is new.

MR. CHAIRMAN: I think that the procedure is that once notice has been given to the Clerk whether it's official notice of official business or private Members give notice, properly given, to introduce business then the Assembly continues sitting until it is completed. We go right through. It would mean if any official business is completed and private Members' motions etc. remained on the Order of the Day then the Assembly would continue until that private business has been disposed of.

HON. V.G. JOHNSON: Mr. Chairman, I notice there is not an item on this agenda for the Confirmation of Minutes. How are Minutes confirmed?

MR. CHAIRMAN: I'm informed that the procedure in the House of Commons and most other Legislatures is that Minutes are not formally confirmed. The Clerk under Standing Order 7(8) is responsible for the production of all official reports, of all speeches made in the House. If Members then object to any record of these speeches these can be corrected by the Clerk in a future edition.

The Clerk has also referred me to Standing Order 7 which says that the Clerk shall keep the minutes and shall circulate a copy to Members before the commencement of the next sitting. That is as done now. So I think there is provision for correction without necessarily a formal adoption which apparently is not the House of Commons practice.

MR. JOHN D. JEFFERSON: Mr. Chairman, there is only one observation that I want to make under section 14. And that is I hear so many times in this House talk relative to being partial or what have you, in 14(a) where it says Prayers, the House is opened by Prayers. I think that is a good way to open any Parliament. The only thing that I am going to work to do something about is that when the House is opened by Prayer that we must also remember that there are other Churches in the Island. And as far as I am concerned I think that it would be as well for this Parliament in this exercise as in other exercises to recognise that there is not only one denomination as far as people that are capable of opening the House with Prayers; not necessarily capable but are permitted to do so. I would hope that in the future that the position in relation to Preachers that are coming to open the House with Prayer that the Government think in terms not only of one Church but that they recognise other Churches, other denominations. I think this is in order, I think it is time that we think in that direction.

MISS ANNIE H. BODDEN: Mr. Chairman, as far as I know, I don't know for how long it will be, but as of now the Presbyterian Church is recognised as the state Church. I daresay that in future

MISS ANNIE H. BODDEN (CONT'D): days the Anglican, who I believe is the English State Church, they might have pre-eminence. But after all it doesn't matter who prays first, they all pray. And I feel, Sir, that this custom has prevailed from time I can remember, and that I agree with the prayers, because the way that we quarrel and go on it must be devil inspired. But I would say, Sir, that the Presbyterian Church has always been recognised as the state Church and I will not agree to change it. When it comes to a shot Bowl and the Anglican Church is considered the Queen's Church, and they want to change that I suppose we will have to go with it. But as of now the Presbyterian Church of the Cayman Islands must remain as the Church that comes here, for the Ministers comes here to offer Prayer. Not that I am thinking now that the reading of a prayer has any effect. I feel that prayer should be something from the heart direct and I don't agree with this reading of prayers that is somebody else's thought. But I feel that prayer should be our hearts communication with God. If prayers mean anything that's what it means, not the words but the heart you might only say one or two words but it is the heart's desire before God.

And about changing up I am not agreeing to that.

MR. JOHN D. JEFFERSON: I have the greatest respect, Mr. Chairman, for the Members of that Church, in fact they are very close friends of mine. But on the other hand I don't think it creates the best impression because I think that we ought to remember that we shouldn't be selfish in anything, and I can see no reason why some other denomination shouldn't be asked to come here and open the House with prayer.

MR. CHAIRMAN: I think this is really something that needs a motion before the floor if we're going to discuss who is actually going to conduct the prayers. We're concerned now with simply getting or maintaining prayers in the Order Paper. If it gets too controversial I have known the Clerk reads the prayer in other places.

MR. JOHN D. JEFFERSON: I'll make that motion in due time Mr. Chairman.

MR. CHAIRMAN: We have two minor amendments to Standing Order 14. One is to put a heading in "Other Business" under (k) instead of "Business by Members other Members of the Government". That would be a new heading.

MR. G. HAIG BODDEN: Mr. Chairman, there is one small amendment on 14 the last line it says there "order prayer" it should be "Order Paper".

MR. CHAIRMAN: Correct. I was going to mention that in the second to last line the word "Paper" should be substituted for the word "prayer". And under 14(f) this should read simply "Questions to Members", to co-incide with Standing Order 20(2). Simply to keep the nomenclature similar through these Orders.

QUESTION PUT: STANDING ORDER 14 AS AMENDED APPROVED.

CLERK: PETITIONS AND PAPERS
STANDING ORDER 15. PRESENTATION OF PETITIONS.
STANDING ORDER 16. FORM AND CONTENT OF PETITIONS.
STANDING ORDER 17. NOTICE OF PETITION.
STANDING ORDER 18. PRESENTATION OF PAPERS.

CLERK: (CONT'D): STANDING ORDER 10. PRESENTATION OF PAPERS, STANDING ORDER 19. DEBATE UPON PAPERS.

QUESTION PROPOSED.

MR. JAMES M. BODDEN: I've got a question on 10(1). I am not sure in my mind exactly what this paper that came on in 19(1) will encompass. Could we be given an explanation sort of in its entirety as exactly what paper will come here.

MR. CHAIRMAN: As I understand it 10 and 19 is exactly what we're doing now. The paper has been presented to the House by the First Official Member and there has been a resolution to move into Committee, it's exactly as we are doing now. I think this is what is envisaged.

MR. JAMES M. BODDEN: Well, if that is so then I'd like to find out under 19(2), "No question shall be put on . . . any amendment proposed to, any part of the paper". If paper is going to have the same definition as what we're doing right now, which is preparing Standing Orders and so forth, and it could take the form of a bill even then before the House, because this in one sense is a bill.

How could you preclude us from making an amendment or asking a question on that paper. I just don't quite get that. Could it be explained to me by the Second Official Member?

MR. CHAIRMAN: If I can help on this, it's a procedure I am used to. Instead of voting on each particular amendment as one goes through perhaps a long complicated document, the mood of the House, the decisions of the House are noted by the person introducing the paper, at the end of it he then moves a motion to say that the paper be adopted with the following amendments. These are the amendments which have been agreed in Committee. And there can then be a further debate on the adoption of the paper as amended. It is rather like listing all the amendments in a Third Reading of a bill where Members are refreshed about what has been agreed in Committee. That I think is the procedure that's envisaged.

MR. JAMES M. BODDEN: In other words then, Mr. Chairman, once the bill is before the House we can comment on it and we can make recommendations to amendments. The amendments would not be voted on then individually. Is that correct?

MR. CHAIRMAN: I think that is the procedure. We're not talking about bills. This is a paper, it could be for instance take a report of a department, Medical Department Report the Member responsible for Health might want to take that through the House in Committee, get the House's endorsement of the policy contained in that report.

MR. JAMES M. BODDEN: Well, then, if it was something say that we didn't agree with they probably wouldn't want to bring that in then as a part of the report. How would we stand on that to know whether we can put it on it or whether we can't, under this order.

MR. CHAIRMAN: Well, I can only explain the procedure I am used to that would be that the First Official Member following a debate such as this introduced a motion that this paper

MR. CHAIRMAN:(CONT'D) be adopted with the following amendments. It's then open to any other Member of the House to move an amendment to that motion saying that other amendments be brought in. So I think if for instance a point which had been taken strongly on the floor of the House was not included in the amendments suggested by the mover, then it would be open to any other Member to move that that particular point was inserted.

MR. JAMES M. BODDEN: Let's put it then, this is a sort of hypothetical case, that the Member of Health was to move a paper before the House showing that the hospital should be painted green and the Members of this House or on this side let's say-feel it should be painted blue. So we would get up and say 'no we feel it should be painted blue', now that doesn't mean that he is going to accept that, so when he comes back with his report he is not going to say 'we accept the amendment put forward by the other side and it will be painted blue instead of green'. What I see happening here, Sir, is that we're leaving these amendments to the discretion of the Member proposing the Bill and it would mean that we'll never get an amendment through.

MR. CHAIRMAN: I think if the majority on the floor of the House is for a certain amendment to be made when the paper is presented for formal adoption with certain amendments then the same voices will prevail at that stage.

MR. JAMES M. BODDEN: What I'm really getting after, suppose he presents it without the amendments. He pays no attention to the amendments that we have put forward, so in winding up he says the bill or the paper is submitted as in its original form or something like that and we have debated for those amendments, we raised the points for the amendments but a vote is then taken. So it is no chance of getting an amendment to it because he has it - it is to the final stages then it is being moved for adoption rather than for amendment.

MR. CHAIRMAN: But that motion itself is subject to amendment. Any Member can move an amendment to that motion to say that a certain thing has been left out and it should be put in, a certain thing that has been suggested for modification should not be modified and so on.

MR. JAMES M. BODDEN: I see that point. The Member could do that but then what I am wondering is if from the Chair we couldn't get a ruling to say that under 19(2) of the Standing Orders it plainly states "that no question shall be put on any amendment proposed to any part of the paper,". A point completely out of order in proposing an amendment to it on the voting stage.

Maybe, I am wrong but this is the only way I can interpret it is what I read into this section. So I read section 19(2) it means that you can debate it but you cannot propose any amendments. And I don't know whether that is the wrong interpretation but that's plainly what I see written into 19(2).

MR. CHAIRMAN: There is nothing to hinder a Member suggesting that certain alterations be made, but you don't take formal amendments to the paper as it's considered in Committee. At the outset it then the formal amendments to that paper are proposed and if these are not accepted then the paper isn't adopted.

MR. CHAIRMAN: (CONT'D): And there is at that stage room to make formal amendments to the paper but not on the floor of the House in Committee.

MR. JAMES M. BODDEN: Well, I don't see then how you would ever get an amendment to it if you didn't agree with it. I am sorry that I am so dense on this but it does worry me because if we've got something before the House, we're spending the time of the House in debating it but yet you can't make any changes to it. Why are we debating it then in the first place? I consider that when things come for debate to the House they come to get the views and to get the majority vote, and if we are not able to raise an amendment to it, we can argue it but we can't raise the amendment and there is no way of getting the amendment accepted even by a majority vote, I can't see the sense in bringing it.

HON. G.E. HAGGINGTON: I think, Mr. Chairman, that the exercise that we're embarked on now would not be regarded as a paper. I think what we are doing here now is under the Constitution to revoke or revise or amend the Standing Orders whereby the process that we've just been going through now is similar to that of a Bill. When it comes to a paper then the position is different apparently under 19. Because a Paper is something presented by a Member of the Government and it is only presented, laid on the Table and a debate ensues and suggestions that Members might have as to recommendations or as to amendments that they consider should be made although the amendment cannot be made or the debate are brought to the notice of the Member presenting the paper, the paper contains proposals then the Member of Government who presented the paper can, following the debate in the Committee, subsequently move that the House approve the proposals set out in the paper without amendment or with such amendment as he may incorporate in it, as a result of the debate that took place in the House.

I don't think that on a paper, the debate on a paper as clause 19 now stands that any amendments can be moved by the House but only suggestions for amendments made which may or may not be accepted by the Member presenting the paper.

MR. JAMES M. ADDUCK: That's the way I interpret it too, and we're tying our hands completely. Because if we go back to section 18 Presentation of Papers, under 18(3). I am taking that a paper is being defined as all rules, regulations or an order made by the Governor under the authority of any law which are required to be laid on the Table of the House. Once you have made a regulation for instance in Executive Council, this was under the Health Bill that we debated here some months, Regulations for that Health Bill was submitted to the Assembly, let's say not for approval but for decency sake to let us see what was incorporated into it. Now if we agree to section 19 once 18 and 19 form a part of this Standing Order no regulations or rules or anything under that or orders that are made by you that come back to the House, we could debate them from now until kingdom come but we could not propose any amendments to them. If we proposed amendments it would be strictly in the beneficence of the heart of the Member presenting whether he accepted it at the end. And if he didn't accept that there is nothing we can do, we have no further recourse to block it or anything else. We have to accept whatever he brings forward under 18 and 19.

HON. G.E. HAGGINGTON: Mr Chairman, there is a difference between rules, regulations and Orders and Papers. Papers are dealt with in 18(1) and (2). But rules, regulations and orders once made under the authority of the law cannot be amended anyhow by any body except the body that made them. They're only laid on the Table of the House for information to Members of the House. There is quite a

HON. C.E. WADDINGTON: (CONT'D): difference between papers presented by a Member and rules, regulations and orders made under the authority.

MR. JAMES M. BODDEN: Right. The papers could include them anything, it could include a bill like we're talking about right here now. And if we pass this we have no right .....

HON. C.E. WADDINGTON: Just a matter of correction a paper could not include what we are doing now. What we are doing now is being done under section 31 of the Constitution.

MR. JAMES M. BODDEN: Alright, forget that part about this, we won't go back to the Constitution. But papers can include a bill.

HON. C.E. WADDINGTON: No, Mr. Chairman, definitely not. Separate provision is made in the Standing Orders for bills.

MR. JAMES M. BODDEN: Alright, it can then include a report from a Standing Committee or a report from one of the Members here, for instance the Member for Tourism could present a report to this House dealing with the activity of the Tourist Board.

HON. C.E. WADDINGTON: Yes, that would be a paper.

MR. JAMES M. BODDEN: Right. Let's deal with that one, follow it through. It could be something very detrimental in that report that the Members on this side of the House could see and perchance you could get eight Members on this side to see the same thing. Yet you can't change it because it is only going if that Member out of his own beneficence of his heart wants to change it.

HON. C.E. WADDINGTON: Well it is not the Member alone. If Members on the other side were very strong on any particular feature of the paper and suggested that an amendment should be made then the Member in consultation with the Government Members would have to give consideration to it.

MR. JAMES M. BODDEN: Yes, but what I am really getting after, Mr. Chairman, is this. It is true that that could be done but if you got the eight Members over here and the Member presenting it does not want to bring that amendment in the only recourse the Members on this side of the House would have then is to block the recommendation of it by a vote of 9 to 7. But that still doesn't mean that you can incorporate the amendment into it, because you cannot change it at all. All you can do is block the introduction.

HON. C.E. WADDINGTON: Unless you can persuade the Member by the force of your convictions on that side that it is a good amendment and the Member, I expect, if he acts reasonably, would suggest that the report be amended as suggested.

MR. JAMES M. BODDEN: That's true. This is the crux of the argument, it is left to the opinion of one man. And can you see me - I am going to put a good case before the House right now- can you see the Honourable Member for Tourism bringing a report to this House and the eight Members on this side of the House standing fire and disagreeing with some point that he has in that report and think that he is going to change it before he tables it.

HON. C.E. WADDINGTON: I'm afraid I can't speak for the

HON. C.E. WADDINGTON(CONT'D): Member for Tourism.

MR. CHAIRMAN: I think the point is that at the conclusion of examination in Committee if there's proposal for action then the Member presenting the paper must move a motion for its adoption, either as it was or with amendments. Now if there are eight Members who feel that a certain amendment ought to be made they would vote that the paper be not adopted.

MR. JAMES M. BODDEN: Right. They will negative the adoption of the paper, but even eight of them standing against seven they cannot move an amendment to it. All you can do is block the introduction of it, or the acceptance of it. You cannot move an Amendment. This is a very important point, because it might be something that is causing the Government a lot of money. And the eight Members on this side might see it different, as it were, where they might save the Government that money, and because you cannot convince the Member that is moving it all you can do is go on spending the money until the House can convene again and another motion comes before the House. You cannot amend it. All you can do is block the introduction of it being laid on the Table.

HON. A.B. BUSH: If you block the introduction of it don't it fall away then. There is no paper at all.

MR. JAMES M. BODDEN: Yes. The policy goes on when it is something that you maybe change and save yourself for instance money or save yourself an embarrassing position by a simple amendment. But you can't do it. You'd have to wait and bring it back in under the Standing Orders again maybe in the next sitting or maybe in six months.

I think one side can live under it just as good as the other, but I am only trying to show what in my opinion is the weakness of this particular point. Because it can cause trouble. I mean I'll vote on it either way it doesn't make much difference to me, but I am only showing that I think it is a very weak thing the way it is put together here.

Mr. Chairman, I think that the real crux of this matter will be found in the second line to the last line in subsection (3) of section 19 where it says,"without amendment or with such amendment as he", now remember the "he" is the Member of Government, "may incorporate in the motion arising out of consideration in the Committee,". And it is only if he is willing to put in any changes although eight Members over here may say the change should be in. It is only if he alone wishes to put that in that it will be put in.

HON. G.E. WADDINGTON: I should think that at that stage, Mr. Chairman, that if the Members on the other side had suggested an amendment in Committee and the Member refused to incorporate such an amendment they would either oppose the proposed motion or make a statement that they would only approve of the motion if such and such an amendment was put in. In which event the Member would then have the alternative either of having the whole thing defeated or agreeing to it with the amendments.

MR. JAMES M. BODDEN: That's the Argument that I've

MR. JAMES M. BODDEN: (CONT'D) : been putting up on this whole thing, is that that is the only thing that can be done. The only thing that can be done is for it to be negatived from this side of the House which would leave the Government in an embarrassing position maybe, or in a position where it is costing you a lot of money.

I don't see why the Members of the House on this side should agree to tie their hands in this respect that they do not have the right to make an amendment or propose an amendment. Propose an amendment let it be carried by popular vote. If it can be carried by the other side with the help of this side fine. But why cannot we put it to a vote. Everything else based under our Standing Orders we can put to a vote, why is it that in this particular case we cannot put it to a vote for an amendment. I can't reason within myself why that power is wanted.

MISS ANNIE H. BODDEN: Mr. Chairman, if I may ask the Second Official Member , is there any such clause in our present Standing Orders that would deprive us of the right to have an amendment. Is there any such - because if there is not we are going backward.

HON. C.K. WADDINGTON: Well,the present provision for presentation of papers and reports is contained - the provisions are contained in Standing Orders 15, 16 and 17.

Standing Order 16 says, "that when a paper containing recommendations for specific action to be taken has been tabled any Member may move that the recommendations contained therein be adopted, modified or rejected, And if the motion be seconded and unopposed the President may forthwith and without debate put the question thereon.". A motion moved and seconded under paragraph (1) "shall where it is opposed be deemed to be an original motion of which notice has been duly given", and the debate can take place on it and it would appear that the motion, as the wording of the section says, "may either be adopted, modified or rejected", as the case may be.

MR. JAMES M. BODDEN: That's right. We have the power at the present time to modify it, it doesn't say what modification means, whether it means an amendment or what. But we can change it by enough votes. And if we accept this we are going backwards instead of forwards.

MISS ANNIE H. BODDEN: Mr. Chairman, could such a stipulation be included here to safeguard everybody; because this says here 16(1) "when a paper containing recommendations for specific action to be taken has been tabled any Member" it doesn't matter which side, "may move that the recommendations contained therein be adopted, modified or rejected,", and I feel that that stipulation should be included in this.

MR. CHAIRMAN: There is I think an important principle whereas Standing Order 15 at present envisages debate in the House as a whole which only allows Members to speak once. The new procedure gives a debate on general principles under 19(1),then debate in Committee where the Bill is examined in great detail and finally a motion for approval taking account of the debate in Committee with or without Amendments. And at that stage there would be the provision for amendments made to that final motion.

MR. CHAIRMAN: (CONT'D): So there is a fairly long detailed examination to this paper giving Members the opportunity to speak as often as they want, compared with 16, where as I see it, the motion for the adoption of the report is taken in the Assembly as a whole and not in Committee.

MR. JAMES M. DOWDEN: Yes, Sir, but it is true that we have a lot of latitude as far as speaking on it. But what my point is is that no amendment, and this amendment could be detrimental not having it included. It would mean, let's say that the First Elected Member to Executive Council is presenting an overall paper dealing with the construction of the dock and it is some minor thing in there that the eight Members on this side of the House would see that they wished to be changed. For the only way they can get that changed, unless he is willing to do it, is by negativing the whole report which would be stupid. But that would be the only way, you would have to stand on your belief that you're right, is to negative the whole report.

HON. G.E. WADDINGTON: Mr. Chairman, I think that when the motion comes up for approval in the House surely any Member of the House can then move an amendment. It's in the House now, it's not in Committee any more it's in the House now. It's a motion before the House. And the Member who proposed the motion he proposed it with such amendments or without amendments as he considers fit, but any Member of the House can then propose such amendments as he thinks fit and the matter would be put to the vote.

MR. JAMES M. DOWDEN: But how are you going to put an amendment to it when Standing Order 19(3) says no question shall be put on.

HON. G.E. WADDINGTON: That's in Committee. But you see when it comes to section 19(3) when the proposal is now being moved in the House then surely any Member of the House can then move an amendment to the motion as has been proposed by the Member and that goes to the vote.

MR. JAMES M. DOWDEN: But this has got to be dealt with in Committee.

HON. G.E. WADDINGTON: It has already been dealt with in Committee. There was a debate in Committee and in Committee the Members have aired their views and suggested that this amendment and that amendment should be made.

MR. JAMES M. DOWDEN: And the Member doesn't make it.

HON. G.E. WADDINGTON: He doesn't make it.

MR. JAMES M. DOWDEN: So we negative it.

HON. G.E. WADDINGTON: No, no you don't negative it in Committee. In Committee he now has to come back before the House.

MR. JAMES M. DOWDEN: No, no we could negative that acceptance in Committee if we got eight Members voting against seven and it cannot be adopted.

HON. G.E. WADDINGTON: Under 19(2) "No question shall be put on, or any amendment proposed in Committee", it is only a discussion, a discussion in Committee, the views are aired and everybody knows what the views of the other side are and what amendments they are suggesting.

Now when it comes for the paper to come before the House now, "following consideration in Committee,", this is under (3) the Member "subsequently may move that the House approve the proposals set out in his paper, ... And if he did not incorporate the suggested amendments which had been made in Committee then the Members on the other side could move an amendment before the House to the paper. And that amendment would be considered and voted on in the House.

MR. JAMES M. BODDEN: What part of the Standing Orders are we going to stand on to bring that forward, because it is not here.

HON. G.E. WADDINGTON: It's in (3).

MR. JAMES M. BODDEN: Where? Mr.

HON. G. E. WADDINGTON: The Member is moving before the House now that the proposals be approved. But the House isn't going to approve it.

MR. JAMES M. BODDEN: Mr. Chairman, I would like them to put a question to you. We're in Committee and for that bill or order or paper or whatever you want to call it, move out of Committee there has to be a vote on it. So when that vote is taken you've got seven Members on that side that say 'yes' you've got eight Members on this side that say 'no'. That is negatived, that cannot go back then to the open House because it is negatived in Committee. Now I want to find out when it is negatived in Committee how you're going to get it back into the full House.

HON. G.E. WADDINGTON: Mr. Chairman, the position under 19(2) is that it cannot be negatived in Committee. It is only a discussion, a debate in Committee on the merits; and now it has to be brought back before the House, so that's where the House has the power now to put an amendment or to negative it completely.

MR. JAMES M. BODDEN: What part of section 19 then gives us the power in the House to amend it.

HON. G.E. WADDINGTON: 19(3).

MR. JAMES M. BODDEN: 19(3) gives us the power to amend it.

HON. G.E. WADDINGTON: Yes, when it comes before the House. Because the House has to approve the proposals.

MR. JAMES M. BODDEN: We can negative it.

HON. G.E. WADDINGTON: You can either negative it or .....

MR. JAMES M. BODDEN: We can negative it but we cannot put an amendment.

HON. G.E. WADDINGTON: Surely you can. An amendment can

HON. G.E. WADDINGTON: [CONT'D]: be made to any proposal before the House. It is an amendment to a motion. You see the Member would have moved a motion for the approval of his proposals, it is a motion that he has moved. And like any other debate on any other motion any Member can move an amendment. And in the same way that you would move if you wanted to negative it completely you could move your amendments and if eight of you agreed to the amendments the amendments would pass.

MISS ANNIE H. HODDEN: Mr. Chairman, would it be any harm to make things very clear that we could put some of this stipulation that is in 16(1) in the old Standing Orders. "When a paper containing recommendations for specific action to be taken has been tabled any Member may move that the recommendations contained therein be adopted, modified or rejected, and if the motion is seconded and supported the President may forthwith and without debate put the question thereon.". Would that not make it emphatically clear that there would be no misunderstanding as to what actually we mean.

HON. G.E. WADDINGTON: Mr. Chairman, when we come to 19(3) there is a motion before the House like any other motion, a motion that the House approve the proposals set out by the Member in a paper in which he has refused to make the amendments suggested by the Committee. It is a simple motion and any Member can get up and move an amendment to that motion to incorporate such amendment as you consider necessary. And that is voted on. And if eight on that side vote for the amendment then the paper goes through with that amendment.

I think it is really very simple.

MISS ANNIE H. HODDEN: It must have been some reason when these dumb people whoever they were in 1960 put in this stipulation, and I feel that we could do nothing wrong if we spelt it out because ....

HON. G.E. WADDINGTON: Well, you see the position, Mr. Chairman, is that under 16 - 16 is dealing with a paper which has come before the House without any previous discussion in Committee. But the paper referred to in 18 and 19 have been discussed in Committee. The Members know about it and they know what amendments they want, and now they come before the House and now that's their opportunity to make their amendments, to make their motion for an amendment.

MISS ANNIE H. HODDEN: Do I understand then to say, Sir, that these recommendations in this old Standing Orders they were made in Committee. Now we must go back to the House and get these whatever stipulations we want put in in the full House.

HON. G.E. WADDINGTON: No, Mr. Chairman, 16 deals with papers which have never been before a Committee. Papers presented by a Member containing recommendations needn't have gone before the Committee at all. And so that is why the opportunity is given to the Members to adopt, modify or reject because it is the first time they are hearing about these papers. But under the new procedure under 19 these papers are discussed in Committee, fully discussed in Committee. And the Members then have their opportunity when it comes before the House for approval to voice their views there and ask for any amendments they consider necessary by a counter-motion, by an amendment, an amendment to the motion proposed by the Member

MR. CHAIRMAN: I wonder if it might help this point if when we come to Standing Order 24(9) saying what motions may be made without notice, if we specifically included a provision "amendments to a motion moved under Standing Order 19(3)", this would make it quite clear that if a Member was moving a motion following examination in Committee and he didn't put in the amendments which seemed to be the wish of the House then any other Member would have the right to move an amendment to that motion.

I think it is implicit now that it might reinforce the rights of Members to move an amendment if we specifically referred to this under 24(9).

MR. G. RAIG FODDEN: There is only one thing about it, Mr. Chairman, it appears to me that the Committee stage would be the best place to make minor amendments. Take the case quoted by the other Member from Bodden Town, if government had tabled a paper outlining the construction of the new dock and the Members were in agreement with it, but there was some minor matter in that paper with regard to the number/berths or whatever minor matters there could be, the Committee stage would be a better place to iron out these amendments than when the House is in formal session.

The practice we have now is that the Committee stage is where we would deal with these specific details. And in fact since it sets out that there would be a debate I believe, it says something about a debate on - the debate in Committee may extend to all the details of the paper. So if in the Committee debate extends to the details why shouldn't we deal with the amendments, the detailed amendments in the Committee rather than bringing all of that back to the House.

In other words I think what is involved here is where we do all the donkey work on this. Is it when the House is in formal session or is it in the Committee stage?

HON. D.V. WATLER: As I see it, Mr. Chairman, you'd be having an argument in the Committee over any proposed amendments, then when you come back to the House and the motion is placed then you're going to have a counter-motion for amendment, you'll go all over that argument a second time.

HON. C.E. WOODSWORTH: No,I shouldn't think so, Mr. Chairman, because it is a Committee of the whole House and once the matter has been aired in the House all that the Member has to do if the Member presenting the paper does not incorporate in his motion for approval the amendments which were suggested in Committee, then all the other Members on the other side have to do is to move an amendment. And a vote can simply be taken on the amendment. The whole thing needn't be gone over again at all. The donkey work has in fact been done in Committee and it is purely a formal motion to amend in the House.

HON. D.V. WATLER: I agree with you, but then you could find Members wanting to air their views a second time.

MR. CHAIRMAN: I think I am going to suspend for fifteen minutes at this stage.

HOUSE SUSPENDED
HOUSE RESUMED.

MR. CHAIRMAN: Proceedings are resumed. If there is no further debate on these Standing Orders I think I'll put the question.

QUESTION PUT: MOTION, STANDING ORDERS 15 TO 19 APPROVED.

CLERK: STANDING ORDER 20. SCOPE OF QUESTIONS
STANDING ORDER 21. NOTICE OF QUESTIONS.
STANDING ORDER 22. CONTENTS OF QUESTIONS.
STANDING ORDER 23. MANNER OF ASKING AND ANSWERING QUESTIONS.

QUESTION PROPOSED.

MR. JAMES M. BODDEN: Mr. Chairman, in 21 I would still like to go back to the old Standing Orders a bit here and ask that we consider inserting some specified time. That would be in 21. On 22, dealing with questions, 22(f)(i) and (ii) I feel like under (f)(i) that an answer should not be refused unless it is something of really grave national importance and under (f)(ii) "in their nature secret". This again, Mr. Chairman, is very,very broad. What one Member may consider to be secret might not be considered secret by, say the majority of the Members of this House and I just wonder if it was not some way we could better clarify that. Under 22(f)(iii) "raising questions of policy too large to be dealt with within the limits of an answer". That again, Mr. Chairman, is very,very broad and it could serve as a cloak for the Member to give us an answer or not or to refuse to answer the question. And I would either like to see those amended in some way or taken out.

Under 22(f)(i) I would propose an amendment to that, that that stop at the comma after Question "or to which an answer has been refused" is struck out because in my opinion no answer should be refused. And under section 22(f)(ii), "seeking information about matters which are in their nature secret", add the words "as may be determined by the President of the Assembly".

MR. CHAIRMAN: I think this is already implicit under 22(1).. The Presiding Officer is the sole judge of what is secret.

MR. JAMES M. BODDEN: Yes but, Mr. Chairman, I submit that is partly correct. But we could pose a question to one of Executive Council Members and they may refuse to answer it under it being information of a secretive nature and you would be the sole judge on that, but yet none of us on this side of the House would know any of the relevancy on it as to why it is secret.

MR. CHAIRMAN: I think this relates normally to matters of defence, national security - things of this kind. The Clerk would defer any questions which had been submitted to the Presiding Officer to ask if it is proper for this to be put in the Order Paper. Once it has gone in the Order Paper, as I see it then there is an obligation for the Member responsible to reply.

MR. JAMES M. BODDEN: O.K. I'll accept your ruling on that,Sir. But under section (f)(xii) I would really like to see that think out Sir, "raising questions of policy too large to be dealt with within the limits of an answer . unless we had something there that the Member would then propose to bring that to a motion of the House that it be dealt with on a motion, but not to just kill it by saying that I cannot answer it because it's too large a policy within the limits of an Answer.

Mr. Chairman, I'm prepared to go to a vote if the rest are if nobody wants to comment on it. Sir, so we can get through with this this evening.

MR. CHAIRMAN: The Honourable Member still wishes to press the deletion in (f)(i)?

MR. JAMES M. BODDEN: No, Sir, I'll just vote against it.

QUESTION PUT: AGREED. STANDING ORDERS 20 TO 23 APPROVED.

CLERK: MOTIONS AND AMENDMENTS TO MOTIONS.

STANDING ORDER 24. CONTENT AND NOTICE OF MOTIONS AND PROCEDURE THEREON.
STANDING ORDER 25. AMENDMENTS TO MOTIONS.
STANDING ORDER 26. FORM OF QUESTION ON AMENDMENTS.
STANDING ORDER 27. AMENDMENTS TO AMENDMENTS.

HON. W.W. CONOLLY: Mr. Chairman, before we pass over that there are two consequential amendments to be made in the times in 23. When these 3.30 there - you see in 23(7) and 23(8) I think the 3.30 was put in when we figured to start at 2.30. I think we should amend this now to - since we have gone back to the ten o'clock, to say eleven o'clock.

MR. CHAIRMAN: This is a consequential amendment following the decision of Committee to amend the hours. So 3.30in in Standing Order 23(7) and 23(8) would be amended to 11 a.m.

MR. JAMES M. BODDEN: I think that could be automatically made.

QUESTION PROPOSED.

MR. JAMES M. BODDEN: Mr Chairman, on 25(2), "not less than two days' notice shall be given of an amendment to a motion". I agree that we should give written amendments to the Clerk because I think it would help facilitate getting business through the House but I could not completely agree with it, Sir, because in discussing things in the Committee section it is many times you will be able to get a different approach. And by listening to the other Members you might see then that your Amendment might not hold as much water as you figured it did, and by the same token you may also find that after discussing something that it would be appropriate to have an amendment. Yet if we have got this in as mandatory you could not put an amendment of that nature.

HON. D.V. WATLER: About section 25(2), it says something about "an amendment to a motion may be moved after question upon the motion has been proposed.".

MR. JAMES M. BODDEN: I think that section 2 is very,very broad. We should give Hansard consideration because you cannot even propose an amendment to an amendment unless you've given two days' notice. And how are you going to do that when you are already in Committee and you are dealing with an amendment that is on the floor at that time - in other words the rest of the Members of the House

MR. JAMES M. BOUDEN: would probably not even know that there was an amendment proposed by a Member on two days' notice and how are you going then to propose - suppose someone stays on the limits of it, we got a bill coming before the House on Wednesday morning and on Monday morning a Member comes in and hands to the Clerk a list of amendments that they propose , that is the first thing on the Order Paper Wednesday morning, so no Member has been able to know that it was an amendment proposed. So you cannot then even propose an amendment to that amendment because it's coming before the House on Wednesday morning - you have no time at all to deal with it and I cannot agree to this, Sir,because it will mean that - I think first of all we're not going to have many intelligent amendments proposed into the House if we got to stand on a two day limit.

And the next thing is that it precludes anybody making an amendment to an amendment. Now this in my estimation should come out of it completely - it is a very important part of this because it's going to block proceedings in this House.

MR. CHAIRMAN: I'm told that the committee can look into account the necessity when amendments are made to bills and so on, that there is time to consider their ramifications in relation to other clauses in the bill, and that that it was assumed that the amendments would be circulated to all Members before the debate ensued on the original motion.

MR. JAMES M. BOUDEN: Yes Sir, on the original amendment maybe. But what about an amendment to an amendment which happens nearly every time that we're in committee stages in this House? How are you going to propose an amendment to an amendment when you.....

HON. P.V. MATHEW: That's simple, very simple.

MR. C. CRAIG BOUDEN: Mr. Chairman, I think 27 (1) would cover that. It says " an amendment to an amendment may be moved at any time".

HON. G.E. WADDINGTON: Well it would not really, Mr. Chairman because notice would still have to given under subjection (2) of 25 and it seem to be impossible to give two days' notice of an amendment to amendment if you only get two days notice of the amendment itself.

MR. JAMES M. BOUDEN: Sure, you can't do it. If the House is commencing session on wednesday morning and it's a bill before the House on Wednesday morning, at any 10.30, unless this Standing Order would have to be, say eleven oclock. So you have got the two days' and the amendment came in by a Member on Monday morning, so it is going to be circulated then to the House Wednesday morning. Now anyone who wishes to make an amendment to that amendment cannot do it, this precludes him from making that amendment because he has to give two days' notice also.

HON. G.E. WADDINGTON: I think that's a valid point Mr. Chairman.

MR. CHAIRMAN: Would it help if the words "or an amendment to an amendment to a motion" be taken out? Would that meet the Honourable Member's point?

MR. JAMES M. BOUDEN: Request that, Sir, please.

MR. CHAIRMAN: If we left in "not less than two days' notice shall be given of an amendment to a motion " and then took out "or an amendment to an amendment to a motion" so that one's asking for two days' notice of an amendment but it would allow an

MR. CHAIRMAN (CONT'D): amendment to that amendment to be made on the floor.

MR. JAMES M. BODDEN: Yes Sir, I would quite agree with that. Leaving it this way Sir, hoping that whoever is in the chair, let's say in this case will use some discretion that if it is a valid amendment that in coming to it that he would not be ruled out of order just right away as he brings it up but at least the proposal would be done there - he would be able to speak on an amendment, because I know occasionally my colleague and myself here will have several amendments that we plan to put before we come into the House. But after we get in here and listen to the opinion of other Members here - although some of them might not believe so, we change our minds on those amendments. And I think that at that point, if it's a valid one something should be put in there that the Member - you know that at least the Member would be able to present it to the floor or something because I feel like we stand to preclude alot of good amendments that could come forward if we leave it like this Sir.

MR. CHAIRMAN: There is provision of course, that the Presiding Officer in exceptional circumstances, to permit an amendment to be moved without notice and we're fairly flexible, on this, I think, in this House.

MR. JAMES M. BODDEN: In your case, to be very frank, Sir. I'm not trying to butter you up, but I believe that you would use that with alot of discretion. But we have had occasions when other people would not have done it.

HON. G.E. HADDINGTON: I think the object of the two days' notice, Mr. Chairman, is so as to give enough time for the amendment to be considered so that a reasonable debate can be had on the amendment, meaning full debate.

MR. JAMES M. BODDEN: No, I consider that worthwhile - the two days'. I can see the reason for that. But the only thing I'm saying is that it could be some case that we might lose sight of a good amendment that a Member could put forward, but the two days' precludes it. I am quite willing with what has been done by striking an amendment to an amendment out. But we still have to hope that this will be used with discretion.

MR. CHAIRMAN: Well we've taken care of the proposal that these Standing Orders be approved, 24 to 27.

MR. G. HAIG BODDEN: Mr. Chairman, just before we pass over 24. I noticed that in the old Standing Orders dealing with motions that could be brought without notice. We included a motion for the suspension of a Standing Order and that is missing from these new ones. Should not that also be included - / motion for the suspension of a Standing Order could be brought without notice?

HON. W.K. CONOLLY: That's 82. That's to change the complex suit. You have to give one day's notice on that - suspension of Standing Orders, Any one or more of these Standing Orders may be suspended by the House on a motion of which one day's notice has been given.

MR. JAMES M. BODDEN: To change Standing Order 82 - dealing with something in committee is not going to help you at all anyhow. If you got/give one day's notice and you are debating a bill just to get the Standing Orders waved you're not going to put forward another day of the bill in committee.

HON. W.W. CONOLLY: I was thinking in reference to the point made by the other Member that this was one of the times when a motion could be made without notice. But I noticed in these Standing Orders that it/ refers to the suspension of Standing Orders, one day's notice. I suppose this is a point that is debatable.

MR. G. CRAIG BODDEN: Normally, Mr. Chairman, the suspension of Standing Orders is not a planned thing - it is something that arises as an emergency, and if you have to give a day's notice you would have to shut down the House. So I think we should include that suspension of Standing Orders in the motions that can be made without notice and then when we come to 82 we would automatically delete that.

HON. W.W. CONOLLY: With this you could make a mockery out of your Standing Orders because if somebody here had the support of the House, you could raise a motion for the suspension of Standing Orders to do anything.

MR. G. CRAIG BODDEN: We have that in the old Standing Orders now and we don't make a mockery, in fact it is seldom ever used except by the Government Members. I can think of the passage of bills when you want to take the three readings on one day. It is used almost continuously by the Government Members, and you're not making a mockery of the Standing Orders.

HON. W.W. CONOLLY: We're trying to get away from that. We're trying to give people time to study the bill you might change your mind on. I think it is in your favour.

MR. CHAIRMAN: If there is no further comment I'll put the question and this is taking account of the proposed amendment to 25 (2) that the words "or an amendment to an amendment to a motion" be struck out.

QUESTION PUT: AGREED. STANDING ORDERS 24 TO 27 AS AMENDED APPROVED.

CLERK: PRIVILEGES, MESSAGES, STATEMENTS AND PERSONAL EXPLANATIONS.
STANDING ORDER 28. MATTERS OF PRIVILEGE.
STANDING ORDER 29. MESSAGES FROM THE GOVERNOR.
STANDING ORDER 30. STATEMENTS BY MEMBERS OF THE GOVERNMENT.
STANDING ORDER 31. PERSONAL EXPLANATIONS.

MR. CHAIRMAN: There's one amendment down to Standing Order 29 that the word "Government " in the second line be deleted in view of the provision of Standing Order 14 (3), so it is at the commencement of business - the amendment suggested.

QUESTION PUT: AGREED. STANDING ORDERS 28 TO 31 AS AMENDED APPROVED.

CLERK: RULES OF DEBATE
STANDING ORDER 32. TIME AND MANNER OF SPEAKING.
STANDING ORDER 33. OCCASIONS WHEN A MEMBER MAY SPEAK MORE THAN ONCE.
STANDING ORDER 34. INTERRUPTIONS.
STANDING ORDER 35. CONTENTS OF SPEECHES.
STANDING ORDER 36. SCOPE OF DEBATE.
STANDING ORDER 37. ANTICIPATION.
STANDING ORDER 38. CLOSURE OF DEBATE.
STANDING ORDER 39. RULES FOR MEMBERS NOT SPEAKING.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. Chairman, I raise objection in Standing Order 39. I can see the relevancy for 39 (b) to a certain extent, but I can also see the point that this could be abused, and let's face it, I mean we are dealing here with Members of the Legislative Assembly and people who should have quite a bit of intelligence, and to put a ruling against them to say that you could not read books, newspapers, letters or other documents unless they relate to the business before the House I think is very broad and it could be abused. I can't see how you could police this, No. 1, as to what I'm reading over here - whether the serjeant is going to come and look over my arm and pick up the piece of paper I got in my hand, or the book or what. And I think that when we're dealing with such a thing as a Legislative body of the Island we should give them a little bit of latitude in figuring that they are intelligent enough not to be using the time of the House coming here to read, say comic books while the business of the House is going on. I mean I do think that this is a little bit of impuning the intelligence of the Members and I don't think that I could agree to this Sir.

Alot of times I pride myself that I do pay attention when I'm in this Assembly to everything that is going on. But from time to time I have read magazine articles that in one sense might be considered irrelevant to the point that is before the House at the present time, but by the same token I could argue that the point I'm reading in that book is giving me some intelligence to debate something that is coming on the House floor, and who is going to really determine and police it whether I'm right or wrong. This is one thing I think we have got to leave strictly to the intelligence of the Members in hoping that they are intelligent enough not to do this. To me this is like saying that you are in Kindergarten class.

MISS ANNIE H. BODDEN: Mr. Chairman, in regard to 35 (3) - "it is out of order to use offensive or insulting language about other Members". Now when we say "it is out of order" does that carry any kind of penalty or anything along with this?, because I would really like to see some stipulation put there that Members adhere to that because as it is in this chamber now most of the times that's all we use - offensive and insulting language Members on both sides use it. So can we put something there that will be some, in other words fine something done to them, just not think he is out of order. They're dispensed for the day or whatever it is because we don't want this chamber to go on, this drama of rowing.

MR. JOHN D. JEFFERSON: I would submit Mr. Chairman, with the greatest of respect that we get away with things in here that probably would'nt go anywhere else. Under Standing Orders we find that it speaks about impuning members and other things, I know that's done here in this chamber and I don't know what else you could do except what you say here.

MR. G. HAIG BODDEN: Mr. Chairman, we need to have that to say that it would be out of order to use offensive or insulting language about other Members, we certainly need that, but it would hard to state what is insulting language or what is offensive because .....

HON. G.E. HADDINGTON: Mr. Chairman, all that goes to matters within your discretion under 40.

MR. JOHN D. JEFFERSON: Also (4) says "no Member shall impute improper motives to other Members". That's almost a daily occurance.

MR. CHAIRMAN: I think the difficulty in this is that it's quite proper if some Member is using parliamentary language to say things which cannot be construed to any individual for this is fairly easy to arbitrate in the House of Commons may not be so easy in a chamber with

MR CHAIRMAN (CONT'D): only fifteen Members. So that sometimes it MAY be obvious to other Members of the House, who is being got at as it were, but no business specifically named and it is very difficult sometimes for the Chair to intervene. Remember that the chair is always open to arbitrage on points of order raised from the Floor and there is ample disciplinary powers under Our Standing Orders for the Chair to insist on a withdrawal or Ruling to be adhered to. It depends I think entirely on Members of the Chamber to use temperate language and not to give offence in debate.

MR. JOHN D. JEFFERSON: I think we don't give enough thought to it alot a times it's not because the member does not agree with you that you have, any Member, right to abuse him, or impute improper motives to what he has done.

MR. CHAIRMAN: The Clerk has just drawn my attention to an article in the Parliamentarian, about the Australian Parliament where such terms as "dingo", "mongrel dog", "a babbling didgeridoo" as used in debate. So perhaps we're not as bad as we think we are.

MR. JOHN D. JEFFERSON: That's probably true but I feel Mr. Chairman with the greatest of respect that the type of debate has been deteriorating in the House in my opinion.

MR. JAMES M. BODDEN: Mr. Chairman, I can't let that go without a challenge to it. I think the debate in this House in the last four years has been excellent Sir. I've just begun to read the hansard and I've even been reading what the Honourable Fourth Elected Member has been saying and I think it's been a good standard of debate.

MR. JOHN D. JEFFERSON: Well that's a matter of opinion Mr. Chairman. I submit "no".

MR. JAMES M. BODDEN: I will say that in my opinion, by perusing the hansards that the debate by the Second Elected Member for West Bay is not as good as the Fourth Member from Executive Council Sir.

MR. JOHN D. JEFFERSON: I submit that it's the First Elected Member from Bodden Town.

MR. CHAIRMAN: I think we're getting on to the grounds that we're trying to avoid.

MR. JOHN D. JEFFERSON: That's exactly it. I would say we know what we're talking about.

MR. CHAIRMAN: There is an amendment down to Standing Order 36 (2) in line two. The word "not" should read "now".

MR. G. HALIC BODDEN: Mr. Chairman, just before you put the question. I'm not sure if we had come to a decision on 39 (b) about not being able to read books and so on unless they relate to the business of the House.

MR. CHAIRMAN: I think this is copied from nearly every Commonwealth Parliamentary Standing Orders and I think the speaker in the House of Commons, put it recently that there are occasions when the speakers' wig falls over the speakers eyes, in other words it's not likely to be a matter of which is observed from the Chair unless there is a gross discourtesy to say to the House.

MR. G. CRAIG DOCKEN: Because I noticed Mr. Chairman, there's nothing to prevent you from writing a letter.

HON. W.W. CONDLIN: Mr. Chairman, I'd like to draw the Member's attention to 37. I might have been a little premature in raising the point couple days ago about anticipation of a bill debate.

MR. CHAIRMAN: I think there are minor provisions that if we found as an Assembly that the new Standing Orders didn't work out in practice that in minor matters like this there would be opportunity to consider amendment/from / in the future. I'm sure that this is copied from proceedings in the House of Commons and I think it's a common feature of other Standing Orders.

QUESTION PUT: AGREED. STANDING ORDERS 32 TO 39 AS AMENDED APPROVED.

CLERK: ENFORCEMENT OF ORDER

STANDING ORDER 40. RESPONSIBILITY OF PRESIDING OFFICER FOR ORDER.
STANDING ORDER 41. BREACHES OF ORDER.

QUESTION PUT: AGREED. STANDING ORDERS 40 TO 41 APPROVED.

CLERK: VOTING

STANDING ORDER 42. DECISIONS OF QUESTIONS.
STANDING ORDER 43. METHODS OF VOTING.

QUESTION PUT: AGREED. STANDING ORDERS 42 AND 43 APPROVED.

CLERK: PUBLIC BILLS

STANDING ORDER 44. NOTICE OF PRESENTATION OF BILLS.
STANDING ORDER 45. EXAMINATION OF BILL
STANDING ORDER 46. READING OF BILLS.
STANDING ORDER 47. BILL TO BE READ THREE TIMES.
STANDING ORDER 48. SHORT TITLES.
STANDING ORDER 49. COMMITTAL OF BILLS.
STANDING ORDER 50. FUNCTION OF COMMITTEES ON BILLS.
STANDING ORDER 51. PROCEDURE IN COMMITTEES ON BILLS.
STANDING ORDER 52. AMENDMENTS, NEW CLAUSES AND NEW SCHEDULES.
STANDING ORDER 53. REPORTING OF BILLS FROM COMMITTEE.
STANDING ORDER 54. THIRD READING.
STANDING ORDER 55. RECOMMITTAL OF BILLS.
STANDING ORDER 56. CUSTODY OF BILLS AND ASSENT THERETO.
STANDING ORDER 57. GOVERNOR'S AMENDMENTS.
STANDING ORDER 58. WITHDRAWAL OF BILLS.
STANDING ORDER 59. BILLS HAVING SAME SUBJECT MATTER.

MR. CHAIRMAN: Honourable Members will notice there are Amendments down to Standing Order 52 (9). Note that, in line 2 it should be "paragraph (8)" and not "paragraph (7). And to Standing Order 56, line 3, the word "this" should be deleted - "present them to the governor for assent". If Members will consider those clauses as amended.

MR. JOHN T. JEFFERSON: Mr. Chairman, I got amendment 52 (9). What was the amend?

MR. CHAIRMAN: I did not catch the Honourable Member's remark.

CAPT. C.T. KIRKCONNELL: Number 56 Sir, would you please repeat that.

MR. CHAIRMAN: The amendment proposed to Standing Order 56 in in line 3 to delete the word "this". The other one is in 52 (3) deleting the figure "7" and substituting the figure "0".

QUESTION PUT: AGREED. STANDINGS ORDERS 44 TO 50 AS AMENDED APPROVED....

CLERK: PRIVATE BILLS

STANDING ORDER 60. SCOPE OF PRIVATE BILLS.
STANDING ORDER 61. PRESENTATION TO THE HOUSE.
STANDING ORDER 62. PROCEDURE ON PRIVATE BILLS.

QUESTION PUT: AGREED. STANDINGS ORDERS 60 TO 62 APPROVED.

CLERK: FINANCIAL PROCEDURE

STANDING ORDER 63. PRESENTATION AND SECOND READING OF APPROPRIATION BILL.
STANDING ORDER 64. PROCEDURE IN FINANCE COMMITTEE ON APPROPRIATION BILL.
STANDING ORDER 65. AMENDMENTS TO FINANCE COMMITTEE ON APPROPRIATION BILL.
STANDING ORDER 66. THIRD READING OF APPROPRIATION BILL.
STANDING ORDER 67. SUPPLEMENTARY ESTIMATES.
STANDING ORDER 68. SUPPLEMENTARY APPROPRIATION BILL.

QUESTION PROPOSED:

HON. G.E. WADDINGTON: Slight amendment to the marginal note of 67.

MR. CHAIRMAN: Supplementary Estimates.

QUESTION PUT: AGREED. STANDING ORDERS 63 TO 68 APPROVED.

CLERK: SELECT COMMITTEES

STANDING ORDER 69. APPOINT AND QUORUM.
STANDING ORDER 70. POWERS AND PROCEDURE.
STANDING ORDER 71. WITNESSES.
STANDING ORDER 72. REPORTS.

MR. CHAIRMAN: Members will note an amendment down under 72 (4) (d). The words "and Standing Order 27 (Amendments to amendments)" should be left out. The reason for this is that the reference is covered by the reference to Standing Order 52 which in paragraph 10 specifically applies to Standing Order 27. So the reference becomes superfluous - 72 (4) (d), the words "and Standing Order 27 (Amendments to amendments)" should be left out. Again in 72 (5) there is a misspelling of the word "special" in the first line.

QUESTION PUT: AGREED. STANDING ORDERS 69 TO 72 WITH TWO MINOR AMENDMENTS APPROVED.

CLERK: STANDING SELECT COMMITTEES

STANDING ORDER 73. FINANCE COMMITTEE.
STANDING ORDER 74. PUBLIC ACCOUNTS COMMITTEE.
STANDING ORDER 75. OTHER STANDING SELECT COMMITTEES.
STANDING ORDER 76. DURATION.
STANDING ORDER 77. SITTINGS AND PROCEDURE.

QUESTION PUT: AGREED. STANDING ORDERS 73 TO 77 APPROVED.

CLERK: PECUNIARY AND PROFESSIONAL INTERESTS

STANDING ORDER 78. EMPLOYMENT OF MEMBERS IN PROFESSIONAL CAPACITY.
STANDING ORDER 79. PERSONAL PECUNIARY INTEREST.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, I'd seem to restrict the Member or to put more restrictions than the old Standing Order had. I believe in the old Orders - the Member could not vote on any matter in which he had a pecuniary interest, but in this Order he could not speak unless he had disclosed that interest, that seems to restrict the Member a little more. In the old Order he did not have to disclose the interest to speak, but he could not vote - this one he would have to disclose his interest even to be allowed to debate.

MR. JOHN D. JEFFERSON: I think that's a good provision Mr. Chairman. I'm supporting that.

QUESTION PUT: AGREED. STANDING ORDERS 79 AND 79 APPROVED.

CLERK: ADMISSION OF PRESS AND PUBLIC

STANDING ORDER 80. ADMISSION OF PRESS.
STANDING ORDER 81. ADMISSION OF PUBLIC.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, I'm not sure if we have provision here for the Radio as well, or should we think of that since we have gone into Radio? We did not have a Radio Station when these were drafted. We might even have television by next year.

MR. CHAIRMAN: I think before we admitted sound broadcasting or television it would have to have a motion approved by the Assembly as a whole. We might even need legislation to govern it.

MR. G. HAIG BODDEN: Yes, but what would be the provision with, say somebody from the Radio coming to take notes to use on the radio?

MR. CHAIRMAN: I think they would be regarded simply as press, News Journalists supporting the Radio Cayman and there would be discretion to admit them. But actual broadcasting or television I think would require a resolution of the whole Assembly.

MR. G. HAIG BODDEN: Certainly, Mr. Chairman, things like the Throne Speech and the Budget Address should be broadcast live. It would certainly be more interesting than these outdated BBC programmes we're hearing now.

QUESTION PUT: AGREED. STANDING ORDERS 80 AND 81 APPROVED.

CLERK: STANDING ORDERS

STANDING ORDER 82. SUSPENSION OF STANDING ORDERS.
STANDING ORDER 83. AMENDMENT OF STANDING ORDERS.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, I don't see why we should have one day's notice for suspension of all the Orders, because certainly time will arise when it is necessary for the good working of the House to suspend a particular Standing Order, and I think we should take out the one day's notice, that might be alright for some Standing Orders

MR. CHAIRMAN: Is there any comment on this suggestion?

MISS ANNIE K. BODDEN: Mr. Chairman, if it was in any way to charge the House or bring any hardship I would say that the one day's notice could be removed because / in this Assembly when it is very necessary to get suspension of Standing Order 54 I think to allow some bill to be passed in a hurry, and . it would facilitate I feel sure if . one day's notice was taken out.

HON. V.G. JOHNSON: Mr. Chairman, I think this is relevant too as far as revenue bills are concerned, because it is a practice to have the three readings done in one day if it is possible. Of course, I know that there is a new procedure for dealing with financial matters, but nevertheless I think that there should be a reasonable time, or there should be no restrictions at all really in suspending Standing Order in order to take the third reading of the revenue bill. I support the views of the Members.

MR. G. HAIG BODDEN: Well perhaps we could leave the one day's notice and add a / proviso that the Chair could use its discretion to allow the Standing Order if he felt it was necessary for the good carrying on of business.

MR. JOHN D. DEFFERSON: I would say that but on the other hand, also a good proviso to keep you from railroading too many things through the House too fast.

HON. V.G. JOHNSON: Perhaps Member's need / for notice Mr. Chairman, it should be at the discretion of this House to suspend the Standing Order.

MR. CHAIRMAN: There are two points here, one is that the House has to approve this suspension, but is it that the House on a motion without notice at the discretion of the Presiding Officer is correct? In other words, any the member should ask the Chair's permission to move without notice, then it's put to the House and the House agrees 'yea' or 'nay.

MR. G. HAIG BODDEN: Yes Mr. Chairman, that's the reason why I wanted it put in along with the motions that could be brought without notice. That was why I wanted the suspension of the Standing Orders be put into that clause.

MR. CHAIRMAN: Well if Members are prepared to allow the Attorney General who presented the final Standing Orders, if he feels it more appropriate to put it in under motions without notice he may be authorized to do so, otherwise it could stand in Standing Order 82.

HON. G.R. MCCOINSTON: Sorry I don't see the object of the one day's motion, what does that achieve? Most of these suspensions is done depending on the urgency of the matter before the House at the time and as the Third Official Member pointed out that if the is necessary to suspend Standing Orders for passing the three readings / Finance bill. I don't know if the old rule would not be more appropriate, any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present?

MR. CHAIRMAN: Well the Attorney General is suggesting that we revert to wording of the present Standing Order that is practical to Members. That reads any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present. If that is more acceptable, , we could consider the proposition and Standing Order 82 replaced on the Draft before us by the existing Standing Order 71 in the conversion of Standing Orders.

QUESTION PUT: AGREED. STANDING ORDERS 82 AND 83 AS AMENDED APPROVED.

CLERK: ... PRACTICE OF PARLIAMENT
STANDING ORDER 84. MATTERS NOT PROVIDED FOR BY STANDING ORDERS.

QUESTION PUT: AGREED. STANDING ORDER 84 APPROVED.

CLERK: MACE AND RECORDS
STANDING ORDER 85. CUSTODY OF MACE AND ITS RECORDS AND PAPERS.

QUESTION PUT: AGREED. STANDING ORDER 85 APPROVED.

CLERK: APPENDIX
FORM OF PETITION TO THE HOUSE.

QUESTION PUT: AGREED. THE APPENDIX APPROVED.

CLERK: THE LEGISLATIVE ASSEMBLY STANDING ORDERS 1976.

QUESTION PUT: AGREED. THE TITLE APPROVED.

MR. CHAIRMAN: That concludes proceedings in committee.

MR. SPEAKER: Proceedings are resumed.

HON. D.V. WEITER: Mr. president and Members, I'm just trying to get straightened out how we proceed with this because it is not a bill but at any rate we moved that the Standing Orders that have been examined in the committee of the House, the various amendments we agreed to and forward it to the Governor for his assent.

HON. G.R. WADDINGTON: One point Mr. President, I believe that there is some relenting by Members in respect of clause 12. And I think that at this stage as the matter has been referred back now to the House that it is open for any Member to propose. For one thing we have deleted 12 and we have not renumbered the remaining clauses, and so there is a gap ... for as I can see now in the Standing Orders that there is no 12, there is 11 and a 13 but it is now open in the House for any Member to move that clause 12 be reinserted as drafted. And perhaps Members would like to consider that at this stage.

MR. JOHN T. JEFFERSON: Mr. President, I so move that motion.

HON. G.R. WADDINGTON: I would like to second that.

MR. PRESIDENT: I think we had better deal with this separately, the proposal that Standing Order 12 be reinserted before we take the question on the approval of Standing Orders as a whole. I think its prejudicial current but I would like to remind Members that a vote has been taken on it and I don't think that we should perhaps rush into this without a consensus ... We should be quite sure that we're not upsetting a vote which was taken in committee by a majority.

HON. W.N. CONOLLY: Mr. President, I would suggest Sir, and make a motion that this matter be referred to the next sitting of the House.

MR. JOHN T. JEFFERSON: I would be willing to withdraw my motion.

MR. G. CRAIG DODGE: Mr. President, I would like to say - much as I can agree with what you said, that we have taken a vote on this and it would not be proper procedure. In fact I don't think it would be allowed by the Standing Orders to deal with this matter now.

MR. G. BRIG REDDEN (CONT'D): It may be brought back in some other sitting but it would not be right to make any motion that would be counter to the vote that has been taken today.

MR. PRESIDENT: The position is that Standing Orders has been considered in committee and one Standing Order has been withdrawn in committee. Now the First Official Member has now reported the committee proceedings back to the House and the House as a whole has the right at this stage, the same as in a recommittal of a bill to decide whether it accepts the report of the committee.

It has been moved by the Honourable Fourth Elected Member that we defer consideration of this and that the First Elected Member refers the committee report back to the Assembly as a whole at its next meeting. There is no urgency to bringing these Standing Orders. I think this would give Members time to reflect or perhaps to consider something that might take the place of the Standing Order which has been taken out. So if Members are agreeable this reporting out of committee could be withdrawn at this stage and the report made at the next meeting of the Assembly. Has that got the general approbation of the House?

HON. A.S. BUSH: Yes Sir.

MR. PRESIDENT: The motion is merely withdrawn.

HON. A.S. BUSH: Mr. President, Honourable Members, I would like to move a vote of thanks to the Committee for the work they have done on the revision of these Standing Orders, and to our Clerk and also to Mr. Kenneth Bradshaw of the House of Commons who came here on many occasions to sit during the meeting.

MISS ANNIE L. DOREEN: Mr. President, I would like to second that vote.

MR. CHAIRMAN: Well the question is that the Assembly formerly move a vote of thanks to the committee which has done so much work on the preparation of these Standing Orders, to the Clerk in the office and to the Clerk of the overseas office in the House of Commons who has done so much to help the Committee.

QUESTION PUT: AGREED.

HON. D.V. WATLER: Mr. President, and Honourable Members here, we have now concluded the Session, so I move that the House stand adjourn sine die.

HON. G.E. WILDINGTON: I second that motion.

MR. CHAIRMAN: Before I put this motion to the House I would like to make one statement and two announcements. The statement is that I apologise on behalf of the Clerk and their office that Members were not supplied with the full hansard proceedings at the last meeting. It was a very long meeting, they have laboured hard but have been unable to produce all the papers in time, and the Clerk asked me to express her apologies for this and I'm certain that we will be receiving these papers very shortly.

The first announcement I have to make is in respect to the General Elections. I have decided to dissolve the Assembly under the powers vested in me by section 17 (2) in the Constitution Order, After a final meeting of the Assembly in early September, dissolution will be formerly effected by a proclamation. To take effect on the 15th day of September. This will allow nomination day for the election to be fixed for the 22nd day of September with election day, Wednesday the 10th day of November.

MR. PRESIDENT (COMP'D): I wished to announce this first to Members of the Assembly before issue of their relevant documents.

The second announcement I have to make, with regret, is that I have been advised by the First Official Member, the Honourable Mr. Desmond Vere Watler, C.B.E. that he wishes to commence pre-retirement leave on the last day of July. Mr. Watler joined Government service in 1937 as a Clerk in the Treasury, Customs and Post Office. In 1939 he became a Clerk in the Competent Authority Office and human Competent Authority in 1940. He became a Justice of the Peace in 1944 and thereby became an Official Member of the Vestry which later became the Legislative Assembly, so that Mr. Watler has been a Member of the Assembly for the prodigious period of thirty-two years, from 1944 to 1976. He became Assistant Collector of Customs, Assistant Postmaster in 1945, Controller of the Treasury, Customs and Post Office ten years/in 1955. He became Deputy Treasurer in 1957 and his post was later upgraded to Treasurer. In 1964 he became Assistant Administrator, the post later being upgraded to the post of Deputy Administrator and later changed in 1972 at the time of the Constitutional changes to Chief Secretary. He has acted as Governor of this Territory on many occasions. He has helped me enormously in my office with his prodigious knowledge of these islands, his long knowledge of Constitutional/Parliamentary practice and he'll be very sadly missed indeed both in Government service and in this Chamber.

It is, I think, typical of the man that he has said when he has completed his retirement he will still be available to assist Government in any way that Government sees fit to employ him. As I report this with real regret but I did not wish this Assembly to disperse before Members were aware that this could conceivably be his last meeting if no happenings take place before the September meeting. Thank you.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to speak Sir, this is a grave, grave, grave, grave, grave matter for me to hear this afternoon because everybody can be substituted, you can put some kind of substitutee. But I'm saying without any flattery this Afternoon that we are losing An A(1) man. Now Mr. President, one fault I have against Mr. Desmond, he is not as strong as his father was because he would face a lion, but the First Official Member is such a humble man and such a fine man in every way that I find he uses the least possible resistance not to hurt anybody. I'm very sad to know that he is leaving our Government because I feel Sir, that he has performed a noble job. Now I'm not flattering him because flattery is food for fools, but I feel that every one of us in this Chamber and island wide will agree that this First Official Member has performed a great job and we shall say, or I'm saying that our Government in that much poorer. And all I can hope maybe and pray is this, that we shall find a replacement - and I'm going to make this emphatically clear Mr. President, it must be a man. We do not want no woman at the head of our Government, now regardless whoever she may be except it was Her Majesty herself come here to take charge. But I say and I hope that everybody will agree that we need a good strong man at the head of our Government. And I am very sorry to know that our good friend is leaving us, but I hope and pray that he'll be spared long to carry out a good work and if necessary maybe he will change his mind at some later stage and come back to be re-employed by this Government, but in no second grade place. He must take a high, high position like he has held hitherto and I am very thankful that I can associate with him. And I can say he is one human being that I have never had a quarrel with, and he has been so polite and so everything that we desire as one of our leader, and may God bless him and may he be long spared to carry on good work in the Island. Thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President, in adding to what the First Elected Member from George Town said I would humbly like to be associated with the words spoken by her. I certainly want to say that I believe that when our first official Member steps down, or retires from Government, every citizen within the shores of these islands will realize a great man stepped down. A man that is humble, a man that has given the greatest part of his life to this country, a man today I submit deserves a vote of thanks from this Legislature and every citizen within these shores. I can only wish him God's richest blessing and pray that his days of retirement will be happy, filled with alot of fun. Thank you very much.

MR. W. HAIG BODDEN: Mr. President, on the death of Sir Winston Churchill the Queen said that the world is all the poorer for the passing of Sir Winston. I would like to say that this Assembly is all the poorer and this Government is all the poorer for the retirement of Sir Desmond. I can say without any hesitation that he is the one Member in this Chamber that has the ability to make peace and not war. On many occasions he has risen for the challenge and has proved all on troubled waters. I would also like to pay tribute to his humility which is perhaps the greatest characteristic that anyone can possess. I shall miss him and on behalf of Bodden Town I would like to say that we wish for him every enjoyment if there can be enjoyment in retirement, and we hope that his good health will continue and that he will live to be an old man.

MR. CLAUDE M. HILL: Mr. President, at the present time, saying of the resignation of our worthy friend Mr. Watler, it leaves us very solemn. After knowing the man and working together with him, and the services that he rendered in the Cayman Islands I feel that Cayman today is losing a man which will be very hard to replace. What was said by other Members in this Chamber here has taken/the/ out of my mouth completely. It has come a complete shock to us here and all that I can wish him is God's richest blessings and may he enjoy his rest or retirement in peace. Thank you Sir.

CAPT. C.L. KIRKCONNELL: Mr. President, there is very little I can add to what has already been said except to ask to be associated with all the kind remarks and tribute paid to one of our leading sons. It is with deep regret to know that he is leaving the Service. He has worked hard, he has worked long and I hope that he will enjoy a long life, and I hope that his retirement will be just what he wants it to be. The Bible says "he that humbleth himself shall be exalted" and I am sure Sir, he will find that these words will come true.

HON. A.D. DUGGER: Mr. President, on behalf of the Members of Government and Executive Council I would like to say how regretable it is that the day has come when we will be losing, or what we have lost our First Official Member of this Assembly and our First Member in Executive Council. We realize that this was coming for some time but we are grateful indeed to know that we had one of our own who so faithfully served us for such a long period, and who has done such a magnificent job in his office. From time to time we have heard where he came from and this is a great consolation to know that we have had one with us throughout the year who came up from the position of Clerk right up to the highest in our island, and I am very proud of him, we will miss him here in this Legislature and I believe we will miss him more, those who sit in Executive Council will miss him more there for the advice which he gave us from time to time on matters which arose. I too must join with all the Members in wishing him a long and very happy retirement.

HON. D.V. WATLER: Mr. President and Honourable Members, I'm deeply grateful to you all these kind words that you have said. I have been with you a mighty long time, I'm getting on you know and sometimes I wonder why you're speaking about. I only tried to do the best that I could and I tried to do it as I saw it to the best of my ability, and if I have done anything worthwhile I am grateful. I have been here a long time and has been into this Legislature, yes a long time too since 44. And I appreciate the time that I have associated here and watching the Island develop and progress and particularly the last four years in this new House. A new step forward, this House has made when we had the new Constitution and you now have Members responsible. Back there in the old age the time we had the Junction and Vestry , and sometimes you wonder about some of your arguments that may go on here and differences. But I remember some that took place in the old Justices and Vestry , many of those are very fond memories. But the Executive Council has been doing a good job, it's all new, it's all strange, now to all of us but you virtually now have a cabinet of Government in your Executive Council. I don't know whether I should say this or not but I will, in all of the decisions that has been made we have never had to run a fourth interact, they have always been able to use common sense and come to a good decision, and they have done a good job. It's not that anyone has been pushed around, each one is free to make up his own mind and decide. They have done a grand job and I am grateful to have been part into that.

But though you might have differences of opinion and it is good to have these because after all it is good to see the other side of the coin, you know, and we only have but one Lady Member but they always /said you know that attract. So it is good to see the other side of the coin too and we appreciate all the arguments sometimes that come from the other side.. I will certainly remember the days spent here and I will certainly follow with interest all that may take place in the future and I wish you all success in the future. You have to remember you're like a clock, the clock goes forward, it does not work backwards and you will be going forward, no doubt in the future, you have always got to keep your eyes in front, you can't afford to look over your shoulders in the back or you may stumble over some obstacle, keep your eyes forward. Try to keep this goodship going, you have a very able and a capable, competent captain, one that I admire but a captain can't sail the ship by himself, it takes each and everyone of us. It takes the captain, takes the engineers, takes the sailors, the cook and everyone. And I can only wish you all success in the future and to those of you that will be standing in the next election, I wish you all success there too at the polls as the date has now been set. Thank you Sir.

ADJOURNMENT

MOVED BY HON. D.V WATLER.

SECONDED BY HON. G.T. WILDMAN.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED SINE DIE TO A DATE TO BE FIXED IN SEPTEMBER, 1976.

M I N U T E S

THIRD AND FINAL MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY

FIRST DAY

THURSDAY, 2nd SEPTEMBER, 1976

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE., - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., J.P.	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.
HON. G. E. HADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL
HON. V.G.JOHNSON, OBE.	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON. A. B. BUSH, J.P.	MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. TREVOR FOSTER	MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION.
HON. BENSON O. BRANKS, JNR.	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES, LABOUR
HON. W. W.CONOLLY, OBE., JP	MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, MCIT

OTHER ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN D. JEFFERSON	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MISS ANNIE HUTCHINGS BODDEN	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR. CLAUDE M. HILL	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.
MR. JAMES M. BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. G. HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. CHADDOCK BRANKS	FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THIRD AND FINAL MEETING OF THE (1976) SESSION OF THE LEGISLATIVE ASSEMBLY , CAYMAN ISLANDS
COMMENCING ON THURSDAY, 2nd SEPTEMBER, 1976 at 10 a.m.

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1. Prayers by the Rev. John R. Gray, MDiv., D.Sc.

2. Confirmation of the Minutes of the Meeting held on 10th, 11th, 12th, 15th, 16th, 17th, 18th, 19th, 22nd and 23rd March, 1976.

3. GOVERNMENT NOTICES OF BILLS,ETC. TO BE PRESENTED AT A SUBSEQUENT SITTING BY LEADER OF GOVERNMENT BUSINESS.

4. PRIVATE MEMBERS' QUESTIONS.

MISS ANNIE HUTMAN BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER.

(i) Is it a fact that all Government Buildings are insured with one Jamaican Company in a block premium?

(ii) In the event of a major calamity to two or more buildings is this Company reliable enough to pay off all the insurance, and that Government will sustain no great loss?

(iii) Would it not be more wise to insure the Government buildings in two or more other Companies, even if it costs a little more, rather than having a package insurance?

MR. JAMES M.BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER.

Is it a fact that motor car dealers are not paying duty upon importation, if so is this a token gesture to compensate for the recent hike in import duty, and what amount has been collected to July 31st, 1976, and how does this compare with the same period of 1975?

MR. JAMES M.BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER, RESPONSIBLE FOR WORKS, COMMUNICATIONS,ETC.

(i) In the recent transfer of shares in Caribbean Utilities, what was the value for stamp duty purposes, what amount has been paid or will be paid to Government for stamp duty, and how was the amount determined?

(ii) Some years ago the Cayman Islands Government advanced a loan to Caribbean Utilities, Ltd. to assist in extending the electricity to the Eastern Districts. Please state original amount of this loan, rate of interest on this loan, what amount has been repaid.

MR.T.W.FARRINGTON, CONSTITUENCY OF WEST BAY, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION,ETC.

(i) Would the Member state what assistance has been rendered for the past four years to the districts of the island in regards to playing fields,etc. and what amount of money was spent by Government?

(ii) The West Bay School and Grounds have an armed watchman, can the Member state what specific duty is assigned to this man and the specific instructions under which he carries out his employment?

TABLE OF CONTENTS

	PAGE
PRAYER	1
CONFIRMATION OF MINUTES	1
STATEMENT OF GOVERNMENT BUSINESS	1
QUESTIONS:	
MISS ANNIE H. BODDEN TO HON. THIRD OFFICIAL MEMBER	3
MR. JAMES M. BODDEN TO HON. THIRD OFFICIAL MEMBER	4
MR. JAMES M. BODDEN TO HON. THIRD OFFICIAL MEMBER	5
MR. JAMES M. BODDEN TO HON. MEMBER FOR WORKS, COMMUNICATIONS ETC.	6
MR. T. W. FARRINGTON TO HON. MEMBER FOR HEALTH, EDUCATION ETC.	7
MR. T. W. FARRINGTON TO HON. MEMBER FOR HEALTH, EDUCATION ETC.	8
THE PATENTS SOCIETIES (AMENDMENT) LAW - INTRODUCTION, FIRST AND SECOND READING	13
THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW - INTRODUCTION, FIRST AND SECOND READING	19
THE PORT AUTHORITY LAW - INTRODUCTION, FIRST AND SECOND READING	32
ADJOURNMENT	37

THURSDAY, 2ND SEPTEMBER, 1976

10 A.M.

MR. PRESIDENT: The Assembly is in Session, and I invite the Reverend Gray to say a prayer.

PRAYER BY REV. JOHN R. GRAY: Let us pray.

Almighty God from whom all wisdom and power are derived, We beseech Thee so to direct and prosper the deliberations of this Legislative now assembled that all things may be ordered upon the best and surest foundations for the glory of thy name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady, Queen Elizabeth, the Queen mother, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal Family.

Give grace to all who exercise authority in the Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of these Islands, Executive Councillors, Members of the Legislature that they may be enabled faithfully to perform the responsible duties of their high office.

Make us a people strong and great in the fear of God, and in the love of righteousness so that being blessed of Thee we may become a blessing to others, to the praise and glory of Thy name through Jesus Christ our Lord. Amen.

MR. PRESIDENT: Please be seated. The first item on the Agenda is Confirmation of the Minutes of the meeting held on the 10th, 11th, 12th, 15th, 16th, 17th, 18th, 19th, 22nd and 23rd March, 1976.

HON. T. H. FOSTER: Mr. President, I move the confirmation of the minutes of the meeting held on the 10th, 11th, 12th, 15th, 16th, 17th, 18th, 19th, 22nd and 23rd of March, 1976.

MISS ANNIE H. DONDON: Mr. President, before we confirm the Minutes there is an error in the minutes of Monday 15th on page 8. Where I said " I remember the Coronation celebration many years ago of the late Queen and King". They have "the late King of Spain", and that is not correct, Sir.

MR. PRESIDENT: First of all would we have a seconder for the motion.

HON. G. E. WADDINGTON: I beg to second that motion.

MISS ANNIE H. DONDON: Should I repeat that, please.

MR. PRESIDENT: I think we can take it that the Assembly has been informed of the Lady Member's wishes.

If there are no further observations, I shall ask the Clerk to discuss with the Lady Member the exact amendment that she would like. If there is no objection to that.

I'll put the question that the minutes for the dates set out in the Order Paper be confirmed. Will those in favour say aye - those against no - the ayes have it - the minutes are confirmed.

Statement of Government Business.

HON. D. H. FOSTER: I would like to inform Members of Government motions of Bills etc., to be presented at a subsequent sitting.

HON. D. H. FOSTER (CONTD.): On Friday the 3rd of September, 1976 -

Private Member's Questions:

(a) Mr. G. Haig Bodden, Constituency of Bodden Town, to ask the Honourable First Elected Member responsible for Works, Communications, etc.

(b) Miss Annie Huldah Bodden, Constituency of George Town, to ask the Honourable Third Elected Member, responsible for Health, Education etc.

(c) Government Business - Bills:

(i) The Judicature (Amendment) Law, 1976
Introduction and Second Reading

(ii) The Friendly Societies (Amendment) Law
Committee Thereon

(iii) The Land Holding Companies Share Transfer Tax Law
Committee Thereon

(iv) The Port Authority Law
Committee Thereon

(v) The Confidential Relationships (Preservation) Law
Committee Thereon

Monday the 6th of September, 1976

Private Members' Questions:

(a) Mr. G. Haig Bodden, Constituency of Bodden Town, to ask the Honourable First Elected Member, responsible for Works Communications, etc.

(b) Mr. James M. Bodden, Constituency of Bodden Town, to ask the Honourable Third Elected Member, responsible for Health, Education etc.

(c) Government Business - Bills:

(i) The Judicature (Amendment) Law 1976
Committee Thereon

(ii) The Friendly Societies (Amendment) Law
Third Reading

(iii) The Land Holding Companies Share Transfer Tax Law
Third Reading

(iv) The Port Authority Law
Third Reading

(v) The Confidential Relationships (Preservation) Law
Third Reading

Tuesday the 7th of September, 1976

Private Members' Questions:

(a) Miss Annie Huldah Bodden, Constituency of George Town, to ask the Honourable Fourth Elected Member, responsible for Lands, Tourism, etc.

(b) Mr. James M. Bodden, Constituency of Bodden Town, to ask the Honourable Fourth Elected Member, responsible for Lands, Tourism, etc.

(c) Mr. G. Haig Bodden, Constituency of Bodden Town, to ask the Honourable Fourth Elected Member, responsible for Lands, Tourism, etc.

Government Business:

(i) The Judicature (Amendment) Law, 1976
Third Reading

(ii) Draft Legislative Assembly (Standing) Orders, 1976 - Report thereon by the

HON. D. H. FOSTER (CONTD): Leader of Government Business: Mr. President, the above proposed programme of business for this third and last meeting of the Legislative Assembly before dissolution on the 25th of September, 1976 is subject to change, depending on progress made on the items on the business paper.

MR. PRESIDENT: We will move on to questions.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER

(a) IS IT A FACT THAT ALL GOVERNMENT BUILDINGS ARE INSURED WITH ONE JAMAICAN COMPANY IN A BLOCK PREMIUM?

(b) IN THE EVENT OF A MAJOR CALAMITY TO TWO OR MORE BUILDINGS IS THIS COMPANY SOLVABLE ENOUGH TO PAY OUT ALL OF INSURANCE, AND THAT GOVERNMENT WILL SUSTAIN NO GREAT LOSS?

(c) WOULD IT NOT BE MORE WISE TO INSURE THE GOVERNMENT BUILDINGS IN TWO OR MORE OTHER COMPANIES, EVEN IF IT COSTS A LITTLE MORE, RATHER THAN HAVING A PACKAGE INSURANCE?

ANSWER:

(a) ALL GOVERNMENT BUILDINGS ARE INSURED THROUGH A LOCAL COMPANY, SUN LIFE INSURANCE CO. LTD. WHO HAVE PLACED THE BUSINESS WITH MOTOR OWNERS MUTUAL INSURANCE ASSOCIATION LTD. OF JAMAICA.

(b) MOTOR OWNERS MUTUAL INSURANCE ASSOCIATION LTD. IS ONE OF THE LARGER JAMAICAN INSURANCE COMPANIES; THEY ARE VERY SUBSTANTIAL AND RELIABLE AND THIS HAS BEEN CONFIRMED BY THE SUPERINTENDENT OF INSURANCE OF JAMAICA WHO INDICATED QUITE RECENTLY THAT THE COMPANY IS CAPABLE OF SETTLING ALL CLAIMS OR POLICIES. MOTOR OWNERS HAVE PLACED 90% OF THE SUM INSURED WITH REINSURANCE COMPANIES OF VERY HIGH INTERNATIONAL REPUTE AND FINANCIAL STANDING. IN CASE OF A DISASTER ALL THE REINSURANCE COMPANIES WOULD SETTLE THEIR PROPORTIONATE PART OF THE LIABILITY.

(c) THE PRESENT INSURANCE ARRANGEMENTS ARE CONSIDERED REASONABLE AND ADEQUATE. THE RISK INSURED IS SAFEGUARDED BY THE FACT THAT THE RISK IS DISTRIBUTED AMONG FIVE VERY REPUTABLE INTERNATIONAL REINSURANCE COMPANIES. IF THE BUSINESS WERE TO BE PLACED WITH TWO OR MORE INSURANCE COMPANIES THIS WOULD NOT IMPROVE THE POSITION AND WOULD TEND TO COMPLICATE MATTERS ADMINISTRATIVELY.

MR. G. HAIG BODDEN: Supplementary question, Mr. President. In light of the recent harsh restrictions in Jamaica on the extraction of money from that territory; has Government given consideration to the length of time it would take to receive monies from a claim in Jamaica?

HON. V. C. JOHNSON: The answer is, that this was investigated from a year or two ago and again quite recently, and this Government has the assurance of the Superintendent of Insurance in Jamaica that the longest it would take to settle a claim on a policy would be the administrative processing of the exchange control application in the Bank of Jamaica, which would be only a few days and therefore there would be no problem involved in the transfer of funds from Jamaica to the Cayman Islands for the settlement of a claim.

MR. JAMES M. BODDEN: Supplementary. Could the Member responsible tell us what is the sum total of the insurance, and whether it is covering the buildings a hundred per cent, eighty per cent or what is the percentage value that is covered?

HON. V. C. JOHNSON: The sum total of the cover is approximately nine million dollars. The valuation of the buildings was done by Public

HON. V. G. JOHNSON (CONTD.): Works Department recently and the value which was produced was estimated to be equivalent to the replacement value.

MR. G. HAIG BODDEN: Supplementary, Mr. President. Can the Member say if the five international reinsurance companies are located in Jamaica and the rest of the Caribbean, or outside of the Caribbean territories?

HON. V. G. JOHNSON: The reinsurance companies are located outside the Caribbean area; one company is in North America, another is in Panama, one in Zurich, one in Mexico and one in Toronto.

MR. JAMES M. BODDEN: The insured value is nine million dollars; could you tell the House what is the premium on this?

HON. V. G. JOHNSON: The premium is approximately twenty thousand dollars.

MR. JAMES M. BODDEN: Were there any competitive bids on this, or was this arranged?

HON. V. G. JOHNSON: The business was put on tender and this was considered the most competitive bid; it was approximately two thousand dollars below the next lowest bid and considered reasonable bid to Government.

MR. CRADDOCK EBANKS: Mr. President, to the Member a supplementary. If in case of a disaster that one or any amount of these buildings; would the amount covering would be paid in total or in part?

HON. V. G. JOHNSON: Well, as I said a while ago if there was a calamity here where say half of the buildings were completely destroyed, which mean that you would have to claim four and half million dollars. The entire claim would be settled at once.

MR. CRADDOCK EBANKS: Mr. President, what I meant than if the four and half million would be paid into Government in one, or would it be in instalments?

HON. V. G. JOHNSON: The answer is/ that there would no instalments at all it would be paid all at once.

MR. JAMES M. BODDEN: Your answer under (b) says that the Government would sustain no great loss. I imagine that is a typographical error because under this if you are covered you should sustain no loss; is that correct?

HON. V. G. JOHNSON: I didn't got what the Member said, Sir, apparently he is reading the question and not the answer.

MR. PRESIDENT: Move on to next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE SENIOR OFFICIAL MEMBER

IS IT A FACT THAT MOTOR CAR DEALERS ARE NOT PAYING DUTY UPON IMPORTATION, IF SO IS THIS A TOKEN GESTURE TO COMPENSATE FOR THE RECENT HIKE IN IMPORT DUTY, AND WHAT AMOUNT HAS BEEN COLLECTED TO JULY 31ST, 1976 AND HOW DOES THIS COMPARE WITH THE SAME PERIOD OF 1975?

ANSWER:

MOTOR CAR DEALERS ARE PAYING DUTY UPON IMPORTATION. THE AMOUNT COLLECTED FROM 1ST JANUARY TO 31ST JULY, 1976 IS $116,230. ADDITIONALLY APPROXIMATELY $50,000 DUTY IS OUTSTANDING FOR 1976 AGAINST APPROPRIATE BONDS AND DEPOSITS. THE AMOUNT COLLECTED OVER THE SAME PERIOD OF 1975 WAS $329,309.

MR. G. HAIG BODDEN: A supplementary, Mr. President. Is the duty collected before the new motor car is moved from the dock, or is it collected at the time of sale?

HON. V. G. JOHNSON: Mr. President, the answer is that on importation of any goods into the Island, the duty is paid or a bond is entered into or a cash deposit is made against the import.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER

IN THE RECENT TRANSFER OF SHARES IN CARIBBEAN UTILITIES; WHAT WAS THE VALUE FOR THE STAMP DUTY PURPOSES, WHAT AMOUNT HAS BEEN PAID OR WILL BE PAID TO GOVERNMENT FOR STAMP DUTY, AND HOW WAS THE AMOUNT DETERMINED?

ANSWER:

THE VALUE OF THE LAND FOR STAMP DUTY PURPOSES WAS ASSESSED AT C1495.550 AND THE STAMP DUTY PAID WAS $30,066.00. THE AMOUNT WAS DETERMINED BY THE FORMULA SET OUT IN THE LAND HOLDING COMPANY EQUITY TRANSFER STAMP DUTY LAW, 1971 BY EXPRESSING THE LAND HOLDING PROPORTION TO TOTAL ASSETS (11.64) MULTIPLIED BY THE STAMP DUTY RATE (7½/2%) OF THE VALUE OF SHARES TRANSFERRED (C.I.$ 3,375,505)

MISS ANNIE M. BODDEN: Mr. President, if I may be permitted to ask the Financial Secretary: is that the formula that is used when an ordinary house and building equipment is sold? Is it not that they pay stamp duty on the total value of the sale?

HON. V. G. JOHNSON: Mr. President, Caribbean Utilities Company Limited is a land holding company and as such stamp duty must be collected on the proportionate part of the assets representing land. There is a formula in the law and this formula was used in this case.

MR. JAMES M. BODDEN: My question is not going to be as direct as I would like it because I don't have a copy of the old Stamp Duty Law, but is it correct that under the old Stamp Duty law that only the amount that was figured as being land holdings in the asset of a company is what is taxable? I always thought it was if you had ten per cent in land value that the entire amount then was taxable with it being considered a land holding company; isn't that correct?

HON. V. G. JOHNSON: Mr. President, a company would only pay duty under the Land Holding Company Equity Transfer Stamp Duty Law if the land holding represent/or more of the total assets, but the stamp duty would only be payable on the portion of land representing the total asset, and not on the total assets.

MISS ANNIE M. BODDEN: Mr. President, may I be allowed to ask if this was settled in a matter of arbitration or how was it arrived at and what was the land value?

HON. V. G. JOHNSON: I didn't hear that question.

MR. PRESIDENT: Will the Honourable Member please repeat.

MISS ANNIE M. BODDEN: I thought my voice carried a lot of noise. I am asking, Sir, if and who and where and how was this proportionate part arrived at, who assessed the value, in other words, of the land on which the stamp duty was collected?

HON. V. G. JOHNSON: The assessment was made in my office, Sir.

MISS ANNIE H. BODDEN (CONT'D.): Could I ask by whom, Sir.

HON. V. G. JOHNSON: I had a team of volunteers extracted from Government, Sir, to assist me with the valuation.

MR. PRESIDENT: Turn on to next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS, ETC.

SOME YEARS AGO THE CAYMAN ISLANDS GOVERNMENT ADVANCED A LOAN TO CARIBBEAN UTILITIES LIMITED TO ASSIST IN EXTENDING THE ELECTRICITY TO THE EASTERN DISTRICTS. PLEASE STATE ORIGINAL AMOUNT OF THIS LOAN, RATE OF INTEREST ON THIS LOAN, WHAT AMOUNT HAS BEEN REPAID?

ANSWER:

THE ORIGINAL AMOUNT LOANED TO CARIBBEAN UTILITIES COMPANY LIMITED WAS $100,000. THE RATE OF INTEREST CHARGED THEREON WAS 3%. THE LOAN IS FOR 10 YEARS AND IS REPAYABLE ANNUALLY IN JULY. THE AMOUNT REPAID UP TO JULY 1976 WAS $40,000.

MR. JAMES M. BODDEN: In view of the large profit that Caribbean Utilities is making don't you think it would be justifiable to try to re-negotiate this loan from the three per cent that they are paying us?

HON. A. B. BUSH: Mr. President, that is a matter to be considered. I don't know whether we have considered this as yet.

MR. JOHN JEFFERSON: Mr. President, if I could ask the Member a supplementary question. How was he driven at a three per cent interest rate?

HON. A. B. BUSH: This was fixed in the agreement for the loan - three per cent was the minimum. Of course Government did not intend to charge any great amount of interest because it was to assist the electricity company to put electricity in the Eastern District as has been said.

MR. CRADDOCK EBANKS: May I ask the Member. In the light of the leaps and bounds that Caribbean Utilities have made over the period since extending power to the Eastern District would it not be reasonable for Government to approach them to pay this off in a shorter period of time, or increase the interest?

HON. A. B. BUSH: Mr. President. this is something that will no doubt have to be negotiated with Caribbean Utilities. I think I answered most of this question before.

MR. CRADDOCK EBANKS: Mr. President, I understood what the Member said, but I have it to ride even to this time and Government has not investigated the possibility of doing something about it?

MR. JAMES M. BODDEN: Will the Member tell us whether he will wait for Caribbean Utilities to come to us and ask us to negotiate with them to increase this rate?

HON. A. B. BUSH: Well, let me say, Mr. President, if Members here should like this loan repaid any earlier and consider that Caribbean Utilities is in a position to repay the loan immediately may be they should introduce a resolution here asking just that.

MR. JAMES M. BODDEN: Well, they should be able to pay it off now after they didn't pay any stamp tax.

MR. PRESIDENT: Pass on to next question.

MR. T. W. FARRINGTON, CONSTITUENCY OF WEST BAY, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

WOULD THE MEMBER STATE WHAT ASSISTANCE HAS BEEN RENDERED FOR THE PAST FOUR YEARS TO THE DISTRICTS OF THE ISLAND IN REGARDS TO PLAYING FIELDS, ETC., AND WHAT AMOUNT OF MONEY WAS SPENT BY GOVERNMENT?

ANSWER:

GOVERNMENT ASSISTED WITH PREPARATION AND/OR MAINTENANCE OF PLAYING FIELDS IN THE DISTRICTS DURING THE PAST FOUR YEARS. IN ADDITION GOVERNMENT ACQUIRED ADDITIONAL LANDS FOR PLAYING FIELDS AT THE CAYMAN HIGH SCHOOL AND BUT FOR A DEFECT IN TITLE WOULD HAVE PURCHASED LANDS ADJOINING THE SCHOOL FOR A PLAYING FIELD IN EAST END WHERE NO FIELD NOW EXISTS. THE TOTAL FUNDS EXPENDED ON PREPARATION AND/OR MAINTENANCE WAS $42,233.64. IN ADDITION GOVERNMENT SPENT $1,800 TOWARDS THE PREPARATION OF A COMMUNITY CENTRE IN ONE DISTRICT.

MR. JAMES M. BODDEN: Could the Member tell us which Community Centre that the $1,800 was spent on?

HON. B. O. EBANKS: In the Bodden Town District.

MR. JAMES M. BODDEN: Could that have been for that beautiful toilet that we have there?

HON. B. O. EBANKS: Mr. President, I think the toilet was built under another a vote, but if the Member chooses to, or doesn't have any more knowledge of what goes on in his District than that, he can call it a toilet. I am referring to the renovation of the old power plant in Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I know as much as goes on in my District as I am allowed to know. I am like all of the other Members here you can't find out anything, and if money is spent in my District without me knowing anything about it - they went and put this toilet up there - that God knows the most stupid man in this country would not have located it in that area, and they spent untold amount of money - we tried to stop it and couldn't stop it .....

HON. B. O. EBANKS: On a point of order, Mr. President, that is not a question it is a statement and it has no bearings on this .....

MR. JAMES M. BODDEN: But, Mr. President, then let this guy keep his mouth to himself with his remarks too, don't bring them to me. I only asked a question - since the question is that way I'll answer him back.

MR. PRESIDENT: There is no question before the House at present.

MR. JAMES M. BODDEN: I am then going to ask how were we able to know that $1,800 were spent on the power plant, because we didn't know whether it had been given to Caribbean Utilities or what had been done with it?

HON. B. O. EBANKS: You could have found out the same way that you have just found out, by asking a question.

MR. JAMES M. BODDEN: Were you expecting me to come in Executive Council and get on my knees and beg for it?

HON. B. O. EBANKS: Oh that is not so - you have asked other questions and got answers - you could have done the same with this one.

MR. PRESIDENT: Next question.

MR. T. W. FARRINGTON, CONSTITUENCY OF WEST BAY, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH EDUCATION, ETC.

THE WEST BAY SCHOOL AND GROUNDS HAVE AN ARMED WATCHMAN CAN THE MEMBER STATE WHAT SPECIFIC DUTY IS ASSIGNED TO THIS MAN AND THE SPECIFIC INSTRUCTIONS UNDER WHICH HE CARRIES OUT HIS EMPLOYMENT?

ANSWER:

THE WATCHMAN AT THE WEST BAY SCHOOL WAS EMPLOYED BY THE EDUCATION DEPARTMENT ON FEBRUARY 10, 1975 FOR THE SPECIFIC PURPOSE OF GUARDING GOVERNMENT BUILDINGS AND PREMISES WITH A VIEW TO CONTROLLING PERSISTENT VANDALISM IN THE AREA. HIS DUTIES ARE CARRIED OUT MAINLY IN OUT-OF-SCHOOL HOURS, BEFORE SCHOOL CONVENES FOR THE MORNING SESSION AND FROM 3:00 P.M. ONWARDS. HE WAS GIVEN SPECIFIC INSTRUCTIONS TO PATROL ACROSS TO THE FENCED AREAS OF THE COMPOUND INCLUDING THE FIELD AND TAKES DAY-TO-DAY INSTRUCTIONS FROM THE HEADMISTRESS. WITH PERMISSION FROM THE POLICE, THE WATCHMAN IS ARMED AT NIGHTS FOR PROTECTION IN THE EXECUTION OF HIS DUTIES.

MISS ANNIE H. DOUGLAS: Mr. President, with your permission, Sir, I would like to ask the Third Member to Executive Council, is it a fact that even if a tea party is going on in the Town Hall this watchman is there armed with a gun, or revolver, some firearm?

HON. E. O. EBANKS: To the best of my knowledge a tea party usually takes place in the afternoon and I have said that to the best of my knowledge the watchman is armed at nights.

MISS ANNIE H. DOUGLAS: Mr. President, I was not stating what time a tea party takes place, I dare say that it can take place any time. I am asking if on other occasions, bible school for school children etc. is not that particular watchman armed with a firearm weapon?

HON. E. O. EBANKS: I didn't get the first part of that question, Mr. President.

MISS ANNIE H. DOUGLAS: This is a joke, Mr. President, I didn't know that these people become deaf on the last sitting of the Assembly. I am asking. I said I did not know if it was of necessity the hour of a tea party - what I was asking is this, is it not a fact that even for Sunday School special classes, like they have during the Summer months, that this police or whatever the say he watchman is always armed with a gun of some description?

HON. E. O. EBANKS: I presume the Lady Member is referring to functions held at nights.

MR. PRESIDENT: I think the Lady Member was referring to functions generally.

HON. E. O. EBANKS: Well, the answer then, Mr. President, is no. The watchman is armed at night as stated originally in my answer.

MISS ANNIE H. DOUGLAS: Mr. President, I beg to contradict that I have had complaints time and time again that this man is armed continuously, morning, noon and night with this shot gun or whatever it might be.

HON. E. O. EBANKS: Mr. President, I am not surprised that the Lady Member would receive such information, but nevertheless I rely on the information which is given to me by persons in responsible positions; for example the Headmistress of the school, and I am reliably informed that this

HON. B. O. EBANKS (CONTD.): gentleman does not have a gun during school hours. The gun is taken to the premises when he returns for his night duty and closes the playing field.

MISS ANNIE H. BODDEN: Mr. President, can the Member inform me what hour the little school boy at West Bay was shot. was that night?

HON. B. O. EBANKS: I am not aware of the hour, and may be you should be in a better position than I am to answer that, in as much as you probably were in the Court when the inquest was held, but I know that the paper carried a report which is dicated that persons who were on the field would/have not seen what took place at the point of the incident. because of darkness: thAt is all I know about the time.

MISS ANNIE H. BODDEN: Mr. President, I was not in court, but I heard it was in the afternoon.

MR. JAMES M. BODDEN: Supplementary, Mr. President. Would the Member care to advise us where the problems in West Bay are so bad that the Government has to pay for an armed watchman to keep the school area clear?

HON. B. O. EBANKS: Mr. President, the answer is that prior to the employment of the watchman vandalism of the property was rampant. Every year when school was scheduled to reopen Government was faced with a bill of from thirty to forty to fifty thousand dollars to get the school into order. In addition to this much time was wasted by the school having to have police investigate repeatedly, it was becoming almost a daily occurrence to investigate break-ins to the school. This has ceased and the buildings as a result of the watchman are being maintained in good condition. It is a good investment for Government.

MR. C. HAIG BODDEN: Mr. President, can the Member say what type and what calibre is the weapon used by the watchman?

HON. B. O. EBANKS: Mr. President, it is a shotgun that is all I can tell you. The question of the arming of the watchman is not my responsibility. The police are responsible for issuing firearm users' licenses.

MR. JAMES M. BODDEN: Would the Member care to comment why we do not have to have armed watchmen at any other district except the West Bay district?

HON. B. O. EBANKS: That would only be an opinion, Mr. President.

MR. JAMES M. BODDEN: In regards to an opinion, would the Member care to state the distance between the Police Station in George Town and the Annex School and the Comprehensive School?

MR. PRESIDENT: I think we must confine the question to West Bay.

MR. JAMES M. BODDEN: I will confine it then, Sir. Would the Member care to advise this House whether the distance from the Police Station in West Bay to the school grounds whether it is any more than about fifteen hundred feet?

HON. B. O. EBANKS: Yes I would say that it is more than fifteen hundred feet, Mr. President, but again we are dealing in opinions and I think questions which call for opinions are not allowed.

MR. JAMES M. BODDEN: If you can't allow this one then, Mr. President, tell me. The Police Station in West Bay as I understand it is fully staffed, operates on a twenty-four hour service, and it is in very close

MR. JAMES M. BODDEN (CONTD.): proximity to the Town Hall or the school buildings in West Bay, why is it that the police themselves cannot control that area without having an armed guard at that school?

HON. B. O. EBANKS: Mr. President, that is a question that should be directed to the Police Department.

MR. JAMES M. BODDEN: I can only direct it at the person who answered the question, which was you. Who put up the fence around the Town Hall in West Bay, was it Government or was it the people?

HON. B. O. EBANKS: The Government.

MR. JAMES M. BODDEN: In your reply you spoke of specific instructions to regulate access. I am asking did those specific instructions also include the use of the gun?

HON. B. O. EBANKS: No. The original question said with the permission of the police the watchman is armed; he was not instructed to be armed that's a matter between him and the police.

MR. JAMES M. BODDEN: Well your reply said that it was necessary for him to be armed for protection; Is it customary in this country for the average policeman on duty to be fully armed with a loaded gun?

HON. B. O. EBANKS: Mr. President, I beg to make a correction, I didn't say it was necessary for the gentleman to be armed, he should read my answer again.

MR. JAMES M. BODDEN: I don't know what we are missing words at, Mr. President, the watchman is armed at nights for protection in the execution of his duties - that is the question basically I am asking if it is customary for policemen in the normal tour of duty to be fully armed with a shotgun patrolling the streets, let's say then of West Bay?

HON. B. O. EBANKS: Mr. President, I would submit that that question is irrelevant it deals with the police not with the watchman.

MR. JAMES M. BODDEN: It is not irrelevant, Mr. President, I am bringing it out to show you that not even the police who charged with law and order in this country will go down the streets carrying a loaded shotgun in the exercise of their duty, so if they are not allowed to do it why is an ordinary watchman then on premises like the school grounds allowed to do it. That is why I am injecting this, it's not irrelevant, Sir, I'd like an answer.

MR. PRESIDENT: This question is directed to the Member for Health, Education and Social Services on the specific duties of the watchman and the specific instructions under which he carries out his employment. I think if the Honourable Member wishes to relate the arming of the watchman to the police another question should be put down.

MR. JAMES M. BODDEN: With due respect, Mr. President, I can only pursue the line of questioning along the lines of the answer which is given to me, and I don't know who selected that gentleman to answer the question, but he is the one that is answering. So I am putting another one to him, Sir. He spoke about Vandalism of thirty thousand dollars a year and that it is a good investment to have this man with a loaded gun on the premises; I am asking the question, Sir, do we measure a life against thirty thousand dollars, would the Member care to answer it.

HON. B. O. EBANKS: Mr. President, I did not say that it was a good investment to have a man with a loaded gun; I said that the watchman was a good investment. As far as I am concerned if he was there people think that

HON. B. O. EBANKS (CONTD.): would satisfy me as long he was doing his duty. The question of his being armed is not one over which I have any control - that is a matter for the police, and if they thought that he did not need a gun I don't think that they would have given him a licence. Furthermore if he is referring to the accident which occurred there, if in the opinion of the court any negligence/evident I don't think that the licence would have been continued.

MR. CLAUDE M. HILL: Mr. President, with your permission I would like to ask the Honourable Member with whose permission was he granted to be armed with a gun?

MR. PRESIDENT: I think that has already been made very clear that the arming of the watchman/with the permission of the police.

MR. JAMES M. BODDEN: Well, Mr. President, since it seems that we cannot lay blame for this particular subject at anyone's feet, I have no alternative but to ask your permission to lay it at your feet, and ask that this man be unarmed from now on because in no other district of this Island is this allowed and I think it is a disgrace to have it in one particular district, Sir, so I respectfully request you to do something about it, if the Members or no one else can do Anything about it.

MR. PRESIDENT: I am sure I cannot accept that sort of suggestion to the President of this Assembly. If the Honourable Member seperately wishes to approach me as Governor I shall certainly consider any request made.

HON. B. O. EBANKS: Mr. President, if I might just make a declaration in correction of that: if the Member moves around town he will see that most watchmen carry firearm. This not the only instance in which a watchman carries firearms - it can be seen in the middle of town any night and at the airport the man is armed and at other places and I imagine certain individuals carry arms with permission of the police.

MR. JAMES M. BODDEN: Will the Member then tell us whether any other school or school ground facilities that comes under his portfolio has an armed guard?

HON. B. O. EBANKS: Mr. President, I cannot give a categorical answer to that, because the terms of employment did not involve that the watchman be armed this was an arrangement between the watchman and the police. I know that we have watchmen at other schools - I can't go further than that.

MR. JAMES M. BODDEN: Mr. President, why did we select this man to answer this question, Sir.

MR. G. HAIG BODDEN: Mr. President, a supplementary question. Is the Member happy with the situation where his watchman at the school is armed with a superior weapon, a dangerous weapon while other watchmen carry hand-guns; is he happy with the situation where the watchman goes around with a high powered, perhaps, double barrel shot gun?

HON. B. O. EBANKS: Mr. President, I think that it should be made clear that the watchman is not at the school as such, we should clarify this. He is watching an entire compound of buildings which encompasses the School, the Town Hall, the Clinic and the Teacher's Residence. The gentleman does not carry a gun during school hours. Secondly, I would point out to the Member that a side arm or revolver is considered by most persons to be far more dangerous than a shot gun.

MISS ANNIE A. BODDEN: Mr. President, with your permission I would like to ask the Member have not complaints been made to him regarding the use of this firearm in the school area?

HON. B. O. EBANKS: I have not had any complaints. I have heard rumours that an alternative watchman who will watch the school without a shot gun has been selected for the job

MR. CRADDOCK EBANKS: Mr. President, could the Member say what other school premises have watchmen?

HON. B. O. EBANKS: The Comprehensive School.

MR. CRADDOCK EBANKS: Mr. President, could the Member say how these watchmen are paid, whether on a daily rate or a monthly rate?

HON. B. O. EBANKS: Mr. President, I fail to see where that is relevant to the question.

MR. JAMES M. BODDEN: This one is relevant, Sir. At the Comprehensive School is he armed with a shot gun?

HON. B. O. EBANKS: I answered that question already, Mr. President.

MR. G. HAIG BODDEN: Mr. President, my last question was side stepped and I beg your permission to repeat it. Is the Member happy with the situation where the watchman at the school is armed with a superior weapon to the police?

MR. PRESIDENT: That calls for a statement of opinion as to his state of happiness.

MR. JAMES M. BODDEN: Does all of the classes in the West Bay School end at 3 P.M.?

HON. B. O. EBANKS: Generally.

MR. JAMES M. BODDEN: Generally is there anyone there after 3 o'clock.

HON. B. O. EBANKS: I am not sure what you mean by anyone.

MR. JAMES M. BODDEN: Little school kids.

HON. B. O. EBANKS: Possibly on the field. Yes.

MR. JAMES M. BODDEN: Then you're telling us that he needs a shot gun at 3 o'clock in the afternoon to defend himself against school kids?

HON. B. O. EBANKS: Mr. President, I believe the Member is being deliberately evasive and misleading. It is clearly stated that the watchmen is not armed until night and 3 p.m. is in the afternoon - bright sunlight.

MR. PRESIDENT: We are tending to get into debate on this question, and I would ask Honourable Members to respect the use question time and supplementary questions to elucidate the original reply. Question time is not meant for general debates of this kind.

MR. CRADDOCK EBANKS: Mr. President, I would like a further question on the one that I asked a moment ago as to what was being paid - that is not relevant - it is taxpayers money being paid out, and I have a right to know how it is paid or the amount that is paid.

HON. B. O. BRANKS: Mr. President, the Member voted the money for the salary so he should be as cognizant of it as I am.

MR. CRADDOCK EBANKS: Mr. President, I didn't vote a salary for an individual as a watchman.

MR. JAMES M. HODDEN: Mr. President, I apologise if we have gotten out of line to you in these questions. But I would also ask, Sir, that in the future then that the Members when answering these questions give us an answer that is worthwhile and that we can depend on.

MR. PRESIDENT: We will pass on to Bills.

THE FRIENDLY SOCIETIES (AMENDMENT) LAW

CLERK: THE FRIENDLY SOCIETIES (AMENDMENT) LAW - INTRODUCTION AND FIRST READING

MOVED BY HON. G. M. WADDINGTON

SECONDED HON. D. H. FOSTER

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

CLERK: THE FRIENDLY SOCIETIES (AMENDMENT) LAW SECOND READING

HON. G. M. WADDINGTON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled The Friendly Societies (Amendment) Law.

Mr. President and Members, The Friendly Societies (Amendment) Law, Chapter 59, dates from the year 1942 and it is considered that the time is right for it to be revised in accordance with the provisions of the Law Revision Law, but before doing so, as the powers of the Law Revisor is merely limited to restating the Law in its present form and not with making substantial amendments, it is necessary to update this Law by transferring the Registrar of Companies certain duties and functions which were formally, or which were in the Law as it stands now allocated to the Clerk of the Court and the Public Recorder. And so it is this amending Bill that is sought to make these slight amendments so as to clear the deck so to speak for the Revisor to be able to revise the Law in up-to-date form.

The Bill, I hope will be found to be quite uncontroversial and it is hoped that Members will consider it and approve of it without much debate. I, therefore, commend it for the attention of Members.

SECONDED BY HON. D. H. FOSTER

QUESTION PROPOSED. THE MOTION IS NOW OPEN FOR DEBATE.

MR. G. HAIG BODDEN: Mr. President, Honourable Members, this Bill is not destined to pass without some opposition. The Second Official Member hopes that we will get through quickly. In fact what I think he has in mind is a midwife's conception of an easy birth - a quick conception and an early delivery. But I have strong objections to this and they fall into two general categories.

One is that money is being spent twice as in other Bills - they do a little amendment and then to rewrite the Bill, and the other one is that if we merely substitute the Registrar of Companies for the Clerk of Court and the Public Recorder we would be making nonsense of certain sections of the Law. When we make the amendment which is before us today, we would have to come back later within in a very short time and amend certain sections of this Bill. I agree that it is time to revise this Law, it has been in effect from 1942 and it is time for revision and it is my opinion that we should do a total job once and for all rather than bringing it back like we did the Travel Tax Law sometime ago; first we made an amendment then we rewrote

MR. G. CRAIG BOLDEN (CONCD.): the Bill). This pattern which has existed in this Assembly over the last four years reminds me of the House that Jack built first we pass a Law to introduce a tax and then we bring a Bill to amend the Law that introduced the tax and then we bring a Bill to rewrite this Bill that introduced the amendment that amended the Bill that introduced the tax and so we go on forever. Or to put it another way it is being done like a ship which was built hurriedly and put to sea and when it got out of the dock yard they found out that there was no rudder and they had to come back and put on the rudder and then afterwards it was found out that the ship had/been rigged and it had to come back in to be rigged and then it was found out that it had not been caulked and they had to come back to have it caulked, and then after all these expensive amendments we had to come back and rebuild the ship. And so the many Bills that we have dealt with in this fashion are going on and undergoing as many changes as a butterfly's egg does before it passes through the wonderful metamorphosis that produces the butterfly.

Dealing with these Bills in this fashion is an expensive procedure and within a few months the Bill comes up because we forgot something. If we are going to make any amendment to this Bill which is now one hundred and thirty-four years/I think we should rewrite the whole Bill. I agree that it is time and it is fitting that this Bill should be changed and that the powers that were conferred on the Public Recorder and the Clerk of Court should now be transferred to the Registrar of Companies. I agree with that concept, but if one examines The Friendly Societies Law of 1842 one would see readily that we cannot merely substitute the name, because things were different one hundred and thirty-four years ago when this was passed and when it was passed there were two separate people carrying/different functions under this law. If I may I would like to refer to section 36 subsection(6) of the old Law and you will see that if we pass the amendment which is before the House today we would make utter nonsense of that subsection (6) of section 36. In subsection(6)it reads - It shall be the duty of the Public Recorder to institute proceedings for penalties incurred under this section. And it goes on to read - Provided always, that with the consent of the Clerk of the Court he may in any case forego or abandon any prosecution.

Now if we amend subsection (6) as is suggested in this amendment it would read that - It shall be the duty of the Registrar of Companies to institute proceedings for penalties incurred under this section: Provided always, that with the consent of the Registrar of Companies he (that is the Registrar of Companies) may in any case forego or abandon any prosecution. So it would make utter nonsense of the section because it would read that the Registrar shall do so and so provided that the Registrar consults the Registrar to find out if he can do it - so it would make utter nonsense of the entire Law, and if one goes through this Bill as I have done you will find that this same thing would occur throughout the Bill. I will just refer to one or two other sections and show clearly that the way this Bill was framed over a century ago, the intention of the Legislators was at that time that two separate bodies - two separate people should carry out separate and distinct functions under the Law.

For example one of the duties of the Clerk of the Court was in section 5 to ascertain whether the said rules of such society are calculated to carry into effect the intention of the parties framing such rules, and are in conformity to Law, and to the provisions of this Law. This is a matter entirely for the Legal Department and something that would be beyond the perimeters of the Registrar, so if we amend this section substituting Registrar of Companies for Clerk of Court we would be creating a physical impossibility. Subsection (2) of that same section 5 says that - The Clerk of Court shall confer with the clerk or secretary, if required, and shall give a certificate, on behalf of the said transcripts, that the same are in conformity to Law, and to the provisions of this Law, or point out in what part or parts the said rules are repugnant thereto: merely without and beyond the sphere of the Department of Registration, and furthermore in section 3 (b) we have to make certain that rules set by the Friendly Societies are not repugnant to the Laws of England. There is no way that we can amend this Bill today and merely substitute the Registrar of Companies for Clerk of Court and Public Recorder and have a Bill that would work. Furthermore things were

MR. T. HAIG DONOVAN (CONT'D.): Just complicated one hundred and odd years ago, in fact when I checked up on the year 1842 I found out that there were not even any public buildings here at that time, so we can't take an 1842 Law and repeat it word for word - changing it to introduce just a new officer or a new name.

The Clerk of Court had to actually decide under this Law whether the rules of the society were good rules: he had the power under this Law to determine these things and as the old Friendly Societies which started in England something in the year 1700 were altogether different from the Friendly Societies which exist today and under this Law the Friendly Societies were given certain powers to provide for the relief and maintenance of all and the members thereof, their wives or children, or other relations, in sickness, infancy, advanced age, widowhood, or any other natural state of contingency, whereof the occurrence is susceptible of calculation by way of average: So that the person responsible in 1842 for the administration of this Law had to go even beyond the legal requirements, because he had to be satisfied that the rules of the society would do these things. He had to have certain actuarial expertise as well. I feel that some of this could be removed from the Law and if that was done then we could have a Friendly Societies Law with a Registrar of Companies responsible for the registration thereof and carrying out of certain functions if the Law is rewritten, but we can't merely amend this Law by taking out the name Clerk of Court and putting in the Registrar of Companies and taking out the name Public Recorder and putting in the name Registrar of Companies.

Section 10 if left alone as it is would come in conflict with some of our Laws, because under this Friendly Societies Law section 10 it says - If it becomes necessary to change, alter or amend any of the said rules, the Clerk of the Court shall be entitled to no further fee for or in respect of any alteration or amendment of any rule upon which one fee has been already paid to the Clerk of the Court within the period of three years; and I think that would be in conflict with our Companies Registration Law because any change requires some fee, even if it is a change of one of the Directors on the board of a company, I believe some return would have to be made to Government and a fee of two or three dollars or something paid just to have that change recorded. And here again it would come into conflict with the secrecy which we are trying to establish in these Islands with the regards to companies which are registered, because under section 12 I see that certain things shall be kept by an officer and the book shall be opened at all reasonable times for the inspection of the members of such society, and such transcript deposited as aforesaid with the Public Recorder; so I think we will have to give deep consideration to this Bill before we can repeal it or allow it to be republished at great expense to the taxpayer and then find out when it goes into operation that we will have to come back and amend it.

I need not mention that the old Law carries in it certain things which perhaps would not be acceptable today, a century after it was written. With the regard of votes (I am getting a little off the subject, I'll just mention this one) I see where in certain things a person would have not only one vote, but he would have an additional vote for every five years that he had been a Member. This will just give you some idea of what happened back in 1842, and if we repeat this we see that a minor would also become a member of any such society shall be empowered to execute all instruments which would come in conflict with our modern Law of contracts. Under section 42 if we merely change the Public Recorder to the Registrar of Companies and continue to ask for the returns which were made in 1842 we would have a most cumbersome procedure which would discourage people from registering Friendly Societies here, and so we cannot do this and I know that if this thing goes to a vote it would be impossible to vote down this amendment today, but I am hoping, Sir, that when the time comes to close this debate that the Second Official Member will find it necessary to withdraw this amendment and at a later date present the House with a new Bill which will be, not only agreeable to me, but will be workable both for Government and for the many Friendly Societies which could possibly be registered in these Islands.

MR. PRESIDENT: This might be a suitable time to suspend for fifteen minutes.

I understand that the press would like to take a historic photograph sometime today, and it's been suggested that this could be done during the coffee break.

HOUSE SUSPENDED
HOUSE RESUMED

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

MISS ANNIE H. SOLDEN: Mr. President, while I do not agree with all that has been said by the previous speaker, I do endorse that this Friendly Societies Bill which is before us is not what we want at present. We need to have a very comprehensive Law to take the place of this chapter 59, and I feel, Sir, that it would be rather a waste of time if we went into it and/changed these few words. I feel, Sir, that we could/a better job by making a better Law to take care of this Law which is over one century old.

Now sometimes frankly, Mr. President, I am rather amazed as to why more thought is not put into Bills when they are drafted. We over on this side have been charged that we know only smatterings of the Law. Well, I will take the very humble stand that I know only smatterings, but I do some Law pertaining to the Cayman Islands, and that is the reason why, Sir, I've had from four years ago to try to get what I call a trained man to come over on this side to help us when Laws arise. I feel, Mr. President, that we as a body should work here together in more unity. Sometimes I am very disgusted, to put it mild, when I hear these cross rowing - it's not necessary each of us in this Chamber have some common sense, and we should all have the Island as a whole at heart - not what Annie Solden can get out of it - not what the next one can get out of it - not for prestige, power or anything; because to my mind the greatest people in the world are the most humble, and like the Bible says, by your deeds ye shall know them. Now, I know I am not wanted in this Chamber by the majority, but by God's help I am going to stay here and I am going to contribute in my very small and humble way what I can do.

I feel, Mr. President, I could go into the merits and demerits of this Law, but I don't think that it is absolutely necessary at this stage. I would agree, Sir, with what has been submitted, that this present Bill be withdrawn and when the new Assembly meets with new Members perhaps - I hope some of these old ones will get in - that we shall be able to draft comprehensive legislation to take care of present day situations. I cannot agree that this can do anything whatsoever, and I hope that the humble suggestions coming from this side will be adopted. Thank you very much.

MR. CHADDOCK EBANKS: Mr. President and Members, I too agree in principle with most of what has been said by the two previous speakers. It is a very short amendment or request for an amendment, but I am sure that Members will recall that not so far back we talked about bringing all our Laws up-to-date, redrafting and making them more comprehensive so that the administration of these Laws could be more effective, and I think it was the wholehearted support of the Members in that manner, and I cannot see at this stage of the game with this Law that is so far back and just these two minor amendments proposed for it - how far would that take us - no more comprehensive than that Law it doesn't look like it would take long to redraft the old one and have a new Law stemming from this old antiquated Law I would call it. It has been on the books for the last hundred and thirty-four years - he's not very much of anything that we could/back on in that trend of life and the running of the country would so much apply as today.

So it looks to me that if we would desire to get the full value of this Friendly Societies Law then it should be redrafted, gone into its depth and do what is necessary to be done about it rather than just making these amendments and probably in a few months time those two amendments would invoke other amendments. And like has been in the Memorandum of Objects and Reasons from time to time when the Bills are brought here, well it has been amended so many times it is better to redraft a new Bill. And while

MR. CRADDOCK FRANKS: I would like to go along with these amendments - it doesn't seem as I said that it worth the time of just having these two amendments to the Law and then probably in the very near future come back for other amendments - it looks like it should be gone into and redrafted and a comprehensive new Bill to cover the Friendly Societies Law be brought back to the House. So in the light of that, Mr. President, I don't think that I should try to draft it out any longer, but I could better support this Bill, and I do trust that the Second Official Member will give it his deep consideration and withdraw this and in the very near future bring a complete draft Bill covering the Friendly Societies.

MR. PRESIDENT: Are there any other Speakers on this Motion.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, in making my contribution to this proposed amendment to the Friendly Societies Law, while listening to previous speakers on the matter it leads me to think that this is now seeking a position with the Registrar of Companies which would be placed to-up-date: listening to the Second Official Member in his introduction.

As this meeting here marks the ending of the present House and we here must make decisions and not ask to extend them indefinitely, but I feel the same as the other Members do that something can be done - I dare not say to put it to a committee, because of the dissolution of the House on the 15th of this month, and to say that it should go to the new House; that is putting it in the Hands of new people coming in and this time with the introduction I feel that thought should be given, some thought should given, but at the same time it is the opinion or it appears to be the opinion of previous speakers that this is not the appropriate time for this introduction and I feel that each one has his rights to oppose a Bill whether they will be here after the election they have the right to oppose it now and say what they feel that is good and right because they are still representing the people of these Islands, and what we are dealing with Friendly Societies something that is very touchy, I feel that deep consideration should be given, Sir. I thank you.

CAPT. CHARLES KIRKCONNELL: Mr. President, in view of what has been said and the long time when this Legislation was brought in, I would say that it is something extraordinary if the amendments that are proposed here are the only ones that we have to correct at this time. I have not been into this thing in detail but it would appear to me, Sir, that a little more home work should be done on the Bill and accordingly I am asking you to have it withdrawn.

MR. JOHN JEFFERSON: Mr. President, for fear that I might be misunderstood for not speaking - the amendment is very short but I too will say that when this amendment is proposed I am sure that it would be very good thing in the committee stages to no doubt look at the whole Law afresh. It goes without saying as has been echoed by many previous speakers that even though the Friendly Societies Bill is not a controversial Bill, in my opinion the fact that it was brought about or done so many years ago reminds us of changes in our community, our society over that century. I would only add that I trust that when we come to the committee stages that the Bill will be dealt with and that we can no doubt make the necessary changes that will make the Bill workable. I do agree that it would be far better to have a comprehensive Bill rather than piecemeal, but I'll wait for the Second Official Member to wind-up and see what he offers this legislative Assembly. Thank you very much.

MR. JAMES M. DOCKRY: Mr. President and Fellow Members, my contribution on this will be very short. I would make this declaration on this that at this time we could not properly study any amendments to this Bill because the small Amendment which has been put forward and which as I understand it is only Amendment to prepare further amendments to this Bill, and for which I can see no justifiable reason in submitting it to have that amendment done now

MR. JAMES M. DOUGLAS (CONTD.) so that you can bring forward further amendments. I would therefore suggest at this point that this Bill be withdrawn and a comprehensive Bill be brought back to the House embodying all of the amendments that are necessary and that time then we will be able fully to thrash it. I don't think it would make sense at this time to just run in and adopt a few amendments when probably most Members of the House do not even have the relevant Law in front of them that we would be dealing with. I thank you, Sir.

MR. PRESIDENT: If there are no further speakers I'll ask the Honourable Mover if he wishes to reply.

HON. G. E. HADDINGTON: Mr. President, Members, it is apparent Mr. President, from what has been said by the Members who spoke in this debate that the whole object of this exercise - this amendment has been overlooked. There is no suggestion so far as the Government Bench is concerned and as far as the Legal Department is concerned that there should be any amendments to the substantive portions of the Friendly Societies Law.

The whole object of the exercise is to enable the Law as it is to be republished in accordance with the provisions of the Law Revision Law. The Law Revision Law gives power to the revisor to republish the Laws in its present form without any substantive amendments, but embodying all amendments which have already been made by the Legislature. But in order to enable this to be done it is clear that the provisions of the Law which provides for the functions of the Clerk of the Court and the Public Recorder which are no longer relevant to the present time should be updated and brought line with the current situation. I think that the Members have completely lost sight of the real object of this amendment.

Now, I must commend the Second Member for Sudden Town on the obvious interest and hard work which he has done on this Bill. Because the three points that were raised by him which are quite valid, and which I accept readily and indeed which was already discovered and thusly amendments slips which I have here which I had proposed to have had distributed to Members when we got to the committee stage. So it is quite clear that certain slight amendments will have to be made in respect of the three matters which were raised by the Member for Sudden Town and which as I have said I readily accept and I am grateful to him for the amount of work which he has put in studying the amendment and it will be very refreshing, Mr. President, if all the Members of this House would treat Bills in that manner, study them and be able to come here and make valid suggestions of that nature. Well, perhaps, Mr. President, I needn't refer to the amendment which I will propose in due course, but the amendments will meet fully with the criticism which was raised by the Second Member from Sudden Town.

So far as certain other criticisms were raised it was said by the Member that under the old Law the Clerk of the Courts had to see that the rules carried out the intention of the society, and that the rules were not repugnant to English Law and other matters which the Member said were clearly the functioning of a Clerk of the Court who perhaps would be a trained lawyer and not as a Registrar. Well I can see no problems arising in that respect because even now the Registrar of Companies has to deal with quite complex matters of the Companies Law. He is not a lawyer, but he is guided by the advice which he receives from the Legal Department and I should imagine that he was substituted for the Clerk of the Court and he had to perform the functions which were heretofore performed by the Clerk of the Court under this Law, that he would just as he does now as Registrar of Companies under the Companies Law consult the Legal Department in respect of any legal matters which might arise under the Friendly Societies Law. So I don't accept that as being valid criticism and there is really nothing in that point in my submission.

Criticism was made with respect to section 10, which provided that further fees should be payable to the Registrar, and the criticism was that that would conflict with the Companies Law, but there again I regret that I cannot accept that as a valid criticism. Under the

HON. C. B. WOODINGS (CONTD.): Companies Law certain fees are payable and the Registrar is entitled to charge fees for those matters, but as Registrar of Friendly Societies then of course he comes not under the Companies Law but under the Friendly Societies Law and if that Law says that he can't charge a fee, then he can't charge a fee and there is no real conflict in that respect.

Criticism was made that under section 12 the books of the society were open for inspection and it was said that that would be in conflict with the Companies Law and with the secrecy provisions, and there again in my submission that is not a valid criticism because even under the Companies Law the registers which are provided by that Law are open to inspection. There is no secrecy about it and if the law says that a register is open to inspection, then indeed it is open to inspection and that the reason for that is apparent, and that is that any member of the society must be able to inspect the registers to see that his interest is being protected and to see that the people who are in charge of the society, the operators are indeed carrying out their duties under the Law.

Those in large measure, Mr. President, were the criticisms which were made; as I have said the valid ones were already seen and the suggested amendments are here to be distributed in due course, and I do hope that when we get into committee stage that Members will really appreciate the object of this little amendment, namely, as I have said before not to make any substantive amendment to the Friendly Societies Law, because even though this Law dates from 1942 it contains at the present time excellent provisions - provisions which have not been found to require any serious amendments - any amendments whatever over the years, and I think it would be found that if research is made that the Friendly Societies Law elsewhere are in almost exact terms, and it has been found to operate very well - I don't know about the Cayman Islands - I don't even know if we have a Friendly Society in the Cayman Islands, but in jurisdictions where there are Friendly Societies it has been found that Laws on the same basis with the same provisions have been working very well indeed and so far as the Legal Department was concerned there was nothing seen that required any substantive amendment, except these slight amendments in order to make it possible to republish the Law as it is at present in a form which would make it operable at the present time by substituting the Registrar of Companies for the Clerk of the Court and the Public Recorder in respect of certain functions under the Law. That is all I have to say, Mr. President.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: We will proceed with: The Land Holding Companies Share Transfer Tax Law Introduction and FIRST READING.

THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW

CLERK: THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW - INTRODUCTION AND FIRST READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. H. FOSTER

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

CLERK: THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW - SECOND READING

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled The Land Holding Companies Share Transfer Tax Law.

Mr. President and Honourable Members, prior to the coming into effect of the Land Holding Companies Equity Transfer Stamp Duty Law in 1971 there was a certain amount of concern in Government

HON. V. G. JOHNSON (CONTD.): over the evasion of stamp duty on land transfer. Stamp duty was payable then on land transfer when a conveyance was prepared between party and party, a valuation expressed therein and subject to stamp duty under the Law. But operators found a new way of transferring land without paying stamp duty and this was done by vesting the property in a company and thereafter transferring or selling their shares of the company. In that way they paid no stamp duty because there was no stamp duty on the transfer of shares and Government was losing a lot of revenue. The Government became very concern and in an attempt to put an end to this the Legal Department came up with this Law. The Land Holding Companies Equity Transfer Stamp Duty Law and/I dare say that Government collected a lot of revenue under the Law, it has therefore served a very useful purpose in trying to plug the gap, or the loop-hole rather.

There was some dissatisfaction, however, expressed in the administration of the Law, one area was regarding the ten per cent rule. Under the interpretation of land holding - the land holding of a company had to be at least ten per cent of the total assets before stamp duty(and that portion of the assets, namely land) was payable. Now this is the area under the Law which a number of people tried to overcome to their own advantage when the land holding neared the ten per cent of the total assets marked, because naturally the attempt would be made to value the land below ten per cent of the total assets in order to avoid paying the stamp duty, and so it became desirable that this particular section be amended to remove that ten per cent rule. The returns required under the Law were also not being complied with as should and companies were claiming ignorance to the Law, of course ignorance is no excuse. But in total we saw that this particular Law required some face-dressing and in looking through it we discovered again that the method of calculating the stamp duty under the Law was very cumbersome. Outside of Government the private people had to employ accountants and legal firms to calculate this stamp duty. We thought in Government that this should also be looked at, that a simple formula be introduced whereby anyone could calculate the amount of duty payable under the Law in any transaction.

It was at that stage it became apparent that the Law should be re-written and this is exactly what was done. And I should say that events of recent time have caused this to come forward Government wants to be in a position to know that any company owning land that they pay their proportionate, or pay stamp duty rather on the proportionate part of the assets representing land whether it be a small proportion or a large proportion And/this can be calculated by Anyone so that doubt will be removed from the minds of people who are not too certain whether Finance and Development made the right calculation or not. I can assure you, Mr. President, that it is always the attitude that Government should reckive every penny of what is due to Government and this is the attitude under which all calculations are made - we take things to the extreme because compromise and appeal lie to the decision or to any decision that is made by Government in this respect.

Coming to the new Law before us today which will replace the Land Holding Companies Equity Transfer Stamp Duty Law (I am sorry that we couldn't shorten the title of the new Law, it's just as long as the old title(The Land Holding Companies Share Transfer Tax Law), we wanted to make it quite clear to everyone what the Law really covers, and what it is all about, what it applies to and how it is applied. And so we have come up with the replacement Law and you will see that the ten per cent rule of the old law has been removed and you will see under section 4 the mode of calculation of the stamp duty and that it covers every small piece of land or property which may be owned by any company and that the stamp duty as in the present law is calculated only on the land holding proportion.I hope, Mr. President, that Honourable Members will see the wisdom in this Law and the simplicity in it against the old Law and will accept the recommendations as put forward. When we go into committee, of course, we will explain any details which might require further explanation. Thank you, Sir.

SECONDED BY HON. D. H. FOSTER

QUESTION PROPOSED.

MR. PRESIDENT: The motion is open for debate but I think this might be a suitable time to suspend proceedings for lunch and we shall resume again at 2:30 this afternoon.

HOUSE SUSPENDED AT 12:34 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. We will resume debate on the Second Reading of The Land Holding Companies Share Transfer Tax Law.

MR. JAMES M. DOUBEY: Mr. President, Fellow Members, the Bill that is before the House I am some what sympathatic with the idea behind it, but I think that it is one been case of where we are presenting a Bill without giving due regard to all of the merits of the Bill.

In speaking on the Bill the Third Official Member spoke about evasion and I can quite agree with him on that because 7 years ago what was going on and what really promoted the original Law to come into force in the first place, and to be frank with you, Sir, it is quite unfortunate that we do have some people that will go to their best to evade these things. But unfortunately, it seems like that evasion has not ended. because in my humble opinion we have just gone through a case of evasion again and what we are really trying to do here is to close the gate after the bull has already gone into the pasture. I think it a shame that a company should come into this Island and with all the generosity in the heart of the Caymanians that were displayed to them and to have to put in one sense very little and to have taken so much out: to the point where a dollar investment over a period of nine years multiplied to about twenty-nine, that is a very good business, and it is unfortunate that we have to go today and try to put more teeth into this Law just to control despicable characters like that.

This Bill, Mr. President, in the Objects and Reasons sets out what we are trying to do and again I love to say that it is one company mainly at this time that is forcing us to have to do such a thing, and if I had had my way with it we would have went to every court in the Land, or they would have paid more stamp tax than what they paid. Any of us in the Islands that buy a piece of land, or anything else that we do we have to pay our fair share of the stamp duties. I am quite familiar with a lot of our people in this country who have bought lots and then contracted to build a home on that and had to pay the full stamp tax on the home at the value of it for it to be transferred to their name after they had paid their fifteen and twenty per cent import duty on the materials that went into that house. So when we enforce the Law that strongly against our own people and to stop and think that some people can come in here and get away with murder, it boils my blood. But be that as it may, that is really not the merits of this Bill and I will attempt to outline some of the merits and some of the demerits as I see them.

As I see this Bill, Mr. President, it is going to curtail the activity in real estate transactions in this country and I am not particularly saying that because I happen to be in the real estate business. But anyone that is familiar with the real estate activity in this country knows that for the past few years it has suffered tremendously and/because that the Government also suffers tremendously, because if we go back into the records just a couple of years ago from the sale of stamps in this country the revenue got in one year, I think somewhere around one million three hundred thousand dollars, the next year it was down to about six hundred thousand dollars, so it is not just one person that gains by this everybody really gains. But what is going to happen here is this: We could have a company that have, let's say large assets, and if we follow what is being sug-

MR. JAMES A. BODDEN (CONTD.): out in this Bill and it becomes Law that company could sell its main assets - the person could then leave the country after he has sold nothing but a shell company to maintain locally, and if you have to wait until February of the next year to collect this money it then means that there is nothing to collect we would have been made fools out of once more. Because when Mr. A sells that company, or divest himself of the shares and the assets in that company and then sells it to Mr. B who has no money and the company has no money, and then you are going to make a request at the end of February and expect to get money on the value of the shares that have been transferred that year - where are we going to get the money from if the person who actually had the money is no longer in the country. So I would submit that to keep things of that nature from happening the shares should be paid for at the time that they are transferred, not in February of the next year.

In section 2 of this Bill it sets out tenant's fixtures and power plants and so forth as being exempt. Now this is more or less word for word what it is on the second page of the Land Holding Equity Transfer Stamp Duty Law, 1970 in the definition of a moveable property. Now, Mr. President, we have already lost a lot of money with one power plant - we don't know how many more power plants are going to come in but, Mr. President, I believe that this should not be an exempted part of this Bill. I submit humbly that when electric light poles are planted into the ground along the road sides when a large machinery, generating plant weigh several tons, probably fifty tons or more, is imported into this Island a cement base has been prepared for you to put that machinery on and then after you work and struggle to put it on top this cement base and bolt it in that it can no longer be considered immovable. I know the Members will/quick to tell me that the bolts can be sheared off and you can hoist it out, and I will agree with that to an extent, Mr. President, but I am going to submit that that would fall in the same category as a local Caymanian having a home or an apartment or an apartment house, or a business place that is built out of lumber and put on/concrete foundations. If we are going to define power plants in this instance, I am submitting that we also broaden the Law then and extent the purpose of the Law by inserting that anyone who builds a wooden building it can be determined as moveable and not subject to this Law. Because you can take a wooden building and you can move it away from its foundation in the same manner that Caribbean Utilities can move their power plant. So if we are going to exempt one, let's exempt the other. I am sure that our own local people will get more good out of exempting the wooden buildings than they are going to get from the exemption of a power plant.

I am certain that by this time the Members of Executive Council will not be so quick to get to their feet and defend the policies of Caribbean Utilities as they have in the past, when they can see the trouble that they went to to make rookies out of this Government - not just make monkies, Sir, but make us lose a lot of revenue that could have been used to keep this country on a safe footing. This is something that is hard to swallow, Mr. President, and I would have thought that we would have waited a little bit longer before we would have made it so noticeable to try to change this Law.

I am going to deal further, Mr. President, with section 2 (b) of this Law to show again that in my opinion not much thought was given to this Bill before it was put before this House. What we are attempting to do in this Law is to define as a land holding company any company that has more than ten per cent of its assets in land, not really this one, the old one was that way: this one we are attempting that any investment in land makes the company a land holding company. Now, if we should do that under section 2 (b) here is what happens: we have a company that could be worth five million dollars, that five million dollars could be in bonds, could be in securities, would be in cash, would be many different things, but up to that point it has not invested in any land so it cannot be considered a land holding company, but if we go through with this and make it into Law under section 2 (b): if that company should decide to invest ten dollars into land or into another company who is a land holding company it means that their total assets of that company would be taxable and

MR. JAMES H. BOHAN (CONTD.): determined as a land holding company, because it is not just related to the parent company, it is related to any investments it may have into another company, which is determined as a land holding company. This I think, is the important part of this Bill that consideration should be given to, because it says that a land holding corporation means a corporation, other than a charitable corporation, which is the legal or beneficial owner of any land holding - that is (a) or (b) is the legal or beneficial owner of any equity capital of a land holding corporation: so what this would be doing, Mr. President, is detracting from investments, because it would be very foolish of a person having a company that has a lot of liquid capital into it invest any money into another company in this Island which has land, or to buy any land after this point because it would then make all of its capital up a share transfer subject to stamp duty. It is good to get some revenue, but it is no good to get revenue when we get it like we did, what is rumoured on the motor car, where we increased it to thirty-three and a third per cent and then have to bend a little bit to allow the merchants to still continue in business. So, Mr. President, I hope that the Members of this Assembly will give section 2 (b) a lot of consideration when we come into committee stage to debate or to put this into law, because it is no doubt in my mind that if this Bill goes through as it is now it is going to be a deterent to the growth of this country - it's going to be a detriment to investment because all of these shares are going to become taxable.

Section 4, I feel like we should give some additional consideration to broadening this. Section 4 deals with the transfers of land between trustees or between nominees where there is no change in beneficial interest, when that occurs it is not considered as a land dealing and in my estimation then it does not become taxable. I would say that we could help the country a lot if we would have broadened that by saying that, in the case where an owner of land for financial reasons, or otherwise, has to transfer that to a local company into which he is the beneficial owner of all of the shares of that company that he would not have to pay taxes on it, and it would not be considered a dealing. If we can allow it from one one nominee to another, if/can allow it from one trustee to another, we should be able to do it in the case of an individual placing it into a company, so long as he is the beneficial owner. I would like to broaden that a bit because I know that some of the Members on the other side of the House will be quick to jump to their feet and say that he could put in the beneficial owner, because under the Companies Law you have to have three shareholders. I agree with that, Mr. President, but those other two shareholders could be members of his own family who are nominees for him and they could declare that they are holding it as a beneficial interest for the owner of the shares just in order that you could put it into a company. So, it does not defy the imagination to say that he could be the beneficial owner of all the shares of that company. In a case of that nature, I feel like section 4 should be brought forward to cover that. I further feel that it should be broadened to include a trust if he owns it - if he has projected a trust for his kids, lets say, under which he has control and has not completely given away the control of that trust and is still the beneficial owner that he should be able to transfer it without tax, because we are giving some people the power to do so in the case of trustees to trustees and I think it should be allowed from an individual unto himself, or an individual into a trust.

Section 6, may be there is good reason for the wording of section 6 as it is, but I could not give it my support, because it says that - Whenever being a director, manager or secretary of a land holding corporation fails to comply with any provisions of section 3. Now, the reason I said that I could not fully support that is because I think that it is a bit too broad. Most companies have more than one director so in this case we would not know the director that is responsible, we could charge all those

MR. JAMES M. BODDEN (CONTD.): of the directors, if the company had three directors. Besides that, Mr. President, I think if we read section 6 a little bit further it shows us where we are actually putting a person under double Secondly, because we are listing the director and the secretary of that company as being responsible and as being liable to answer to the Government in a court of law - yet we go a little bit further and we also penalize the company. Now I think we should make up our minds to either penalize the company or to penalize the directors, or the responsible person in that company. I would submit, Mr. President, that it is not necessary to have a director or a manager as spelled out in this, because it could be it could be a bit ambiguous - we would not really know who to charge, in other words what we would be doing is charging the first director that we can lay our hands on. Now this could be, in one sense, Mr. President, quite harmful to a lot of people, even may be Members of the Legislative Assembly, in the sense that a director could/a director who is easily caught and who is a local director and you might have ninety other directors in the company that is foreign, you can't catch them, so they get away with it, and you catch the local man. I am not afraid of it because any company that I am a director of I have shares in, and they are mine and I work for them, but it could hurt myself as a director, it could hurt many other Members of the Assembly, but most of all it can the country as a whole, Mr. President, and I would submit further on that that the person in my estimation we should charge here, if we are going to charge an individual would be the secretary of that company, because it is very very seldom that you find a company that has more than secretary, and the secretary is a responsible member of the company in many dealings under the Companies Law, so I would think that consideration should be given, unless there is a justifiable reason that I do not have for it, to strike out director and manager and if we are going after someone, go either after the company or the secretary.

I have to plead my ignorance a bit when it comes to section 10, because I have read that quite a bit and I really do not know fully what the intention or what the reason of it is, but I am hopeful, Mr. President, that the Members of this House will see that it is necessary to make some changes in this Bill, unless as I said in the beginning, it can be proven to the House without any reason of doubt why it is worded in the way that it is. And to sum up I would say, Mr. President, that under section 2 (b) will probably detract from a lot of investments that would come into the country if we leave it and pass it into LAW as it is here. Section 2 I would hope that we would take out power plants and make that to be considered an immovable would item and one on which taxes/have to be paid. Section 2 (b) that we change that in some respect to where it does not affect the investment potential from other companies that/occur if we allowed this to continue. Section 4, that would we consider broadening the scope of that to where if it is beneficial ownership from one person unto himself that it would be considered without stamp duty. Section 6, to define either the secretary or the company as being responsible and not to leave it in the wide scope that it is now, in saying a director, a manger or a secretary. I thank you.

MISS ANNIE H. BODDEN: Mr. President, there is not too much that I wish to say on this Bill. I would say, however, Sir, that this question of taxes on movable and immovable parts of a property have always been questioned. I remember, Sir, not too many years ago there was a big land deal with a bank - a building not a house - and some property. I refer to what used to be, or is still now Barclays Bank and the vendor said that I am only entitled to pay tax on this land - not the building thereon - well I couldn't agree with that, I agreed that what tax of seven and a half per cent stamp ad valorem tax, that it entailed everything. Well we took it to the highest authority there available and they agreed that you pay stamp duty on the entire price for all the land and the building thereon. Now, I feel, Mr. President, that we cannot make bone out of one and flesh out of the other. We should have Laws which apply to all and sundry. I am very amazed, to say the least of it, that this Caribbean Utilities could have gotten away with what they did, and I feel very confident that if that had been a local company

MISS ANNIE H. DONDERS (CONTD.): that things might have been different. Mr. President, I am not for anything that will hamper the growth and progress of the Cayman Islands. I am all for progress and anything that would deter or hinder investors from coming here, I think we should watch and look after very carefully.

Now, I am prepared to support this Bill to the best of my knowledge in all the things that would help our Islands, but I am not supporting anything that would grant concessions to Caribbean Utilities or any other utility - Cable and Wireless or anything, that would not be applicable to the Caymanians as a whole. When we go into committee stage, I feel that we can go very carefully into this Law, or Bill as it is now. What I disagree with, Mr. President, is this, in this House that all suggestions coming from this side are more less taken to be either frivolous, foolish or something that they have never taken into such account, and I feel that this is the last sitting of the Assembly, that everyone should work together in unity and what we do here to be passed on to future generations should be the best that we know how to put into it. Thank you, Sir.

HON. D. O. EVANS: Mr. President, I rise to support this Bill. I am aware that in the committee stage there will have to be a little tidying up to a section or so, but I do not share the fears of some Members who have spoken. I think the Third Official Member in presenting the Bill made it clear why the Bill was being introduced. Simply put, previously a company had to have ten per cent of its assets in real estate before it was considered a land holding company, and then you collected stamp duty on the value of the land. This Law seeks to make every company owning land irrespective of the percentage which the value of the land bears to its total assets liable to stamp duty on the value of the land, not on the value of its total assets, that is clear, and I am a bit surprised, Mr. President, that Members should think that this Bill is being brought as the result of a particular incident which has taken place. As far as I know, Government was not done out of any revenue under the transaction referred to, the Financial Secretary, or Third Official Member this morning answered a question to the effect that Government got stamp duty on the value of the land as valued by Government.

As far as the reference to sub-section (b) of section 2, I think it is a very clever move by the drafters of this Bill. to have included this, otherwise it would have meant that there was a loop-hole left in the Law, but that loop-hole is plugged by that section and if one looks at section 3 it is simple to see that the argument that has been deduced about sub-section (b) of section 2 does not hold water. What stamp duty is paid on is the proportion of the total assets that the shares transferred bears to the total assets and then you pay seven and half per cent of the total value of the land declared under section (a), so it is clear that it is not on the total assets.

Section 4, as between nominees and trustees, I think it is essential and I can see the argument as to enlarge this to include a company beneficially owned by the same party who owns the land in the first place but, Mr. President, it has been accepted from time immemorial that a company and an individual are two entirely different entities, and in the context of the stamp duty Law it is a transfer between two different parties.

Section 6, I cannot accept that this means that you grab a director, the paragraph starts with: whoever is a director - whoever being a director which means all directors, it is all embracing. It does not single out a single director for liability. What is really being said here is all of the officers of the company, and after all since the officers manage a company they would/responsible to see that the company complied with the Law.

Mr. President, I am not going to prolong my contribution to this, except that I would say that some mention was made about the returns being made in February. Well, I think that this is no different from the return that is made the first of January each year, at which time Government collects an annual fee and if someone has bought a company which owns land and has not protected himself against the seller

HON. B. O. EVANS [CAYM.]: ...of the company as regards the purchaser's liability for the stamp duty, well it serves him right if he got stuck with stamp duty in February, and since the company is still going to own the land I don't see how Government is going to lose anything, because Government, in my opinion will have a lien on the land for the stamp duty. May be the Second Official Member would elaborate on that, but that is my layman's interpretation of what the position would be. And with that, Mr. President, as I said I know that there has to be a little bit of tidying-up offered in the committee stage, but the principle of the Law I fully support - it is a much simpler method of calculating stamp duty than previously, and it/more equitable in that it is more in keeping with the spirit of the Stamp Duty Law: that is that every piece of land which is transferred bears stamp duty and Government should stand to gain,to make more revenue from this Bill than in the past. But I must reiterate that this Bill, in my opinion,was in the drafting long before the sale of Caribbean Utilities was ever contemplated or was at least known to Government and certainly the Financial Secretary is satisfied that Government has got its full value under the Law as it existed when the transaction took place, and this is not a move to try to close the gate the horse as escaped. I thank you, Mr. President.

MR. G. HALC BODDEN: Mr. President, when the Lady Member rose to speak, she said that she didn't have very much to say on this Bill, however she put her finger on the crux of the whole problem with this Bill, when she mentioned how difficult it was to determine what is immovable property and that is the section that I want to elaborate upon, because never has anything ever been put more clearly than was put by the Lady Member in her short speech, she has never before put anything so clearly in simple language that even a child, or even he who runs could read.

This Bill as presented will not do what the Memorandum hopes - the Memorandum hopes that this Bill will close all loop-holes it won't even nearly closing even a few of them. It will not close any more loop-holes than did the Bill which it is intended to replace, and the reason why the amended Bill will not close the loop-holes is because the definition of immovable property is copied word for word from the old Law, and that was a very poor definition in the old Law and it is even much worse when it is put in the context of the new Bill.

If we start with section 3 you will realise that everything hinges upon a proper definition of immovable property, and I will try to trace the sequence by starting with saying that returns will be made under section 3 (a) on all the landed property and on the strength of these returns under this new section we will collect the seven and a half per cent of the total value of the landed property which has been returned; that is the property which has been transferred and if we go to the definitions in the Law we will find that landed property means every legal or beneficial interest in, or claim to, or over immovable property, so that to put it in simple language the tax which we hope to collect will really be a tax which is determined, or extracted from immovable property, and that is why the Lady Member made it so clear that/crux of the whole matter is for us in this Law to spell/what is immovable property. The definition given in the Bill for immovable property simply states as it did in the old Law that immovable property means - immovable property in, on, under or over land in the Cayman Islands including all structures built into, or adhering to such land, but does not include tenant's fixtures, or removable fixtures or power plants installed for the purpose of trade, industry, agriculture or animal husbandry.

What I have been leading up to is the fact, that the question of whether property is immovable or not is of paramount importance in this Bill, and it has been brought out by the illustration given by the Lady Member,that it is frequently difficult to decide what is immovable property. And the definition given in this Bill - the definition which was repeated from the original Bill does not help at all and we will have to come up with a new definition for immovable property. I have a few ideas which I think may help in drafting a proper definition and the first thing we should bear in mind is this, that things which are attached or annexed

MR. G. ERIC BARRY (CONTD.): to land even slightly should be considered part of the land, or immovable property, unless the circumstances are such as to show that they are intended to continue to/be/attle or fixtures. And it follows that things not attached or annexed to land should not be considered part of the land, unless it can be shown that these things were intended to be a part of the land. So it follows that the only circumstances which are relevant are the circumstances which would show the degree of annexation, and this was mentioned by the Member from Durban Dunn, and the object of the annexation and things which would be patent for all to see. Now, as to the circumstances showing the annexation we must decide whether the thing is a part of the land or whether it was put there for a more temporary purpose, or was put there for the improvement of the land. In other words, if in a certain building you had a vacuum cleaner which was there merely for keeping the place clean, you would quite easily decide that that was a movable property and that it was simply a fixture or a chattle, but if you had as the illustration has been used, a power plant which was bolted to the ground in a sufficient manner to remain in one place and had been put there for the purpose of the improvement of the property, that is so that the property would be able to generate an income, there would be no question as to whether that plant was a part of the land. So the definition which we need for immovable property is a definition which will show the degree to which something is annexed to the land, whether it is put there in a manner in which it could easily be removed, or whether it was intended for permanent fixture, or permanent fixation to the land. This is the crux of this whole Bill, and I can't help from calling the Lady Member's name, because the simplicity of the matter did not dawn upon me until she brought it out in such a clear and lucid manner and if we reject this Bill and if we write a hundred Bills, as long as we continue to use the obsolete explanation or definition of immovable property that was taken from the old Law, that was probably taken from a more ancient Law and was probably taken from the distant past - we will never come up with a solution to this problem - we must write into this Bill a proper definition of immovable property, because we don't all the rest of the Bill falls away.

I will have to ask in this Bill as I did in the Bill this morning, that the Bill/withdrawn from the House until a proper definition can/fit into the Bill for immovable property. Because immovable property as a part of landed property then we go into the Bill we find that landed property only means a legal claim over immovable property, and when we go further on we find out that landed property, which is the legal claim over immovable property is what we are going to get our returns on and further down in the Bill we find out that it is the returns on the landed property which will ultimately decide the tax which will be collected from any transfer of land. So what we need here is a proper definition to make it crystal clear that when a thing is annexed to the land to such a degree that it becomes a part of the land, and it would be immovable property and if it is only temporarily placed upon the land it can then be regarded as a fixture or a chattle and would not qualify as immovable property. I could go further on and give hundreds of illustrations - You may take something like the old systems for heating houses in cold countries, where the house might be built with grates that were securely fastened and over the years those grates had deteriorated and had to be replaced. Now, there would be no question in the original building of the house as to whether the grates were a part or an immovable fixture, but if these were replaced with the modern type basket grates - although the basket grates would be slightly and hardly annexed, they would still be a movable or an immovable fixture. So what we need in this Bill is to spell it out clearly once and for all what is immovable. It is not sufficient to say, as this Bill says, that immovable property means immovable property - that is not a good enough definition - we want to show the difference between what is fixed for all times on the land and what is fixed for a temporary period.

Mention was made of power plants, they are excluded from immovable property, but they cannot be, no more than you could exclude a house that is built on stilts - one could cut away the stilts and

MR. G. HAIG BODDEN (CONTD.): carry away the house - it could be moved, but the fact that it is built on stilts makes it for all intent and purposes a permanent fixture upon the land. And power plants would be in the same position, they would be,as the Member from Bodden Town said, embedded in cement or concrete, bolted down to the land in such a way, although it would be possible to unscrew those bolts and take it away for/intents and purposes, it would be a permanent part of the land and for tax purposes under this Law should be considered immovable property.

It does not suit me to go into the other points that were raised by the Member from Executive Council, because unless this definition is tidied-up, I believe that is the new word they have now for explaining something that shouldn't have been there in the first place, if this definition is not tidied-up the Law will have no effect, and you will be here in a few months time seeking a new amendment like the house that Jack built that I mentioned this morning, to clear-up the amendment which is suppose the Bill that was introduced to collect the transfer tax and we will not find a solution if we continue to use a definition which does not define the word immovable property for tax purposes, perhaps the definition given here might suit if we were thinking about playing tennis, or something like that, and we were talking about whether the tennis ball was immovable property or not, but for the collection of taxes under this transfer tax Law, the definition of immovable property is most inadequate and does not help one bit to close the loop holes in the former Law and so, Mr. President, I would ask that our Legal Department take a new look at this Bill and take into consideration the remarks I've made in suggesting a new definition for the phrase immovable property,so that we can clinch once and for all what is taxable and what is not.

MR. SPEAKER: If there are no other speakers I'll ask the Honourable mover .....

HON. C. E. WARRINGTON: I think I should make some comments, Mr. President and Members, on the points raised by the previous speaker and by the lady Member for George Town on the question of - I think the important points that is being overlooked in this Bill, is that the object of this Bill and it's predecessor which is being repealed, and which hopefully, it is expected that this Bill will provide a stronger method of attracting stamp duty on transfers of shares by companies. The main object of the Bill is to provide some sort of tax on the transfer of land which escaped stamp duty because of the device of forming a company to own land and then to transfer the shares. But the whole basis of the operation is to provide a stamp duty on the sale of land.

Now, if land is being sold by an individual who is not a company that individual becomes liable to pay stamp duty on the value of the land, and land includes everything on the land which adheres to the land and cannot be moved from the land and if an individual owns land with a building which contains a power plant which provides electricity, then that and that power plant is simply bolted down in the building and can be removed by the simple expediency of removing the nuts or the bolts and lifting it out by a crane, then from time immemorial a plant of that nature is regarded as a fixture and not as part of the reality. And the reason for this stems from a very important principle of law and that is that there is a difference between land, that is/my real estate and chattels or fixtures, and anything that can be removed by the simple expediency of removing bolts and nuts and lifting it away, has never been regarded as in the terms of the Laws severing of the reality - it is regarded as a chattle and no stamp duty would be payable even in the case of an individual buying a case.

Mention was made of a house that could be removed, well the same principles apply, if a temporary structure is put on land which can be lifted up and taken away by the simple expediency of removing bolts or nuts - that house does not sever of the reality, and not stamp duty would be payable on the value of the house. There is a famous case in point, and it is a case of building versus build in which there was a structure erected on Government property in England on the coast overlooking the sea, which was

HON. G. B. WADDINGTON (CONTD.): used during the war as a look-out point for coast watchers in the event of an invasion. And long after the war a certain gentleman by the name of Mr. Pill, I think it was, decided that he would like to appropriate the little house and so he proceeded to do. He removed the bolts which held it to the foundations and took it away and in due course was charged with stealing the house or the hut. Well, it's a principle of Law that larceny cannot be committed of the reality - land cannot be stolen - a charge of larceny cannot be brought for stealing land and so the point was taken by the defence that this house being part of the land, part of the reality, that the accused could not be convicted of stealing. He was convicted in the court below, and it went to the Appeal Court and the Appellant contended that his conviction was wrong because he had not stolen a chattle he had stolen something that/adhered to the land. Its But the Court of Appeal had no difficulty in dismissing the appeal by holding that because this structure could be removed it was a movable structure - it was not immovable and therefore it was a chattle and did not sever of the land and so the conviction was right, and Mr. Pill should serve his term of imprisonment. Well the same thing applies here, Mr. President and Members, it is not intended that a tax should be charged on fixtures or things that can be removed from the reality, and that is the reason why immovable property is so defined in the Bill and in the previous Law and it is quite clear that removable fixtures, or power plants installed for the purpose of trade, industry, agriculture or animal husbandry is not taxable under this Law; it is not taxable even by an individual who owns such property at present and transfers the property and for my part I see nothing wrong with the definition, I think it is an admirable definition, it conforms with the Law as it is, and it is in accordance with the concept of reality, land and chattles which do not adhere to the land.

MR. JAMES M. HODDEN: Mr. President, could I just ask a question, Sir.

MR. PRESIDENT: On point - you can ask for a point of explanation.

MR. JAMES M. HODDEN: Yes, Sir. The point that I raised about the taxing of a wooden building on a concrete type foundation that is bolted down which is the way that most wooden structures, or wooden homes or buildings are built. Under the present Law if a home of that nature is sold stamp tax is paid on the land value as well as the house value. Now, if I follow the line what the Second Official Member has said then, if this Bill goes into Law, a house of that nature then there would be no tax on it. Is that correct?

HON. G. B. WADDINGTON: That is perfectly correct, Mr. President, the whole question arises as to can the structure be removed and once it can be removed it does not attract any stamp duty and if persons have paid stamp duty in respect of cases of that, then that is entirely up to them, but if the structure can be removed then it is a movable structure and does not form part of the land.

MR. PRESIDENT: I think we must take any further points in committee on this.

CAPT. CHARLES KIRKCONNELL: Mr. President, I beg, Sir, to differ on this immovable property and its definition, because I feel, Sir, that there are numerous buildings in Grand Cayman, including our own structure on School House Road, would fall in this category. I am quite certain if we sold our property at School House Road which is only bolted down -/we sold that on just the value of the land there would be a big question. There are numerous wharehouses that are also bolted down in the industrial sector of George Town - they can also be movable under this Law. This to me is a serious loop-hole and I beg that this definition be clarified more than it is right now. Thank you.

HON. TREVOR FOSTER: Mr. President, Honourable Members, I stand to make my brief contribution in support of this Bill. I feel that the merits of the Bill speaks for itself and I am aware that there is/controversy over particularly the definition of immovable property. However, my contribution to that is, that I think one can only define a movable property, one with the original intention and which such was placed on any property, whether in the first instance it was put there permanently or whether it was put there temporarily. As far as the stamp duty is concerned the intention in which the sale or conveyance was made, because I can't help but think in this modern age nothing is really immovable; one can say it is not movable in one piece, but nevertheless, anything can be moved, so I must say that my definition of it it would have to be the original intention of which it was placed on the property, whether temporary or permanently.

The law, Mr. President, that this Bill will repeal, namely, the Land Holding Companies Equity Transfer Stamp Duty Law, no doubt has done a good job thus far, nevertheless the effectiveness of the law has broken down over the years and left loop-holes no doubt which some people desire and on the other hand some loop-holes that Government does not desire. Mr. President, it is the intention of this Bill to, should we say, plugged these loop-holes and particularly in this modern age that professionals who are trained in these fields are currently finding loop-holes for their own gains, or may be their clients, therefore it is the obligation of this House to try to legislate Laws that would reverse this action and plug these such holes. Mr. President, I am aware that Members all are seeking to correct the same problem and no doubt when we get to committee stage where the Legal Department, who we take our advice from, can elaborate on this more and may be simplify it in the minds of Members.

Mr. President, the main merit of this Bill, as far as I am concerned, is to seek a very simple method and formula for the calculation of stamp duty. I must say that I support the Bill with the financial interest of our Islands paramount in my mind. Mr. President, Honourable Members, as I said before I think during the committee stage of this Bill with further explanation from the Legal Department, who we all should be obliged and help advise during the passage of Bills through the House, I feel certain that we can take the advice of our Second Official Member, this is the purpose that he is here for, and I think it is no more than reasonable that we should. Mr. President, I support the Bill. Thank you.

MR. JOHN D. JEFFERSON: Mr. President, I rise to support The Land Holding Companies Share Transfer Tax Law. I re-echo the words of the last speaker in relation to the purpose of this Bill. It is indeed very clear that the method the Bill seeks to do is to make a very simple method of collecting stamp duty. I believe that all Members here have a duty, that is in light of the fact that this Bill is being redone because of loop-holes that have been found in it, or made by various people that we have a responsibility to do our utmost to insure, if possible, no loop-holes at all. I am sure that we have derived great benefits from this Bill previously and I hope that when we are through going through it in committee stage that we will make it abundantly clear that we will avoid loop-holes which may be plugged by people from the various legal profession.

I believe is the previous speaker in making reference to immovable property - I think the definition was quite good - I think we should rely on what the original intention was; where it was intentionally placed on a permanent basis or a removal basis. I certainly will support the Bill but in the committee stage I am sure that there is some tidying-up we can do - there is some changes no doubt we can make to make it abundantly clear in respect of immovable property. I support it, Mr. President. Like I have said, when it comes to committee stage, we will do our endeavour to make sure that every loop-hole, if possible is closed.

HON. V. G. JOHNSON: Mr. President, Honourable Members, there isn't very much I can say in the winding-up, because a number of Members from the Government bench have spoken on the Bill and clarified a number of points,

HON. V. C. JOHNSON (CONTD.): including the Attorney General, Second Official Member.

A lot of speculation was made, Mr. President, pertaining to the case of evasion of stamp duty by a company in a recent transaction and that Government is now attempting to close the gate after the horse has escaped, but stamp duty has been a subject of much interest to me over the years and I've gone sometimes to very extreme lengths in trying to marshal and collect all the stamp duty that is payable to Government, I did so in this case. The Member suggested too that he would have gone to every court in the land to ensure that he had collected all the stamp duty that was due. And I would like to advise this Honourable House that I would have done the same too; the fact is, when the decision was made by my office it was the intention that we were not moving from that decision. So I would like to make it quite clear, Mr. President, that all the stamp duty that was due in that and any other case dealt with by Government had been paid and nobody has escaped, not to the knowledge of Government, evading the issues.

The First Elected Member from Bodden Town suggested that a certain section of the new Law which we are examining - The Land Holding Companies Share Transfer Tax Law - could curtail real estate business in this country, and he referred to section 2 - the interpretation of land holding corporation - subsection (b) which reads: "land holding company means a corporation other than a charitable corporation, which (a) is the legal or beneficial owner of any land holding; or (b) is the legal or beneficial owner of any equity capital of a land holding corporation." Mr. President, that particular section was put there, or those particular words in (b) under land holding corporation interpretation - was put there to ensure that there would not be an escape by companies to evade stamp duty in the future. It is the practice for many companies to put a part of their equity control in a holding company and if there are two companies, parent and holding companies - operating there could be the case where the holding company would undertake to do the business transaction rather than the parent company, and shares could be transferred in the holding company in the same way as the other company and this could in fact be a land holding company and it could be for the purpose of business transactions, and if this safe-guard was not built into the Law then the shares transferred by the holding company would not be subject to stamp duty and there we would be in the same position as in the days before this Land Holding Companies Equity Transfer Stamp Duty Law was introduced. So it is important that that particular safe-guard is built into the Law.

The question was raised that if shares are transferred during the course of the year the stamp duty is not paid until the return is made next February. Well, the Law would read to purport that, but there is no reason why stamp duty cannot be paid when the transaction takes place. The obligation to make a return each year is the same obligation under the present Law and if companies which are land holding companies are not obligated to make this return to Government then it would be easy for them to go on transferring shares without anyone knowing whether they were land holding corporations or not, so it should be mandatory for companies to make this return and all the Law is saying that when that return is made if the stamp duty has not yet been paid then it should be paid at that time.

Mr. President, mention was made of section 4 of the Law dealing with exemption of transfers between trustees and nominees. It is the same exemption which exists in the present Law - section 4 of the present Law which exempts trustees and nominees, and as far as I know it has always been the case even under The Stamp Duty Law - it's a general principle that they are not the beneficial owner and therefore any transfer between them would be just administrative arrangements where management is being shifted from one set of trustees or nominees to the other and this could of course happen quite frequently and if the company had to pay stamp duty on all these transfers then there would be no incentive whatsoever to operate in the Cayman Islands. To extend it to include individuals - transferred from one individual to the other would again not be in accordance with what is the position with The Stamp Duty Law. I think the Law as it stands here conforms quite well with all the provisions and the principles behind The Stamp Duty Law and in fact it

HON. V. C. THOMSON (CONTD.): is partically a copy in many respects of the present Land Holding Companies Equity Transfer Stamp Duty Law.

The question of immovable property - that is the definition - has been the question of much debate and Members are now of the opinion that if a building is bolted to a piece of land and that land is transferred then they could argue that the value of the building should not be a part of the value of the property on the transfer for stamp duty purposes. Well, the definition under the Law is quite clear because the definition must be read in two parts - it says in the first part that immovable property means immovable property in, on, under or over land in the Cayman Islands including all structures built into or adhering to such land; that in the first part of the definition and one cannot alter that, but they go on to go give certain exceptions and says that it does not include tenant's fixtures, or removable fixtures or power plants, and we must note here that when they mention the word power plant, it says power plants installed for the purpose of trade, industry, agriculture or animal husbandry, so again it is only for those purposes that there would be an exemption of power plants under the interpretation of immovable property. So I personally would fight every issue of anyone coming with a conveyance and saying to me, well, this little house can removed because it is only bolted - I mean we would to test this through the courts, as far as I am concerned.

Mr. President, in the committee stage we will look at these Law areas that have been questioned and I dare say if there is anything to improve the Law, I would only be too glad to support it, but I think what we have put forward here has been a Law which has had a lot of thought and work - not a simple piece of Legislation - this original Law was thought to be a nasty piece of the Legal Department and this other Law is also considered quite a thing - it's original - it's no precedent anywhere - and so we thought as Government, or I thought personally, that it ~~~ filled the requirement very well and would serve the purpose for which it is intended." So, Mr. President, the rest of it can await the committee stage for us to further examine the Law. I would ask Members to give favourable consideration to the Second Reading of the Bill.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Proceed next to a Bill entitled The Port Authority Law.

THE PORT AUTHORITY LAW - INTRODUCTION AND FIRST READING

CLERK: THE PORT AUTHORITY LAW INTRODUCTION AND FIRST READING

MOVED BY HON. A. B. BUSH

SECONDED BY HON. D. M. FOSTER.

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

CLERK: THE PORT AUTHORITY LAW SECOND READING

HON. A. B. BUSH: Mr. President, in presenting this Law, I would just like to give a brief outline on the purpose of this Law and the merits and demerits of it.

When the new port facility which is now being built is completed it will be necessary to have legislation to control the operation of this facility. The completion of this facility is expected to be early next year. And in order to be able to operate the facility when it is completed it is necessary to have this legislation ready so as to ensure the proper operation of the dock. We don't have a port authority - never has had a Port Authority Law - never has had one, and I dare say that Members will realise that the reason for this is that we actually didn't have a port. We

HON. A. B. BODDEN (CONTD.): had I believe what can be termed a landing place, but really not a port.

The Law sets out the objectives - what is expected to be achieved by this Law, and Members will note that it seeks to establish an Authority that will be charged with the full responsibility of the operation of this port, to make an independent organisation within Government free from any subsidy or revenues from any other sources from the Government. I am sure Members will want to know when the dock is operational that it is an independent operation and free from any such subsidy, that it will be able to maintain itself in every way and this is what this Law sets out as its objectives. It is strange to us, but I can assure Members that all that is in the Law is quite necessary for its proper operation; without it we wouldn't be able to operate the dock properly and so I will ask Members to give this Law their full support and to realise that everything in it is necessary so as to have it operated properly and so, Mr. President, I now formally move the Second Reading of the Bill.

SECONDED BY HON. D. H. FOSTER

QUESTION PROPOSED:

MR. JAMES M. DONNAN: Mr. President, Fellow Members, I am going to put myself up for more ridicule I guess here in pleading some ignorance in not being able to fully understand why it is necessary to set up this port authority as we have it outlined here.

Now, I know in many other areas of the world you have your port authorities and I really don't know how they operate, but I am querying this because this has been one of the largest investments that Government has yet gone into and I cannot understand why at this point, after we have invested this amount of money, we have gotten the added facilities, and we are then going to turn it over into another authority, which is really in one sense at that point not subject to Government control and particularly where the Members of this House will be told when they question anything about it that it is none of their affairs to question it, because it is outside of the ambits of this Legislature. Now this has been happening quite prevalent in the last few years in regards to Government. I do not mean to criticise by saying this, but there has been a lot of talking in this House that has gone about the investments from this Government into Cayman Airlines and unfortunately when we questioned that we were told that it was none of our business and put up to quite a bit of ridicule. I can see the same thing happening here with the biggest investment that Government has yet made, which is the port, and when the port is completed, we then create this little body who will take over the control of that and run the port. At that point are we less the control, or any questioning of this large investment passed out of the hands of the Legislature. The Member spoke in introducing this by saying, that one of the objects of it was, that it would maintain itself without any subsidy from Government. If that could be true it would be a good thing, but like so many other things that we come to go into, it's a bed of roses at the beginning and then later on we begin to get the thorns.

I really cannot in one point intelligently debate this Bill, unless the Government bench would give us some more in depth reasoning as to why it is necessary to create this Port Authority. If I read this Bill correctly, once this authority has been set up the lands, the buildings and everything else that is in/passed to the control completely of this Port Authority and that Port Authority is not going to really be subjected to the control of the Legislature, which I think it should be. I cannot understand why the port could not operate on a basis like Public Works for instance. I can see us setting down guide lines as to how the port would operate, but not to set it up in an authority separate from, really the Governing body. As I said in the beginning I had to seek this information and I plead my ignorance, because really I am not completely understanding the reason why this is being done.

To really get down and debate the merits or

MR. JAMES M. DOBSON (CONTD.): Demerits of this Bill, I would like to speak First of all on Section 4, subsection (8) but before I get to that I see I have another note here - Section 4, subsection (4) - The Authority may for the purpose of the performance of its function raise loans - (a) from the Government; or (b) with the approval of the Governor in Council from outside sources. I cannot agree with this because we have spent a lot of money on that dock, and for you to tell us that you are passing it into the control of someone else, hoping that it will need no more subsidy, then you bring in this section telling us that it is going to try to raise loans from the Government. That is like a child begging his father for money, because this is a Government body - the dock is by the Government - it is owned by the Government - it is owned by the people of this country, so why are you going to set-up this outside body and then grant that outside body the authority to come back and borrow the money from Government, why don't we run it, and if we have to subsidize, or whatever we have to do then we do out of the general revenue, with all of it's revenue coming directly into Government. Setting up this body I agree will probably ease the burden of some of the Civil Servants in regards to operating this, but I think that burden should be put on their shoulders and the revenue that is earned from it should come directly back into the general revenue - I am not going to say that it is going to be that much revenue, because I don't believe that it's going to be , but I cannot agree to give this outside body the power to raise loans from the Government, number one, or/give them the power to raise loans and indebt this dock facilities, actually put in debt the Government of this country, actually put in debt the people to this country and moreover that is only going to be done on the approval of the Executive Council, not even the Legislative Assembly. The Legislative Assembly Members of this country are voted into this House by a majority vote of the people, I have said it in arguments in the House before in regards to C.A.T., I reiterate it again today, that the Members of this House are the custodians of the peoples funds - they are responsible to the people, and it should never be into a Law that eight Elected Members who represent the majority of the people of this country would not have anything into the say of how this Government is indebted, or how the people are indebted - that is wrong. That section should never have been in there, and I am hoping that one time in the history of this House that the eight Members on this side of the House will all be plugged into the same extension and when the vote comes it will be "no".

This is a complete slap in the face of the people and/Complete slap in the face of the ordinary Elected Members as we are called, as to tell us that the Government has invested probably by the time it is finished, seven and half million dollars and then tell us that you are going to put in the hands of someone else to run, who will not be responsible to the Elected Members of this House and that that group of people can then go out and raise loans on that dock or on the facilities and/ indebt it on just the approval of four Members in Executive Council who presumably represent only twelve per cent of the people of this country - that is not correct, Mr. President, it must not be allowed to be put into law.

Section 4, subsection (9) - Any balance of This tells us that account in favour of the Authority up to the amount of $50,000 may be carried forward to the account of the following year and any balance in excess of that sum shall be paid into the general revenue of the Islands. Again I couldn't agree with that, because you are leaving this body of people, whoever they may be, to be in control and/use/up to $50,000 dollars - I could agree to a limit being put on that of may be $10,000, but the rest of it should definitely go directly into the general fund, if there is anything over that amount. I guess the reason for putting the $50,000 is that the people quite well know that there/ never be $50,000, probably in that fund.

Section 5, once this is created we are vesting the parcels of land with the buildings and/with there situate on set forth in the Schedule which, together with such other parcels of land as may in future be vested in the Authority shall be known the "port areas" - so it shall no longer be known as really being Government's - it shall be known as the Port Authority, and the great amount of money that has been spent on that will mean that at that point these anonymous people whoever they may be are about in control completely

MR. JAMES M. BODDEN (CONTD.): of it. The ownership of it then rests in the Authority - it does not vest any longer in the Government, I cannot agree with that, Mr. President.

When we come on down, Mr. President, to another one of the points in this Bill, which I think/me personally is a bit offensive and that is 13 (b) - there is no secret in this House as to the stand my colleague and myself have taken ever since we have been in the House, in regards to regulations being made in Executive Council and what we have referred to so many times as skeleton legislation - one more time I have to object to it. I would, in fairness to myself really, object to the entire section of 13 because again I feel like this is really the brains of this Bill and those things covered there should be dealt with by the full Membership of this House, but most important of all is section 13 (b). Under section 13 (b) - the Governor in Executive Council will be able to prescribe the tariff rates of port dues. I think that is vesting too much authority of the people into the hands of only a few people. Those port dues, those tariffs, whatever they may be should be presented to this House and democratic vote taken on it, if all the Members on this side of the House took an opposite view and agreed together that the rates were too high, then they should be lowered. If it should happen as happened so many times in the past one Member or more should defect and go with the other side of the House, and it is then passed that is still, although we might not agree with it, is still a democratic process and the process has been aired in the public. So, Mr. President, I object strenuously to that, and I hope that we are going to get some support and that the points that we have raised which is only a few points, but they are very important points in regards to this Bill, that the Membership of the House on this side will see fit to vote together in block and always there. The rest of the objections, Mr. Presidents, to show you that we work on a very democratic system I am going to leave it to my colleague from Sudden Town to get the rest of them to you.

At this point I will close my debate by saying, Mr. President, that I do not still understand the reasoning behind this. I hope someone can explain it to me better than the First Elected Member to Executive Council has done, but I would like to see this remain in the hands of Government - remain as a Department of Government - controlled by the Government - controlled by the Legislative Assembly and I could not vote for anything else other than that. Thank you, Sir.

MISS ANNIE H. BODDEN: Mr. President, Members of this House, I sometimes wonder who dreams up these laws and who makes Government contracts.

Now, I was in court yesterday, Mr. President, and there was a matter being discussed of the court's time. Well, as usual the troublesome man who is in the court most of the time was creating a lot of talk and it was brought to the notice of the court that the period shortly after the 20th September until the end would be taken to deal out a matter of arbitration. Well, everybody was very curious and an Attorney-at-Law who is a Barrister of Law sitting at my side and who as one other Attorney said, didn't have the nerve to sit in the front desk, because he is a Caymanian and very humble, he inquired what this arbitration was all about - well we inquired of a Government official who was in the court, and he said now, you are not getting me involved in no politics and we said how could it mean politics: well he said, that arbitration pertains to a case brought by (I am not going to call the company) against this Government, claiming a substantial amount of money/in regards to the hospital. I said what is the sum, now he said you are not going to involve me in any politics - I said, is it thirty thousand dollars - much more than that he said.

Now, I wonder who dream up a Law of this caliber and such contracts. Because I have supported that dock to the hilt. I might lose my seat in this Assembly on account of my support of it, because I was told by a West Bayer not too long ago - you can't get back in our Assembly because you said that/it costs ten million dollars this dock we have to finish it. I said, of course I said so, I am not backing up. Now I have been with this dock one per cent. I wanted it in George Town - it is in George Town - what I am against is filling up Mallie's Bay, when we have a Northern stretch of

MISS ANNIE H. BODDEN (CONTD.): land that could be made into a dock. I am not going to say anything other, than I support the dock being in George Town regardless of the cost, if it is within reason, but this Bill I shall oppose until the last breath I draw.

Section 3 - There is hereby established a body called the Port Authority of the Cayman Islands which shall consist of a Chairman, who shall be a permanent civil servant appointed by the Governor, (that is the Chairman) the Financial Secretary or his nominee, the Director of Public Works and the Collector of Customs who shall be ex-officio members and not more than four or less than two other members who shall be appointed from time to time by the Governor one of whom shall be selected from nominees proposed by the Chamber of Commerce - has the Chamber of Commerce ever put either dollar in this dock - that is what I want to know - I think it is ridiculous; I would tear this in pieces that's what I would do with it the Chamber of Commerce running the dock - well that is simply ridiculous - Captain Theo will have a job now I am sure he was the greatest opponent, and how to pacify him it must be - it is must be for that to put him in charge of the dock - I will never agree to it - it is ridiculous. On one occasion I heard him said in this House that to pacify a certain member at Cayman Brac, he would have to be put in charge of the dock - they have changed now to pacify the opponent here to give him his job. Now, Mr. President, this is from the sublime to the ridiculous, after spending, I would say that it is going to reach ten million dollars, if they put it how I want it to be put, and to put it in this Chamber of Commerce hands, well this is the most ridiculous thing I have ever heard.

I shall not agree to it, and then to take it completely out of Government's hands - put it in the Chamber of Commerce I call it, because these Government Members are ex-officio - I am not quite sure what they mean by ex-officio are they just there good looks, or do they have say. Now, I don't know who dreamed up this law - I hear it all around that every week or so, the representatives from the bank which has loaned the greater amount of this money, saying what we shall do and/what shall not do with this dock. Now, as far I am concerned, this dock must be a department of Government, and not a Department of the Chamber of Commerce. Then it goes on to say when the Authority shall meet and so et cetera - what the revenue shall be done and how they will meet it, and one very very serious paragraph is (5) - When the Authority raises loans under paragraph (b) of ... section 4 it may, subject to subsection(6)and to any contractual obligations entered into by it or on its behalf - create, issue, sell or negotiate debentures. Are we really in our sound sane senses: that is what I want to know. Well, I want to tell you one thing anybody that passes a Law of this nature they shouldn't get on 'X' just by their name, regardless if they were I don't know who. Now, I am very surprised, shocked, all these - I am not putting myself in it bear you well. because I am/work woman, I only approved of the location of the dock, I approved of having a dock: but I leave it to the men to run and all these Honourable men here, I don't know if they will get in the Assembly or not, to be treated in such a manner that they have no say whatsoever, when we have fought, we have borrowed money - we have gone to every extreme to get that dock put where it is.

Mr. President, you might not know, Sir, but the controversy that has waged over this Island for years - the multimillionaires wanted it in the North Sound - take our airport land: for two or three cents per foot - I said regardless, Government must be at the driving wheel of every project in this Island - but now they are willing to give it to the Chamber of Commerce. Mr. President, I object to this Law one hundred per cent, I don't know who dreamed it up, and I shall not support it, because I feel that anything that Government invest money in, it should be really supervised and properly run by Government. I thought that the Collector of Customs and his team of men down there, with a few additional supervisors et cetera would take charge of this project, I didn't know that we had to dish it out this kind of way, because had I known that, I wouldn't have voted one penny for it - I would say keep Mollis's dock - keep the Collector of Customs and keep all those who have dealt with it hitherto, and I shall oppose this like I did, the not reading of scriptures in the schools, if I stand alone.

MISS ANNIE H. BODDEN (CONTD.). Now, Mr. President, I want it emphatically clear, Sir, that it's no personality as far as I am concerned. I have supported the First Elected Member to the Executive Council in every project - even now I broadcast the work that I feel he has done for the Islands during his term of office, but I am very sorry to say that he has been misled when he proposes such a Bill as this. Thank you, Sir.

MR. PRESIDENT: This might be a suitable time to take the adjournment, I think, it's about five o'clock.

ADJOURNMENT

MOVED BY HON. D. H. FOSTER

SECONDED BY HON. G. E. HADDINGTON

QUESTION PUT: AGREED.

AT 4:55 P.M. THE HOUSE ADJOURNED UNTIL FRIDAY MORNING THE 3RD SEPTEMBER, 1976 AT 10 O'CLOCK.

M I N U T E S

SECOND DAY

FRIDAY, 3rd September, 1976 - 10 a.m.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE. PRESIDENT

GOVERNMENT MEMBERS

HON. D. K. FOSTER, M.BE., JP	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.
HON. C. E. WADDINGTON, C.BE., QC.	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL
HON. V. G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON. A. B. BUSH, J.P.	FIRST ELECTED MEMBER AND MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. TREVOR FOSTER	SECOND ELECTED MEMBER AND MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION
HON. BENSON O.EBANKS, JNR.	THIRD ELECTED MEMBER AND MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES, LABOUR
HON. W. W. CONOLLY, OBE., JP	FOURTH ELECTED MEMBER AND MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, DEVELO

OTHER ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY.
MR. JOHN D. JEFFERSON	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MISS ANNIE MILDAH BODDEN	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR. CLAUDE M. HILL	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.
MR. JAMES M.BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. G. HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THURSDAY, 3RD SEPTEMBER, 1976

12 A.M.

1. PRIVATE MEMBERS' QUESTIONS.

MR. G. CRAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

(i) What was the cost to complete the road diversion at Red Bay, and will the original road be kept open?

(ii) How many miles of new road have been constructed and at what cost to date? What is the cost of materials on hand for this future construction?

(iii) Did the experts who were to conduct an investigation into the rates charged by Caribbean Utilities ever complete their findings and if so what were the results?

(iv) Has the radio station produced any revenue? If not when is it expected to do so and what is the total amount spent to July 31st, 1976 in British Aid and Local funds to build, furnish, equip and staff?

2. MISS ANNIE R. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION ETC.

(i) Why is the operating theatre at the Government Hospital not made available for operations?

(ii) Why is not the kitchen at the hospital used, instead of the old X-Ray Department?

(iii) Why are not some of the nurses at the Hospital properly uniformed and wear caps, instead of being dressed in coloured pants and without their caps?

(iv) Is it a fact that there are not many patients going to the hospital at present, but instead go to private doctors?

(v) What is the amount of fees collected at the hospital from the month of January, 1976 to the 19th of August, 1976, as compared for the period for the previous year?

(vi) Will the Member make it a point to see that all teachers at the Government Schools are appropriately clad when on duty?

3. GOVERNMENT BUSINESS:

BILLS:-

(i) THE POLICE AUTHORITY LAW - CONTINUATION OF DEBATE ON SECOND READING

(ii) THE FRIENDLY SOCIETIES (AMENDMENT) LAW - COMMITTEE THEREON

(iii) THE LAND HOLDINGS COMPANIES SHARE TRANSFER TAX LAW - COMMITTEE THEREON

(iv) THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW - INTRODUCTION & FIRST READING

(v) THE JUDICATURE (AMENDMENT) LAW, 1976 - INTRODUCTION AND SECOND READING

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
PORT AUTHORITY LAW CONTINUATION OF DETAIL ON SECOND READING	11
ADJOURNMENT	39

FRIDAY, 3RD SEPTEMBER, 1976
10.00 A.M.

MR. PRESIDENT: Please be seated.

MISS ANNIE H. BODDEN: Mr. President, perhaps I should apologise for all that laughter. But that's the most sincere laugh I've ever had in the last twenty-five years.

MR. PRESIDENT: Proceedings are resumed. Proceed with questions.

QUESTIONS

1. MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

What was the cost to complete the road diversion at Red Day, and will the original road be kept open?

ANSWER: The cost to complete the road diversion at Red Day was fifty-seven thousand, eight hundred and eighty-three dollars and eighty-one cents. Yes the original road will be kept open.

MR. JAMES M. BODDEN: Would the Member point out to us exactly how this is figured to arrive at this figure?

HON. A.B. BUSH: I'm sorry Mr. President, I have not got a break down of the quantities of fill and labour, if this is what the Member wants. I really have not got this. This is the cost as was asked in the question.

MR. G. HAIG BODDEN: Mr. President, can the Member say if this figure include salaries paid to salaried workers like, say heavy equipment operators that may be on salaries?

HON. A.B BUSH: It includes, Mr. President, all the work done on the diversion. This is the total cost of the diversion at Red Bay.

MR. JAMES M. BODDEN: Could the Member state how many cubic yards of fill was used on that piece of road?

HON. A.B. BUSH: I answered the question a while ago Mr. President, I said I did not know, I could not give him the break down of the quantities of material and so forth that was used, Sir.

MR. JAMES M. BODDEN: Would the Member state how many running feet of road it is from where you left off at the Crowe Road side till you have joined up with the Red Bay side?

HON. A.B. BUSH: I take it, Mr. President, that the Member is asking the length of the road. It's .65 miles.

MR. JAMES M. BODDEN: In preparing the base was all of the muck removed, or was the new fill dumped on top of that?

MR. PRESIDENT: I think that is getting a bit far away from the cost of the road.

MR. CRADDOCK BEANKS: Mr. President, if I may ask a supplementary. Will the original road be kept open?, the answer is "yes". Will that section of the road be rebuilt as from what it is now?

HON. A.B. BUSH: No, Mr. President, it is not anticipated that this road will be, if the Member is talking about resurfaced with hot mix asphalt, "no" the answer is.

MR. CRADDOCK EBANKS: Mr. President, I was not thinking in terms of hot surface. I meant if it would be gripped up to be shaped and asphalt surfaced put on it, not hot mix.

HON. A.B. BUSH: If the need arises, Mr. President, but I would say that the road would be kept in reasonably good shape in order to provide access for people who own land in the area.

MR. CRADDOCK EBANKS: Mr. President, it's not if the need arises because it is that now.

MR. JAMES M. BODDEN: Further supplementary. In figuring the cost of that road originally, was any money figured in for the removal of the mud from the rock base, or was the marl just dumped on top of the mud?

HON. A.B. BUSH: This is a new question, Mr. President, I'm not prepared to answer that.

MR. JAMES M. BODDEN: Not now, Mr. President. I would still like to have that question answered because it is very relevant to the cost of the road.

MR. G. HALO BODDEN: Will the Member say if both parts of the original road will be kept open, that is the original road leading from the junction, South Sound to George Town, as well as the junction leading from South Sound to Seldon Town?

HON. A.B. BUSH: I think so, Mr. President. I take it that he means exit and entrance. I think we would use both.

MR. PRESIDENT: Proceed to next question.

MR. G. HALO BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

2. How many miles of new road have been constructed and at what cost to date? What is the cost of materials on hand for this future construction?

ANSWER: Except for three diversions totalling 1.3 miles costing a total of eighty-four thousand, four hundred and eleven dollars and eighty-one cents, the Government has constructed no new roads. Its whole effort has been directed to the upgrading of public roads throughout the island. The answer to (b), the value of materials on hand for future reconstruction is a hundred and twenty thousand, three hundred and twenty dollars.

MR. JAMES M. BODDEN: Mr. President, how far irrelevant can we get in answering these questions? This has been debated in the House as new roads.....

MR. PRESIDENT: Could the Honourable Member please put the question a supplementary?

MR. JAMES M. BODDEN: Yes Sir, my question is, why won't they answer the questions when they are put to them? Everybody is referring to this as new road. We all know it as that, it has been debated in the budget and everything else. Don't cut corners with us to give us an answer. Give us the answer to the question, you know what the new road is.

HON. A.B. BUSH: Mr. President, if I may say so, Sir, the Member has the answer to the question which he asked. Government has not constructed any new roads, they have resurfaced the existing roads. They have put a new surface on the existing roads and it is just as I have said here, in the reply that the only new road that has been made was the diversion at Red Bay, Spotts and in Frank Sound.

MR. JAMES M. BODDEN: Well in that case, Mr. President, since we're calling them the old roads this morning, how much has the old roads cost to be resurfaced?

HON. A.B. BUSH: I think this is the question, Mr. President, that was coming up.

MR. PRESIDENT: I think if there is some doubt about the terminology, it's quite within the bounds of propriety to ask what the mileage of the resurfaced roads have been in relation to this question.

MR. JAMES M. BODDEN: Can the Member answer my question?

HON. A.B. BUSH: I take it, Mr. President, that the Member wants to know how much of the reconstruction work has gone on so far, is this it? how much of the resurfacing of the road has been done. Right. 16.3 miles.

MR. JAMES M. BODDEN: At what total cost?

HON. A.B. BUSH: The total cost, Mr. President, up to the 25th of August was one million, five hundred and fifty-four thousand, one hundred and thirty-one dollars and fifty cents.

MR. JAMES M. BODDEN: Does that include the 1.3 miles of diversions and the one hundred and twenty thousand, three hundred and twenty dollars of materials?

HON. A.B. BUSH: We got the hundred and twenty thousand, three hundred and twenty dollars left in material. This is the money that has been spent already on the road. The materials are brought and paid for. So it is included in this cost.

MR. PRESIDENT: Proceed to next question.

MR. G. CRAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

1. Did the experts who were to conduct an investigation into the rates charged by Caribbean Utilities ever complete their findings and if so what were the results?

ANSWER: Following an increase in the price of fuel Caribbean Utilities Company Ltd. applied a rate increase, the level of which was questioned by Government. As a result expert advice was sought to resolve the difference of views between the Company and Government. The advice received and subsequent developments relative to the rate increase show that the increase was not unreasonable as I have explained in this House in response to questions on this subject on previous occasions.

MR. JAMES M. BODDEN: When did you receive this report from the experts?

HON. A.B. BUSH: I don't remember exactly the date, Mr. President, that this was received. I think Members are just aware of this as I am. We have discussed this almost every sitting of this Assembly, this has come up. I am not in a position to say exactly the date it was received Sir.

MR. JAMES M. BODDEN: Can the report prepared by the experts be shown to this House?

HON. A.H. BUSH: This again, Mr. President, is something that I'm much afraid permission will have to be given to me to bring it to the House.

MR. JAMES M. BODDEN: I must be losing my hearing. I'm sorry I did not catch the last part of that answer.

HON. A.H. BUSH: I said, Mr. President, I will have to have a ruling on this, probably from the Chair whether this report or what advice we received from the experts should be brought to this House.

MR. JAMES M. BODDEN: When this thing so much affects the national goods, why is it that the Members of this House cannot be shown this report?

HON. A.H. BUSH: Mr. President, this is probably the only thing they haven't seen but they certainly have been notified of all the results of what has taken place with the advice that Government received on the rates charged by Caribbean Utilities.

MR. JAMES M. BODDEN: Would the Member care to tell us when the Members of this House were notified of the findings on this report?

HON. A.H. BUSH: I don't know again, Mr. President, the exact date of this.

MR. JOHN D. JEFFERSON: Mr. President, can I take it that that information is available to Members at the Member's office?

MR. CRADDOCK BOOKER: Mr. President, in the light of Members going into this from way back I feel that Members should not have to ask to know the details of this. A copy of the report should have been sent to each Member, and not to have to go every to the office to see the copy of the report that is there. And I am requesting, Mr. President that Members be supplied with a copy of this report.

MR. JAMES M. BODDEN: Would the Member care to state whether there is any special prayer that we would have to say in order to see this report?

HON. A.H. BUSH: I'm not aware of any special prayer, Sir. Maybe the Member could provide one that he would like to say.

MR. JAMES M. BODDEN: Would you advise then how we can see the report?

HON. A.H. BUSH: You know I think we had a long discussion and I think rulings on this were made. As far as I remember Members were told that you could come to the respective offices of Government and see things like this if you wanted to see in confidence.

MR. JAMES M. BODDEN: It is not things like this. We want to find out whether we can see this particular report. Can we see it?

HON. A.H. BUSH: Mr. President, as I said if they come to the office I think they can have access of what we have on this particular business.

MR. JAMES M. BODDEN: Do you have a report really, or is it just scattered pieces of information that you are referring to?

HON. A.S. BUSH: It is not scattered pieces of the information, this was contained in the letter from the experts on this particular subject, writing back to Government its findings on what was sent to him from Caribbean Utilities.

MR. PRESIDENT: Next question.

4. MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

HAS the radio station produced any revenue? If not when is it expected to do so and what is the total amount spent to July 31st, 1976 in British Aid and local funds to build, furnish, equip and staff?

ANSWER: No, It is expected to start earning revenue when the AM station is functioning. The total amount spent to 31st July, 1976 in British Aid and local funds is four hundred and ninety-eight thousand, five hundred and thirty dollars and forty-four cents.

MR. JAMES M. BODDEN: Could you tell us at what time do you expect the AM station to be operative?

HON. D.H. FOSTER: Mr. President, it is being held up for a transformer which has not been shipped from England as yet. But we are hoping in probably three weeks it should be here, once it is here it would not take long to install.

MR. JAMES M. BODDEN: Is there any precautions being taken that when we do go on the A.M that if we should have a minor problem like this that would keep us off the air for another three or four months?

HON. D.H. FOSTER: Mr. President, quite alot of spare parts as recommended by the specialist are kept on hand. But this particular part is a part that should not have given trouble under like twenty, thirty years. It is difficult to keep parts for the entire lot of equipment. We have most spare parts for everything else.

MR. JAMES M. BODDEN: This four hundred and ninety-eight thousand, five hundred and thirty dollars and forty-four cents figure, does this really include the wages for the past year which I think should be in the neighbourhood, of somewhere around one hundred thousand dollars for the staff too.

HON. D.H. FOSTER: Mr. President, yes it does include wages and for the benefit of the Member there are forty-three thousand, six hundred and forty-three dollars and sixty-one cents.

MR. G. HAIG BODDEN: Mr. President, can the Member say what part of this figure is British Aid?

HON. D.H. FOSTER: Yes, Mr. President, British Aid and loan amount to three hundred and sixty-four thousand, six hundred and seventy-four dollars and ninety-seven cents.

MR. CRADDOCK EBANKS: Mr. President, if I have understood, or understand the answer As given, that when Government will start collecting or the station is when the A.M station is functioning. Then the news that is broadcast daily now there is no revenue collected from that now?

HON. D.H. FOSTER: No. Mr. President.

MR. CRADDOCK BEARNS: Mr. President, if I may ask another supplementary. When if one request something to be broadcast as news and it refused, what is the reason then for refusing to broadcast some news information?

HON. D.H. FOSTER: Mr. President, this station is intended to serve the Cayman Islands and it takes the instalation of the A.M. station for the Lesser Islands to hear it. As a result they are not collecting any revenue until the full-thing is in force. In the main time this is virtually a continuation of the best programme that has been going on. On the staff there are news reporters and certainly if they pick up news or somebody chooses to give them an item of news, if they think that it is an item of news they will certainly broadcast it.

MR. CRADDOCK BEARNS: Mr. President, with your permission, I will be guided by your ruling, but with your permission, Sir, I would like to explain why I am going to ask these supplementary questions.

MR. PRESIDENT: I don't think that's entirely necessary. The Honourable Member has the right to ask supplementaries, but he does not have to give reasons for so doing.

MR. CRADDOCK BEARNS: Mr. President, I bow to your ruling, but it is wholly my intention to get across what I intend to say before the close of this sitting.

MR. PRESIDENT: It may be possible for the Honourable Member to frame a supplementary in such a way that it does not offend the Standing Orders.

MR. JAMES M. BODDEN: Would the Member care to state whether this expenditure of four hundred and ninety-eight thousand, five hundred and thirty dollars and forty-four cents include the ten weeks vacation to the Director?

HON. D.H. FOSTER: Mr. President, I'm not in a position to answer that.

MISS ANNIE A. BODDEN: Mr. President, with your permission I should like to ask the First Official Member, why is a death of a citizen not allowed to be broadcasted and the time of the funeral?

HON. D.H. FOSTER: Mr. President, I don't think it is anything to stop it, Sir. I know exactly what it is being referred to and it was just an unfortunate incident that, I guess the appropriate person was not at the station at the time when the news was received or something. I don't know the details, but it was unfortunate.

MR. CLAUDE HILL: Mr. President, with your permission Sir, I have a supplementary I would like to ask the Member. Can the Member state the various aspects in which, when the A.M. is applied to the Cayman Radio, revenue will come from. What are the various aspects?

HON. D.H. FOSTER: Mr. President, I'm not too familiar with all that Sir, but I presume there will be paid advertisements, paid programmes that will come from abroad, religious programmes that they pay for and various other things such as that.

MR. CLAUDE HILL: Mr. President, this is the lawyer to ask another question. Will public have to pay for their radio in their homes?

HON. D.H. FOSTER: No, Mr. President, definately not. You buy your radio and you do what you want with it, turn it on or turn it off.

MR. CLAUDE HILL: Mr. President, quite true. But I am stating that it can become possible.

MR. PRESIDENT: Proceed to next question.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

5. Why is the operating theatre at the Government Hospital not made available for operations?

ANSWER: During construction of the new in-patient wing it was impracticable to use the old operating theatre. It is now being refurbished by the Public Works Department and the Maintenance Crew at the hospital. It is hoped that it will be operative by September 10th. It is not proposed to spend money on this renovation as the comprehensive plan for the development of the hospital calls for a new surgical suite in a different location.

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

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

6. Why is not the kitchen at the hospital used, instead of the old X-Ray Department?

ANSWER: It is impracticable to use the old kitchen during the reconstruction of the in-patient wing. The Public Works Department and hospital Maintenance Crew are now refurbishing it. New equipment has been ordered and will be paid for from the hospital fund. For information, the room now being used was not the old X-Ray Department but was the former business office. In the proposed development plan for the hospital a new kitchen in a new location is planned so only the minimum renovation necessary to provide adequate food, staff comfort and proper hygiene will be undertaken at this time.

MR. JAMES M. BODDEN: Could the Member state the amount of money it is estimated that this refurbishing will cost?

HON. BENSON O. EBANKS: The amount of money in the hospital fund to the 31st of July is five thousand, six hundred and thirty dollars and eighty cents. The equipment ordered amounts to two thousand, eight hundred and twenty-eight dollars and eighty-five cents. It is estimated that the renovation will be completed from the balance of the fund.

MR. JAMES M. BODDEN: This hospital fund, is this the balance that is left out of the appropriations, say for maintenance of the hospital?

HON. BENSON O. EBANKS: No, this is a fund to which members of the public contribute and a fund which hospital staff through special effort raise money and place the funds.

MR. JAMES M. BODDEN: Now that we have spent, probably somewhere in the neighbourhood of three quarters of a million dollars on the hospital, which we should have spent. Something as important as the kitchen, why is it that we have to pay this from the small hospital fund rather than trying to come back in and get an appropriation through this House in the regular channels?

HON. BENSON O. EBANKS: Mr. President, when the new kitchen will be built a request will be made to the House for funds to do so.

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MR. JAMES M. BODDEN: Is not it important enough to the people that are sick in the hospital, that we try to get them suitable conditions now rather than to wait until another six months or another year, they cannot wait that long to eat?

HON. BENSON O. EBANKS: Mr. President, the Member obviously did not hear the answer to the question in the first instance.

MR. JAMES M. BODDEN: Would you care to explain that to me?

HON. BENSON O. EBANKS: I am referring to the last two lines on the written answer to the question. And it says that it is planned that the present renovation will provide adequate food, staff comfort, proper hygiene.

MR. JAMES M. BODDEN: Mr. President, I just wanted the Member to repeat it because I will assure him I can probably read as good as he can, maybe better, at least I understand what I read. But I'm asking can the patients at the hospital wait when we could come back to normal channels in this House for another appropriation to give them this and guarantee them this hygienic condition at this time, rather than to try to do it in a small way out of charity from the hospital fund? That's my question.

HON. BENSON O. EBANKS: Mr. President, if I was not assured that those provisions that I have said here could be guaranteed by the job that is being undertaken I would not have so stated. But I would remind the Member that he was in the fore-front of the demands, not only to ask for more money but to cut what had already been voted for 1976. So I don't see how he can advocate a move to the House for more money when he supported a move previously to cut expenditure that had already been voted.

MR. JAMES M. BODDEN: Mr. President, it would be good if this Member would tell the truth because if you can check my any Hansard of this House and find out from 1972 any place that I have stood and made any comment about cutting anything for the hospital. The hospital, my colleague and myself championed from the first meeting in 1972 when we increased the linen budget, forty-five hundred dollars. And I do not like that kind of aspersion. We were in favour of cutting the overall budget certainly not the hospital. I want to find where he got this assurance from that this can give the type of facilities at the hospital that we should have.

HON. BENSON O. EBANKS: Mr. President, I referred to the overall budget of which the health services vote form a part.

MR. JAMES M. BODDEN: We're talking about the hospital.

HON. BENSON O. EBANKS: And I'm talking about the overall budget. And further when the request came to cut the budget and to cut the tax measures, when the question was put as to how you would propose to get it you said that was not your concern.

MR. JAMES M. BODDEN: We proposed certain budget cuts which can be found in the Hansard, but not the hospital, let's don't misconstrue this. I'm asking you now where you got your assurance that five thousand dollars out of the hospital fund could do the necessary renovations and be assured a good hygienic condition in this facility at the hospital?

MR. PRESIDENT: Could we please restrict this question and answer to the use of the hospital kitchen and not historical events dealing with the 1976 budget.

HON. BENSON O. EBANKS: This assurance, Mr. President, comes from the technical staff in the department.

MR. PRESIDENT: Pass on to next question.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

7. Why are not some of the nurses at the Hospital properly uniformed and wear caps, instead of being dressed in coloured pants and without their caps?

ANSWER: Under present regulations at the hospital nurses' caps are optional wear and are not therefore part of the uniform. Pants or a skirt are optional wear for all nurses. Sisters uniforms are yellow, staff nurses are white with white shoes and other nurses are white with black shoes.

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

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

8. Is it a fact that there are not many patients going to the Hospital at present, but instead go to private doctors?

ANSWER: No.

MR. G. HAIG BODDEN: Can the Member say if the patients treated at the hospital during the first half of the year was below the number of patients treated in the same period last year?

HON. BENSON O. EBANKS: Mr. President, as regards out-patients at the hospital. there is a decrease. As regards in-patients, there is an increase. The reduction in out-patients visits is more than compensated for by the increase in attendances at the district clinics which reflects a deliberate policy of the department to carry the service to the districts and reserve the hospital for those cases which are in fact hospital cases.

MR. JAMES M. BODDEN: Would the Member care to give us the percentage decrease in the out-patients in this year over last year?

HON. BENSON O. EBANKS: Mr. President, I can work it out in one moment if I am given a chance to do that, or if the Member would accept round figures, that is head counts rather than percentage, I can give him that right away.

MR. JAMES M. BODDEN: I would rather the head counts because the percentage might not be right.

HON. BENSON O. EBANKS: I guess it would not compare with your figures, that's correct.

MR. JAMES M. BODDEN: Mine is always right.

MR. PRESIDENT: Can remarks please be directed at the Chair.

HON. BENSON O. EBANKS: Mr. President, the figure in 1975 was eight thousand, eight hundred and forty-two. Now this does not include the Gynaecological, family planning or antinatal patients. In 1975 they totalled one hundred and fifty-four. In 1976 the out-patients totalled seven thousand and thirty-eight, while the gynaecological, family planning and antinatal patients totalled two hundred and fifty-three.

MR. JAMES M. BODDEN: Could you give us the figure of how many has been treated in the district clinic?

HON. BENSON O. EBANKS: 76 and the increases?

MR. JAMES M. BODDEN: Both years.

HON. BENSON O. EBANKS: You can check the percentages now. In 1975 at Dodden Town five hundred and forty-eight patients were seen, in 1976 one thousand and sixty-four were seen, an increase of ninety-four percent approximately. In West Bay eleven hundred and sixty-nine were seen in 1975, in 1976 fourteen hundred and eight, an increase of twenty percent. In East End in 1975 one hundred and thirty-nine were seen, in 1976 eight hundred and twenty-eight were seen, an increase of five hundred percent. In North Side seventy-five were seen in 1975, in 1976 a hundred and twenty-one was seen, an increase of sixty-one percent. The total clinical visits therefore in 1975 were nineteen hundred and thirty-one as opposed to three thousand, four hundred and twenty-one in 1976, of an average increase of seventy-seven percent.

MR. G. HAIG BODDEN: Can the Member say off-hand what was the Chairman at the outpatients at the hospital during the same period?

HON. BENSON O. EBANKS: I did not get you.

MR. G. HAIG BODDEN: Can the Member say what increase there was in the treatment of at patients clinic at the hospital during the same period that we had these enormous increases at the district clinics?

HON. BENSON O. EBANKS: I gave that answer already.

MR. JAMES M. BODDEN: Very good statistics.
Could it be that some of the reasons for the hospital not having so many patients at this time is because of the treatment that they may receive from some of the staff?

HON. BENSON O. EBANKS: Mr. President, an answer to that question would call for an opinion which is precluded on the Standing Orders.

MR. PRESIDENT: I uphold that interpretation.

MR. JAMES M. BODDEN: I quite agree with your ruling Sir.
Is it a fact that you have had complaints in the past couple of months of a harsh and undue treatment to patients of the hospital?

HON. BENSON O. EBANKS: Again Mr. President, that calls for a degree of opinion. I don't know what he would mean by harsh treatment.

MR. JAMES M. BODDEN: To put it down where it is simpler then. Have you as the Member responsible for the hospital, or any of your superiors received in the past couple of months written complaints for which no replies have been sent back to the people making the complaints?

HON. BENSON O. EBANKS: I have seen copies of a complaint which was not addressed to me and I am not sure whether a reply has been sent or not.

MR. JAMES M. BODDEN: You being the Member responsible and having seen a copy, could you not have checked to determine whether this was sent and whether a reply was sent?

MR. PRESIDENT: I'm afraid that does not have any bearing on the original question. Supplementaries are not meant to elucidate further supplementaries but to elucidate the reply to the original question.

MR. JAMES M. BODDEN: Mr. President, I quite agree with you to an extent, but we're still trying to find out whether the occupancy rate at the hospital has increased or decreased and what may have caused it?

MR. PRESIDENT: Well then the question should have been framed to bring this out.

MR. JAMES M. HODDEN: Well I'll frame it that way then Sir. It appears from the report given by you the Member that in 1976 occupancy rate at the hospital has decreased considerable. Could you advise this House whether this could be due to written statements that have been received from people who have been patients in the hospital complaining of the treatment they received?

HON. BENSON O. EBANKS: Mr. President, I have not given any figures which indicates a decrease in occupancy at the hospital. There is an increase in occupancy.

MR. JAMES M. HODDEN: A decrease in outpatients.

HON. BENSON O. EBANKS: Well then, Mr. President, this will call for an expression of opinion as I previously said. I know specifically what the Member is getting at and if it will ease his mind to say that I questioned whether a reply was sent to the letter, I did do this, but some time has elapsed between asking that question and today. So I could not categorically say whether a reply has been sent or not, that is why I phrased my answer in the way I did. But I have taken an interest in the complaints.

MR. JAMES M. HODDEN: Mr. President, I will admit I strayed a bit in this to bring this before the House because I did consult the Member on this after it was brought to my attention, and I had given about four weeks for a reply and none has been received to my knowledge. And the letter made some very very serious allegations and they should have been checked. So I thank you very much for letting me explain what I was really getting after.

Now my question to you. Could you give us the hospital occupancy for this year?

HON. BENSON O. EBANKS: That has already been given.

MR. JAMES M. HODDEN: I don't think so. With all due respect I have been writing as you have been talking. I have got the district clinics visits, I've got the outpatients at the hospital, I've got the gynaecological and so forth, but I do not have the occupancy at the hospital.

HON. BENSON O. EBANKS: Well I gave those figures and I am sorry if you missed them, I thought you never missed anything. In 1975 the figure was six hundred and fifty-five, and in 1976 it's seven hundred and twenty-one up to the 31st of July.

MR. JAMES M. HODDEN: For once I apologise to you if you had given it. Could you tell this House what is being done under the new rules for inpatients of the hospital to assist people who cannot afford to pay, whether they still have to go to Mrs. Wyllie in order to get the little slip before they can be admitted?

HON. BENSON O. EBANKS: Mr. President, I would submit that has no bearing under original questions Sir.

MR. PRESIDENT: I agree. Pass on to next question.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

9. What is the amount of Fees collected at the Hospital from the month of January, 1976 to August 19th 1976, as compared for the period for the previous year?

ANSWER: The amount of Fees collected at the hospital from January to the 19th of August 1976 was seventy-eight thousand , nine hundred and sixty-four dollars. The previous year was thirty thousand, five hundred and forty-four dollars.

MISS ANNIE H. BODDEN: Mr. President, I certainly don't see any joke in that. I think we should all be happy that we are getting more money.

MR. JOHN D. JEFFERSON: Why I was laughing, Mr. President, was because it goes to show that people are still going to the Government hospital.

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

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

10. Will the Member make it a point to see that all teachers at Government Schools are properly clad when on duty?

ANSWER: Yes, as far as is possible.

MISS ANNIE H. BODDEN: Mr. President, I would like to know how "far as is possible" because I feel this might be a statement Sir, that ladies who go to teach should be properly clad not so that the school children can say that they have not got on any bra, have not got on this and the other thing. They must be properly clad.

HON. BENSON O. EBANKS: I'm not sure what part of that was a question, Mr. President. If she would put the question I would be happy to answer it.

MR. PRESIDENT: I think the Honourable Member asked the Member to define what he meant by "as much as possible" in his original answer.

HON. BENSON O. EBANKS: "As much as possible" means Sir, that I have in the past and I will endeavour in the future to bring to the attention of all Government employed teachers that they should be dressed in appropriate clothing and in fashion satisfactory to the Education Council. But why I put "as far as possible" is because I cannot always be at each school in the Island to see that the teachers are always properly clad. I might not know of the breach until it has been committed. It's a physical impossibility for me to give the assurance which was sought in the question.

MISS ANNIE H. BODDEN: Mr. President, if the Honourable Member thinks that he is Gabriel's arch angel, I certainly do not think him to be that.

HON. BENSON O. EBANKS: I'm not sure what the lady means, Mr. President.

MISS ANNIE H. BODDEN: Gabriel can be all over the place at one time.

MR. CRADDOCK BANKS: Mr. President, if I may ask the Member a supplementary. Do you have any Regulations to cover the dressing or the wearing apparel of teachers at school?

HON. B.O. EBANKS: Yes, Mr. President, in the past Circulars were distributed to each teacher employed to Government pointing out certain types of dress that were unacceptable in Government Schools.

MR. CRUTCHLOW EBANKS: Mr. President, that doesn't sound to me like it's a Government regulation, it's only a circular sent as a request, because we have as the Member stated awhile ago regulations covering the hospital staff, it looks like you ought to have regulations then covering the teachers staff, and that was the question that I asked.

HON. B.O. EBANKS: Well, read Circular for Regulations in my answer.

MR. G. HAIG BODDEN: It appears that specific modes of dress have been prescribed for the pupils, has similar or I would say suitable modes of dress been prescribed for the teachers. The Member told us awhile ago that there had been circulars sent out with dress that was unacceptable, has circulars been sent prescribing dress that would be acceptable?

HON. B.O. EBANKS: Mr. President, I thought that it would follow that what was not unacceptable would be acceptable.

MR. G. HAIG BODDEN: Not necessarily, Mr. President, although I don't want to argue, for example if the circular said that hot pants would not be acceptable that would not prescribe what would be acceptable.

HON. B.O. EBANKS: Mr. President, when we are dealing with teachers, we are not dealing with children, and we are dealing with persons that are mature and would be expected to conduct themselves in a normal and acceptable way. Where the problem arises is, that we do have on our staff and will have to continue for some time teachers from abroad; and dress that is acceptable in schools abroad is sometimes frowned on locally, and this has had to be pointed out to teachers. But I doubt that any teacher would like to be told specifically what to wear while on duty, we have pointed out things that are not acceptable.

MR. PRESIDENT: We can pass on to the next item on the Order of the Day - Government Business - Bills, continuing the debate on the Second Reading of the Port Authority Law.

PORT AUTHORITY LAW

CONTINUATION OF DEBATE ON SECOND READING

CAPT. CHARLES L. KIRKCONNELL: Mr. President, it is my duty and responsibility as a Legislator to support and establish a Port Authority in the Cayman Islands. This is an essential service and as such it is our duty to see that proper rules, proper laws are passed. To continue to operate under the present conditions or try to extend what we now have would be chaotic and disorderly. We have spent and is still spending a lot of money to establish a new port and port facilities. Unless it is properly run effectively and efficiently we are in trouble and when I say in trouble Sir, when you take people's goods and these goods are delivered, as has been in the past we are very fortunate Sir that we have not had big claims because this has happened. And I think we are now trying to past legislation whereby the loop holes and this practice would be discontinued.

I will say Sir, on the interpretation under section two I do not quite understand the term "boat", the measurements, I do not know where this "twenty feet and not less than eight feet from stem to stern".

CAPT. CHARLES L. KIRKCONNELL: It is said Sir, that we have followed the Merchant Shipping Act, but I have looked at this Merchant Shipping Act and to determine what is a ship and what is a boat they have used tonnage. I stand to be corrected Sir if there is some new regulations, but the term as I have known a ship is something over forty-five feet, a boat anything under forty-five feet.

I would further like to point out Sir, that territorial waters - it seems as if we are lagging behind in this legislation as well when the rest of the world has considered twelve miles as norm we have stated here three miles still.

I will pass on now, Sir, to section 3, "The Co-operate Body Structure" I consider it a sound and well grounded off body and it will give the private sector a say in the running of the new port. The private sector of this country has contributed enormously to the development of this territory, and as Legislators we should provide them with some say in the running of this port and I am very happy to see that this provision has been made.

Under section 4 and 5 I cannot say that I agree with these two sections. However, I think we are, or should have been given the reasons why sections 4 and 5 have been worded as such. I take this opportunity, Sir, to respectfull ask that when Members are presenting a Bill to this House that they provide this House with all the amendments and with all the reasons why certain things are included in the Bills. This will prevent any arguments and will also expedite the passing of these Bills. I would respectfully request Sir, that Whenever Bills are presented in the future that Members will fully explain to the entire House whether there are amendments and just why certain sections are included. I think Sir, that section 4 sub-section (6), I believe this is rather optimistic, but I am sincerely hoping that this will be so.

I go now Sir to the Functions of the Authority, sub-section (a) "the general management and control of all ports". I hope Sir, that in the not too distant future this Authority will be able to give some assistance to Cayman Brac. At the moment private enterprise at Cayman Brac has provided the island with a sort of a pier which they ought to be congratulated for and I will say they have on their initiative and without any Government help or aid provided a little port, or not a port a little place where a ship can discharge which is at the moment of greater depth than what we have here in George Town. So I think they are to be complemented, and I would like to respectifully request that the Port Authority, as soon as it come into being will pay some attention and assist the people of Cayman Brac in their port project.

There are many other things Sir, which I will leave until the committee stage as I consider at this time it will be a little premature for me to mention them and I think these can be corrected in the committee stage. I give this bill Sir, my full support.

MR. PRESIDENT: I think the Honourable Member from the other side .....

MR. JOHN D. JEFFERSON: Thank you, Mr. President. Mr. President, Members of this Honourable House, I rise to speak on the Port Authority Bill. I am indeed happy that we have progressed this far in our journey providing for the Cayman Islands a dock. We realise that the expenditure that is being made for the dock, the facility that is being provided certainly goes without saying that it must be managed and run properly. I do have some areas of disagreement in the bill, but I commend the Bill as far as I am concerned, because I think it serves a good purpose.

MR. JOHN D. JEFFERSON (CONT'D): I am sure that whenever the Government of the Cayman Islands sought to negotiate a loan in order to build the dock that there were certain stipulations made in relation to the revenue that would be derived from this dock.

Mr. President, I fully support the setting up of a Port Authority. As I see the Port Authority, the setting up of it sort of reminds me on the basis of the Cayman Islands Corporation at the Airport. There are some differences that as far as I am concerned I am not completely sure about, but I think when we come to the committee stage we will endeavour to see that these things are taken care of.

In section 3, previously mentioned by the last speaker we see the Port Authority and I certainly agree that it is certainly set up in a good manner. There is hereby established a body **corporate** called the Port Authority of the Cayman Islands which consist of a chairman who shall be a permanent civil servant appointed by the Governor, the Financial Secretary or his nominee, Director of Public Works and the Collector of Customs who shall be ex **officio** members and not more than four, or less than two other persons who should be appointed from time to time by the Governor, one of whom shall be elected from nominees proposed by the Chamber of Commerce.

I think as the previous speaker has said, it is in keeping with the ideas of this Government to give as wide a participation by the public as is possible. I believe that they indeed are worthy of recognition and I certainly commend that idea to this Government.

Mr. President, my concern is more in the area of section 4 and section 5 mentioned by the previous speaker. Yet I believe that we can work these things out to the agreement of everybody and for the betterment of the Authority and for the country. Section 4, "the revenue of the Authority shall be classified under the following heads of receipt -

(a) dues and charges received by virtue of this law;
(b) amounts borrowed by the Authority;
(c) miscellaneous receipts including interest on the service investments

and such revenue shall within seven days of receipt thereof be paid into a bank account approved by the Financial Secretary". Mr. President, the money that is received in the Airport Corporation does not landing fees and what have you, but that money is paid into the general revenue. I believe that since the Authority that is being set up, if they are handling their own money that every assurance must be given to make sure that it is run in a proper manner and the finances certainly are looked after in a proper fashion. According to the bill I would expect that at the end of each year Government auditors report would be laid on the table for Members here to be able to see what the position of the Port Authority is in realms of finance.

I certainly echo very strongly the words of the previous speaker in relation to the territorial waters of the Cayman Islands. And I not only will echo it but I will join the group that will try to make sure that it is written into our law that the territorial waters are beyond the three mile limit. I see there are certain safeguards and certainly in section 10, "the Authority shall within one month of its receipt of the Government Auditors' report prepare a report of its activities during the period to which the Government Auditors' report relates and the audited accounts, together with the Government Auditors' report and the Authority's report shall be published as soon as practicable as a supplement to the Gazette". I think that is very much in keeping with good practices in Corporations similar to this.

MR. JOHN D. JEFFERSON (CONT'D): Mr. President, it is true that we have borrowed the money to enable us to be able to have the facility of the dock. On the other hand I am sure that we all realize that that is truly the function of the Legislature of the Cayman Islands. But I am sure that certainly it is not our job also after voting money to set up these various projects, it should not be our responsibility to run it. But whoever is responsible in the running of this, or any other Corporation or body I think that it is proper and fitting that we as legislators, are given reports various times to know the position financially of any Corporation of the Cayman Islands Government.

I commend the Bill Mr. President. I think it is a good bill. Like I say when we come to the committee of the Whole House there are certain things that we will seek to change or make unmistakably clear when we come to the committee stage. Thank you very much.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I rise to say my few bits in regard to the Port Authority Law which is a Bill that is before making it a law. I was only hoping that Members on the Government bench had said a few words before I did, as they would have lightened my darkness. The establishment of Port Authority in the Cayman Islands, the management of maritime affairs, I feel at this time it is becoming a reality. The Port facilities have now reached the stage where I think with this Bill before we made into a law to govern the affairs, the transactions of vessels and the handling of goods into the island is very essential. The arrangements of sections are 31 as I see on this Bill, I do not care to deal with any special section of the Bill as this Bill will be going to committee and at that time I think the necessary adjustments can be made if there is the need for it. At present I wholeheartedly support this Bill and I feel that Members here can look forward to the management as one compared with the Airport as a Corporation and the Airport has done remarkably well, so far as the handling of the arrival of planes. And I feel that since, may I say it this way, that Government has had the rule and people have always complained that Government is in fault of doing this and that and this is why they are putting it to a Port Authority which will be on a basis of a fifty-fifty basis. Government and the private sector of prominent citizens, acting in the capacity and using what we now have and also our Financial Secretary and we have already established a superintendent of the Port which will be, I am sure become the director of the dock facilities or the Port Authority

I feel, Mr. President, in my small way of looking at things that it is no need of us boiling over matters that can be cooled. We here in these islands are just beginning in many aspects to achieve something that other islands have already went into and failed by placing it into the wrong hands and there is no redemption for those places. Let us now redeem and work on other people mistaken and make this possibility where we can look forward to it as an asset to the Cayman Islands in the future. Thank you Sir.

HON. TREVOR FOSTER: Mr. President, Honourable Members, I stand to support this Port Authority Bill and I not only stand to support it but I stand this morning somewhat surprised. I've now been convinced of the Proverb that a bad start makes a good ending. Yesterday when we left this Chamber I said to my colleague on the left "you have a rough passage ahead for your Port Authority Bill", Be that as it may, I am very happy to see the smooth course it's taking so far this morning.

Mr. President, Honourable Members, the topic of the Port facility or a dock, name it what you will, I believe has been one of the most controversial issues in the Cayman Islands, at least since I entered this House in 1968 I have heard conversations, debates, letters to the press, where it should be put, where it should not be put, how it should be run. one thing and the other. After many years of debate at last is becoming nearly a reality. Needless to say, the islands on a whole have suffered from lack of docking facilities, Grand Cayman and Cayman Brac no less. But with a dedicated spirit of Legislators, and I must congradulate the Member in charge of Communications and Works for his hard labours over the years on this particular project and now it is nearing reality. Mr. President, it goes without saying that a facility such as this, in order for this to succeed it must be run efficiently and properly, on the other hand it takes a body to do just that.

HON. TREVOR FOSTER (CONT'D): This Bill seeks to establish this body, the Port Authority. I can agree with some Members that it is strange to us, as a matter of fact the dock is strange to us now because we never had one before, no doubt this is the reason why we never had a Port Authority before. But it's not new in the outside world, wherever you see major dock facilities you find Port Authorities which is given the job of running the Port efficiently. I think as we go into Committee stage with the Bill we will find the merits that the Bill has to offer and in order for the facility to succeed, in order for it to meet it's demands and pay its way, this is what is needed. Some Members have said why is it necessary, well one of the main factors why it is necessary is because the bank sees that it is necessary to the effective and efficient running of the Port and after all they are the people that the money came to build it from.

Mr. President, as I said, I am very happy for the Members here and I'm happy for the people of Grand Cayman who will be able to enjoy this facility. I'm glad that I was a part of it, helped decide on such a project as this which will no doubt be a heavy contributor to the economy and development of this Island. But I would like to interject at this time that the Government's obligation is not finished yet and I should be specific the Brac's problem is not solved. As the other Member from the Brac has stated, a private enterprise has built a small dock in the Brac, it did receive minor help from Government through the exemption of duty on building materials, and here again I must congradulate the owners of this small dock and what they have been able to do and surprisingly we have deeper water in the Brac at the dock than they have here at this new Port, however I guess this problem will be answered there. I foresee, in the not too distance future that the Brac is going to need a larger facility, as a matter of fact it needs it now. I think and I will push that Government has got to do the needful there in a short time. Members will realize, particularly in our Island it's not likely to be a profitable concern. But in order for the small population to exist it must have some type of dock facility, it is like the airlines communication and it is no better one for it to fall on the shoulders of than Government which has these obligations to fulfil for the community. I shall assure Government that any way in which the people in the Brac can help to help themselves and to help Government to bring about such a facility will be done. We realize that the project is of paramount importance for George Town which is the larger district but now that this job is nearing its completion I would just like to refresh the minds of Members and of our Government that there is another job to be done ninety miles across. This we expect to do what we can in the not too distant future.

Mr. President, I know there are going to be sections of the Port Authority Bill that will be controversial. Mention was made of Members of the Chamber of Commerce but I would like to take time out to suggest that it is no better body that a Member for this job could come from. After all they represent the business sector of the country. The business sector, with the help of the public are the biggest contributors to the economy and directly has more to do with the dock facilities than any other public body. So I feel that it is a good decision that a Member from that body could be on the Authority. No doubt they have contacts, they have had experience in business, they know what is needed in a facility to serve the purposes of their various businesses throughout the island in which this dock is supposed to serve and I think it is a good decision that a member will come from that source. And there again on the other hand Government at time receives criticism from that body and now is the time that the action can be reversed, let them put their notions where their words of criticism has always been.

Mr. President, I know the issue of regulations being made in Council are going to be about the most debated section of the Bill as usual.

HON. TREVOR FOSTER (CONT'D): But I feel that Members should realize that this has been a policy before we were in this Chamber. It has been a policy that has worked well and I don't think it is fair when Members say that Executive Council Members only represent this and that percentage of the people. If the total Members represent the people and we are the representatives of the Members it is undoubtedly and quite clear in my mind that we represent the people as much as any other Member does. And I feel that Executive Council Members have the interest of the Cayman Islands at heart.

Mr. President, I'm aware that we are on the eve of the twilight of our political term and each Member is going forth full of political aspirations but we must remember that the country and its peoples needs must be served first. As I said, Mr. President, in committee stages more of the Bill will be explained, it will be a better understanding and Members will no doubt gather a better understanding themselves of how the Authority will work. And I must say before ending my brief contribution that I am very pleased in the evening to see the atmosphere of Members in this session and I only ask that it continue and I think we will be all the better off in the end for it. Thank you.

HON. V.G. JOHNSON: Mr. President, Honourable Members, I wanted to make a small contribution to the debate to clarify a few points regarding the reason for the creation of this Bill. The Port Authority law is being introduced, Mr. President, as a result of the new Port which is now under construction which will be completed in short order and which must be administered by this Government in some form or the other. In the early stages of the negotiation of the loan for the project itself it was thought in some area of Government that the administration of the new facility would be undertaken by a department of Government or a section of a department of Government. However, in due course during the processing of the loan arrangement with Caribbean Development Bank it became apparent that the bank was insisting that the new facility operate under an Authority and this was in accordance with rules laid down by the bank itself for the lending of monies to Members. Now this is nothing new to the Cayman Islands Mr. President. Back in 1955 when this Government negotiated a loan with the then Colonial Development Corporation which is now Commonwealth Development Corporation, for a loan to assist in the construction of the airport, C.D.C. approved the application but one of the terms of the loan was that this Government operate the airport under a Corporation. A law was put into effect called the Cayman Islands Corporations Law and under that law a body was established for the administration of the airport. There was, after many years, the question of the pension arrangement for the staff and at that time the repayment of the loan was coming to an end and Government decided that it would place all of the staff on the permanent and pensionable establishment of Government so that they could become Civil Servants and enjoy the pension benefit of Government. At the same time Government incorporated into the estimates the revenue which the airport produced and so the entire financial arrangement of the Corporation reverted back to Government, but that was because, as I said before, the loan had been paid. And it not been paid we could not have done that because we would otherwise have been maintain the provisions of the terms of agreement between this Government and C.D.C.

The Caribbean Development Bank has come forward with the same arrangement. They are saying that the Port must be administered under a specific law. Now this is nothing new either, Mr. President, because in all services of this Government there is an authority by which the particular department, or service, or section of Government is operated administratively.

HON. V.C. (CONT'D): We saw recently when at the establishment of the department of Tourism, that the law was introduced to guide the operation of that particular department and there are many laws administering the affairs of various sections of the Government. It is no new thing that in setting up a new Port that there is a law to control the operation and the administrative affairs of that service. So Caribbean Development Bank said that you had to provide a law to operate the Port and under that law you should set up an Authority, a body of persons to administer the affairs for the Port and this is what the law has done. There is some question about the membership of the Authority, but I see nothing wrong with it. The Authority is going to be administered under a law and it is going to be guided by a body of people. It is still a Government operation. If the law is going to be produced by the Legislative Assembly, Members of the Legislative Assembly will have every right to question any of the functions of that Authority. The fact is, a great amount of safeguard is written into the law to assure/Legislative Assembly and the entire Cayman Islands that that Authority is operated in the proper manner, especially it's financial affairs and you will see it set out in sections four and five. So there is no question about it whatsoever, Members can question any aspect of the operation at any time.

Going back to the membership of the Authority as the last speaker from the Government bench just said, what is wrong with asking or inviting the Chamber of Commerce to nominate a member for the Authority. The Chamber of Commerce is quite a prominent body within the community. It represents trade and commerce, it represents tourism, it represents the entire financial operation of this country and as its membership is very wide. The Chamber of Commerce is established under the provisions of the Companies Law. So it is a properly organized and established body and quite frankly I see no reason why it should not be asked to nominate a Member to serve the Authority.

Again we look also on the shipping Agents, they are the people who will use the Port and use all the facilities there. I see no reason why they should not also be represented on the Authority. Had these stipulations not been made under the law no doubt you would have two or three preachers there or ministers, people who probably knew nothing about Port operation or its administration. The thing is that you need people there who are concerned about that particular service and who can assist in its administration. I totally agree with the membership there unless, of course, Members of the Legislative Assembly wish to serve on the Authority.

Now on the financial side the Authority will be responsible for all its financial affairs as it is set out in section four. I think there will be amendments proposed at committee stage for certain provisions to be inserted whereby the Authority will be responsible for the repayment of the loan from Caribbean Development Bank and any advance which is made to it by this Government for the purchase equipment, there are to be the obligations of the Authority and it will certainly be written in the law. The property to be vested in the Authority will be no more than what was done in the case of the Cayman Islands Coporation because it was a stipulation there as well that all the property of the airport should be vested in the Coporation and this was done. All the land surrounding the airport, being the property of the airport, was vested in the Cayman Islands Coporation, therefore it is the same concept here that all the property of the Port, all the equipment and everything else should be vested in the Authority.

Members questioned the reason why there should be the amount of fifty thousand dollars carried forward over the year for the following year. Well this is/an administrative arrangement, it means that at the beginning of the year there may be big commitments by the Authority, there may be loan repayments to make early in the year, there may be big expenditure to commit at the beginning of the year and if the Authority is without funds then/there will be some embarrassment there.

HON. V.C. JOHNSON (Cont'd): And it was thought that for the sum of fifty thousand dollars would be a reasonable sum. Any amount over and above fifty thousand/ dollars are paid over into Government's revenue. So it does not matter really, it is just an administrative arrangement to have a sum of money being carried forward into the new year rather than writing it off and paying it all into Government's revenue. Again as I said before, the entire operation, that is the financial operation of the Authority will be under the scrutiny of Government. They have to produce audited accounts, these have to be examined by the Authority, by other people, the Financial Secretary and these have to be published, they have to be made public so that everybody can see exactly the position of the Authority. The report has to be prepared by the Authority itself giving account of its performance and its function over the year in question. So everything is made public and the public is aware of all its functions.

Now the question of the Authority raising loans was also mentioned. What would the Authority raise loans for? And the answer is the Authority would only raise loans unless there was a major improvement or expansion of the facilities, that would be the only reason why it would seek to raise a loan. But before the Authority got to that stage the matter would have to be put to the Legislative Assembly because the authority there is only for the Authority to raise a loan. The question of expansion of the facility or major improvement/facility must be a policy decision of this Government. I don't think the Authority can do more than recommend this to Government through its Member and this would come forward to the Legislative Assembly as a proposal and when it is approved by you and it goes back to the Authority, the Authority already has the machinery here to raise these loans/ or that loan, it has not got to come back here to put forward another law as the authority to raise the loan, it's already embodied in this Port Authority Law. So there should be no fear as far as the raising of loans by the Authority is concerned.

There was a question that the territorial water of the Islands should be extended beyond the three mile limit. I think the Second Official Member could reply to that much better than I can. But at the present time there is an international conference organised by the United Nations dealing with the laws of the seas and the purpose is to resolve the question of territorial waters and I'm afraid that until a final decision is made legally, we can do nothing about the limit of the territorial water other than we accept the standard three mile limit. If we wish under some agreement to say to anyone, well we're claiming twelve miles as well, that is alright. But putting it into a law I doubt very much, the Attorney General would have to give his opinion on this.

Mr. President, I personally think that the law is commendable. I think that the new Port needs a form of legislation to guide its operation and its administration. I think it needs an Authority, a body of people to administer the affairs and I think all the guide lines for the operation of that Authority and for the operation of the Port has been fully set out in the law. It should prove very useful and very effective. I therefore recommend all the recommendations in the legislation.

MR. G. MAIC DOUGLAS: Mr. President, I am not unmindful of the Standing Order, with regard the using of a Member's name. But everywhere I turn on the outside I hear reference being made to Mr. Berkley's dock and perhaps that might be the name attached to this Port facility when it is completed. The newspaper some time ago in that series of articles for/glorification of the incumbent Members of Exco alluded to the dock being built during the Members term in office. And I think there was yesterday an implied reference to Mr. Berkley's Bill. The lady Member mentioned in the last session something about the Annie Cobden's Bill, that is the Animals Bill which we know discriminates to a certain extent against her.

MR. V. CRAIG BODDEN (CONT'D): The idea of a Port Authority is not a new concept here as the Third Official Member pointed out, in 1956 this Government set up the Cayman Islands Corporation to run the airport. However this is a new arm of Government, even if the idea is not new. I at first had some favour for the Authority being set up but I think this Bill has gone too far and I think this Bill has gone beyond the powers given under the Cayman Island Corporation Law. The amazing thing about this Bill in the absence of the name or the mention of the Member responsible for Communications and Works.

We know that in the Tourist Bill, mentioned a while ago and in the Health Bills looked recently, the Member appears practically on every page of the bill yet it seems to me that no mention is made of the Member here. So I don't know who we're going to hold responsible. I don't know where we will be able to direct our questions. Perhaps we will be told that this Port facility falls under the Governor or the Financial Secretary and would not be the responsibility of an elected Member. I know one Member would be happy to hear that this Port facility will not be his responsibility. We have to remember that there is one great danger in setting up an Authority to run the Port facility because the Authority becomes a creature of the law and as such will be subject to being used as the political football. It can be and undoubtedly will be amended at every election, either before or after, and although we seem to have taken the idea from Caribbean Development Bank, do not believe that setting up an Authority is going to end all of the problems.

This is the most important law and I was filled with consternation to receive it only about two days ago. My copy came to me some time during this week, I think it was Monday or Tuesday in the mail. Such an important Bill as this deserves at least two weeks study and since the Port facility will not be ready for use until next year I'm wondering why this Bill was not held back until the December sitting. In the Memorandum of Objects and Reasons we are told that the Bill has been kept as short as possible, another deliberate attempt in this series of skeleton legislation to exclude elected Members other than Executive Council Members from having any say at all in the Regulations and in the working of this Port Authority. The Memorandum admits that requirements of the future have been taken care of by the provision of power to make administrative regulations which may be invoked from time to time as the necessity for them arises. All the future contingencies are already taken care of in this law and the Honourable Member from East who said that we would probably criticise the section giving power to Executive Council to make Regulations was very correct.

In this Bill unlimited powers seem to be given to this Authority and in fact these powers are so blatant that the Honourable Third Official Member got up to defend these sections of the Bill even before they were attacked. This Authority is given power to raise loans. The Honourable Third Official Member said that they probably would only be raising loans if there was major expansion and that the approval of the Assembly would be sought, that is what I would like to see but the Bill does not say that. The Bill says that the Authority may raise loans from the Government, or with the approval of the Governor in Council from outside sources, it does not say that the Authority may raise loans with the approval of the Legislative Assembly; it says what these Bills have always said, that it is not necessary to consult the other elected Members. And once the approval of the Governor in Council is given the Authority will have free and unlimited powers to raise loans for the performance of its function under this Bill.

MR. G. HAIG BODDEN (CONT'D): Sections 4 and 5, bestow powers upon this Authority that at the present time are not enjoyed by any other arm of Government , because not only can the Authority get loans under section four but it can actually under section five, create, issue, sell or negotiate debentures and other securities .And all that is necessary for this Authority to enter into the complexities of finance is to have the approval of the Governor in Council under sub-section (2) of section 4. And if it were not enough to sell debentures it can also under sub-section (b) redeem fund or convert its existing liabilities and then naturallysub-section gives power for everything under this sun to do all the things necessary for the accomplishment of paragraphs A and B, do all the things, either now present or imaginable in the future. So this Authority is given perhaps on the advice of Caribbean Development Bank the power to enter fields of business in which the Authority is not qualified to enter. If this Bill was for the pure day to day operation of the Port I would have one hundred percent support for it. There are so many sections in which this Bill gives these unlimited powers to this Authority that if we were to cut them all out the Bill would not only be as it says in the Memorandum as short as possible, it would be hard to find it under a microscope.

Under section 8 the Authority is allowed to carry over from year to year the amount of fifty thousand dollars. Somehow or the other some magic has grown up around the figure fifty thousand dollars. We just gave it away a while ago to Mariculture, the figure has no meaning and this House is asked to allow the Authority to carry forward that vast sum from year to year without knowing why. How can we be expected to approve such a thing as this when we have not been presented with any figures to show the necessity for even carrying forward five thousand dollars. We have not been told what the day to day operation of this Port will cost, we do not know. We don't know whether it will cost ten dollars or whether it will cost what this Southward cost to operate. I understand it cost thirty-five thousand dollars a day to operate the Southward but we are blindly asked to approve the figure of fifty thousand dollars in this Bill to be carried forward from year to year And we do not know why. And I believe figures are available, in fact I'm almost certain there must be such figures to show what it is going to cost to operate this dock. They must definitely know what it is going to cost to land one pack of flour as against what it cost in the old dock. They must certainly know what it is going/to cost for warehouse labour. Why are these things kept from us? If you came in this Chamber and said "it is necessary to carry forward fifty thousand dollars per year because the operation per day is so much, our loan interest is so much" and if you broke it down into figures that we could see and we could understand then, maybe, we could agree that fifty thousand dollars is a reasonable sum.

I think one Member suggested that ten thousand dollars would be a reasonable figure to carry forward. Could not ten thousand dollars be carried forward and the other forty thousand dollars, if there is such a surplus, be paid into the general revenue or put out at interest. Under this section 5 "Vesting of property" that the Honourable Third Official Member mentioned - all parcels of land as set forth in the Schedule and known as the Port area hereby vested in the Authority. Why must this be done?, why is it necessary?. Is it to provide good and safe collateral for Caribbean Development Bank? Is not the Government itself sufficient collateral? The Authority is given so much power to do so many things that I feel like taking the remainder of today to deal with this aspect of the Bill alone.

Under section 4 (2) the Authority will use its revenue for the repayment of overdrafts if any. Here apart from loans the Authority seems to be given the right to go out and run up overdrafts which can be paid for out of the revenue.

MR. G. HAIG BOLDEN (CONT'D): To set aside reserves for pensions and gratuities, this fact was mentioned by the Third Official Member. In fact there are some eight or nine items listed separately over which the Authority has full control and the ultimate item is that all embracing clause, miscellaneous expenditure approved by the Financial Secretary. This is a very dangerous Bill, dangerous for many reasons because Section 3 if passed as it is sets up an Authority with a composition of members that is different from anything known to this Legislature before, in fact it is very difficult looking at this to find out who is the boss. I don't know who is the top man in this Authority, I don't know whether it's the Chairman of the Authority, or whether in his absence it's the Member appointed by other Members to act as Chairman, or whether it is the Port Director because the Port Director on the Authority has been downgraded to the Secretary of the Authority and he is not dare to open his mouth unless he is invited by this August Council to do so. Sub-section 7 reads "the Director shall be Secretary to the Authority, shall be present at all meetings and take Minutes of the business transacted but shall take no other part in the proceedings unless specifically invited by the Chairman so to do". And remember that this Director who has now been downgraded to a common secretary or stenographer is an Executive Officer, is a Permanent Civil Servant appointed by the Governor. Sub-section 6 sets up/ Sub-section 7 pulls him down but there is more to the composition of this unique Authority. Apart from the Chairman who is also a Civil Servant appointed by the Governor, the Financial Secretary or his nominee, the Director of Public Works, the Collector of Customs and now comes the surprising part, not more than four or less than two other Members appointed by the Governor". Why should that section read "not more than four nor less than two"? Why should it not read "four Members appointed by the Governor" because bear in mind that further on in the composition of this Authority the quorum is not at three and while we may have not more than four, or less than two appointed by the Governor the Governor's hands are tied by saying that one of the nominees shall be selected from nominees proposed by the Chamber of Commerce and the other one a Shipping Agent. So that if at one stage in the game the Governor decides that he would like to have only two members appointed by him, those two Members automatically would be one from the Chamber of Commerce and one a Shipping Agent. Now I feel that if the Governor, which means the Governor in Council, [illegible] in looking around for members I would hope that he should turn to the Chamber of Commerce and to Shipping Agents and to people with expertise in business and with expertise in shipping. I would hope that he would look in those areas to select his members and not turn, say to the rastafarian next to get a member. But I don't think we should write it in the law because we may not always have the Chamber of Commerce, we may not always have them willing to set up nominees and further more there may be no one suitable, this is quite possible and we should not tie the hands of the Governor in this respect.

Seeing that we have here a board which if we count the Members named the first, the Chairman, the Financial Secretary, the Director of Public Works, the Collector of Customs, we already have four, although the Collector of Customs and the Director of Public Works would be ex-officio members we already have four out of which we could get our quorum. So these additional Members appointed by the Governor will play a very prominent part in the workings of this Authority and we will have to strike out that section that defines from whence the Governor in Council must pick his Members. And there is another thing I don't like about it and here we seem to be catering to a special interest group because we have set up a Government Authority and we have offered special priveleges to a particular group to serve on that Authority. I don't know if this was a special recommendation from Caribbean Development Bank, or whether it was merely put in for the reason given by the Lady Member yesterday.

MR. G. HAIG BODDEN (CONT'D): But I feel it is wrong and so I am not against the Governor-in-Council selecting a member from the Chamber of Commerce but I don't think it should be written into the law.

The Member from Cayman Brac made a very valid point when he said that the territorial waters should not be limited to three miles and our feeble attempt so far has been made to brush that aside. I agree with the Member from Cayman Brac that the territorial limit should be set at twelve miles. I realize it would be difficult to police so wide an area but what is wrong with having it in the law because under this if an offence was committed just outside of the three mile limit we would be restricted from dealing with it, on the other hand if we ignore twelve miles instead of three we would be able to deal under this law with any violations that took place within the twelve mile limit. Now in the recent law of the sea conference which has been raging for several years an attempt is even being made by the big powers to extend the limit of their territorial waters to one hundred miles. I would not recommend/that us because we would have a little trouble with Cuba if we tried to extend our territorial waters to one hundred miles in their direction. I have just been corrected that an attempt has even bee made to limit some of the territorial waters to two hundred miles and there is justification for increasing this because we have our beaches to protect, certainly litter dumped in the sea, or bunker tanks pumped out just outside the three mile limit could well harm our beaches. The countries that are seeking to extend their territorial waters to two hundred miles do not have merely the Tourist Industry mind, they also have their fisheries to protect, their minerals under the sea to protect but it is certainly time that we got out of the three mile limit. And so it would be far better to have the machinery here to deal with an offence committed within five miles of our shore rather than not have the machinery to deal with it.

The Member from Cayman Brac also touched upon something that I had circled and he is really an expert. I had the section but I did not know what I was going to say on it. Now I know that he has spoken because it struck me that the definition for boat did not seem to be adequate. It says a vessel measuring not more than twenty feet and not less than eight feet and I don't think that is a good definition,because only two weeks ago I heard a man speaking about his twenty-eight foot boat. The definition for a boat is similar in many respects to the definition of immovable property that I spent so much time on yesterday. The definition is wrong because the wrong measuring stick is used. And I agree with the Member from Cayman Brac that the definition should be changed to tonnage rather than to feet age, seem as the other definition about immovable property should have been changed.

This Bill is dangerous, as I said in many respects. One other one is, I should say, that it does away with many different laws, I think that is mentioned in the penultimate clause of the Bill. We're doing away with the George Town Wharry Boat Law, the Lighthouse Law, the Public Launches and Boats Insurance Law, the Mechanically Propelled Boats Law and the North Sound Pier and Shelter Law. Of course there is a saving provision under 71 whereby certain parts of the Lighthouse Law and the Mechanically Propelled Boats Law shall remain in effect until replaced by Regulations. I don't know what has happened to the other laws because I don't see anything in the bill that replaces or says that it replaces these laws.

The Director who we saw earlier on has been down graded to Secretary Stenographer, is made under section 7 "The Receiver of Wrecks" for the purpose of the Wreck and Salvage Law. Now this is an important function. It is true that we do not have many wrecks today.

MR. C. RAIC MOSDEN (CONT'D): But we could get from time to time some very valuable wrecks. For example suppose a northwester brought in one of your tourist ships that is worth, you know several million dollars. There is quite a large amount of money involved and I'm wondering if this Authority is capable of doing all these things and filling all these important positions. I admit that I was not able to do my customary research on this Bill because of the short time it has been in my possession but I know it would be useless to try to get the Bill postponed. However, when I received the Bill I searched and found that what I was looking for was in section 13 and that is that the Governor-in-Council may make Regulations. In some of these sections listed here the Governor-in-Council could well make Regulations. But there is one area in which the Governor-in-Council should not have the right to make Regulations without first receiving the affirmative action of the Legislative Assembly and that is in sub-section (b) of 13 and that is "setting the tariffsof Port dues".

From time to time, even in the short four years that I have been here this Assembly has been called upon to change fees collected with regard to shipping. I believe it is less than a year ago that we dealt with the light dues collected from ships and I think we changed them from a once per year fee to a once per trip fee. And I feel that these privileges should not be taken away in this Bill because once this Bill is passed you will never have another Bill coming to this House to increase any of the fees collected from a maritime source, or from traffic in our Port. Now I know the reason for this, it's the same reason why the statistics have not been given to us, it's the reason that everybody knows, everybody is talking about it and that is that when the new Port is completed there will be a substantial increase in all the charges. I don't know whether it will be in warehouse, fees or tonnage tax, or package tax, or light dues, or pier dues, or this or that, but I am certain there is going to be and there will have to be a substantial increase.

You cannot get a four point six million dollar dock without sending up the cost of living, it is not intended to be that way. That is the reason why I objected initially to the expensive expenditure that was proposed for a Port. One Honourable Member from Executive Council tried to brush objections to section 13, aside. The Member from Cayman Brac said that it was normally the policy, has been for years the policy for Executive Council to make Regulations, that is not a sufficient excuse for section 13 of this Bill because section 13 will take away from the Assembly Members what had been guaranteed by many different laws in the past. I believe that in some of these laws which are now being repealed the Legislative Assembly had something to do with the setting of the fees, I'm positive it was so under the Lighthouse Law because we have recently dealt with that law. But with the going of the Lighthouse Law whatever fees were set under that law will be gone, new fees will be set by regulations under section 13 of this Bill. I may be wrong with this but I don't seem to see anything in this Bill that indicates who is going to accept responsibility for perishable cargoes which deteriorate if they are held by Government because section 20 says "Where the agent of a ship from which any goods have been landed at a port and accepted by the Authority for carriage or storage or for delivery to the consignee, notifies the Director in writing that the freight or other charges payable to the agent of the ship to the amount specified in the notice remain unpaid in respect of the goods, the Director shall retain the goods and refuse delivery of them to the consignee or any other person until-

(a) the payment of any dues and charges in respect of such ship and the goods and customs duties thereon; or

(b) the production of receipt for, or a release from, the payment of such amount signed, or purporting to be signed by or on behalf of the agent; or

MR. G. HUGH SOLOMON (CONT'D): (c) the payment of such amount by t.. person entitled to take delivery thereof". So if this section is enforced in the strictest order Government could well become liable for goods which deteriorate because Government holds them until the ship owner has collected his freight.

There is under section 24 a useless provision with regards to goods that are to be sold. It says "the Director may sell after a certain time goods by public auction provided he has put a notice in the Gazette. Well I know the reason for that, but how many people in the island are going to see a notice in the Gazette, that has been pinned beyond the pocket books of even the richest people in the island. I feel that a notice for the sale of goods should be put in the newspaper, otherwise how are you going to get people to turn up at your public auction if you put the notice in the Gazette. And so if only two people turned up at the public auction it would mean that Government might be deprived of the money which it should receive because it was stubborn to put the notice in the newspaper rather than the Gazette. Now when the Authority has sold goods they must use the money in certain ways and whatever is left over must be paid to the Fund of the Authority. Now why is that money not paid to the General revenue? Because this is what I would call incidental income and this income which the Authority could not budget for, because they would not know at the beginning of any year how much goods they would have to sell or how much money they would derive. So I feel that these funds should be paid to the public revenue rather than going into the funds of the Authority.

Mr. President, to say the least, I'm dissatisfied with this Bill. I was happy when I heard that the Port would be run by a Port Authority because I have always felt that a Board like this or an Authority or a private company can always manage any large scale operation much better than the Government can. But I am not satisfied with the machinery that has been set up for the management of this Port and I am not satisfied with the bill as it is written. And I will therefore have to vote against it.

MR. PRESIDENT: I shall suspend proceedings until 2:45 this afternoon.

HOUSE SUSPENDED AT 1:25
HOUSE RESUMED AT 2:45

PORT AUTHORITY BAR

CONTINUATION OF DEBATE ON SECOND READING.

MR. PRESIDENT: Proceedings are resumed. We'll resume debate on the Second Reading of the Bill intituled the Port Authority Law.

HON. W.W. CONNOLLY: Mr. President, I've been rather silent at this meeting and I thought that this afternoon I should add my quota of support to the bill entitled the Port Authority Bill which is before the House. Mr. President, I think we should direct our attention in looking after the merits or the demerits of setting up a Port Authority to what has been the situation with the movements of ships, the handling of cargo in the George Town area and now with the building of the new port facilities what will be the required facility in the form of legislation to make whatever that is constructed there a workable and a suitable project.

Now Mr. President, I think I would only have been repeating what other Members have said, that a Port Authority is nothing strange, it's nothing unique to this place. In most countries, and I think nearly all the countries without some special circumstances are so otherwise direct.

HON. W.W. CUNDLLY (CONT'D): Most of the handling of the ports are done by quasi Government or an Authority as a Corporation. My mind brings me to, say for instance the Port of New York and what one finds there is that the Airport and the two largest, or tallest buildings in New York is the World Trade Centre, it comes within the ambit and jurisdiction of the Port Authority. The Port Authority of New York handles both Kennedy and Laguadia Airports plus the two World Trade Centres. It's quite a complex and it is a quite expanding jurisdiction that they have.

Well here in George Town we have a port facility and I feel it is wise to set up an Authority for the proper management and the control of the port. Some criticism has been leered as to the composition of the Authority to the degrading of the Director of the Port as secretary of the Corporation and what not. And just speaking on that point, I don't think it is unusual to find the Director or the head of the department as the secretary to a statutory board. We have other instances here, what comes to mind immediately is the Hotels Aid's Law where we have the Collector of Customs who is the secretary. If we have the Caymanian Protection Board, we have the head of that Department as Chief Immigration Officer who is also secretary to the Caymanian Protection Board, and what not. I think this is done as a matter of co-ordination and lacing between the people who are responsible for the implementation of the policy and those people who make the policy.

As I see this, the main function of the Authority will be to lay down policies in respect to the functioning of the port areas in George Town. The Director as laid out in the law will be the person who is responsible for implementing the decisions of the Port Authority. One may find that in going into the committee stage of this bill, or any bill, and I believe that this is the real reason why we have committee stages of bills, to look after it and to discuss the when and wherefores. I cannot agree with Members who have just condemned the bill in the one hand and has admitted openly that they have not had time to study it, read it, this is a bit contradicting, but when we find the tone of the debate we have to say that that is the case.

Surley the main reason for establishing this Port Authority is for the, as I said before, better work of the facility. And I think despite what might have been said of any demand by any lending institution or what not, I think that the demand for this bill has stemmed from the fact that once that dock is built there has to be somebody, or somebodies responsible for the organisation as it stands and to see that rules and regulations are carried out. I think this is the main and the prime input behind the creation of a bill. If this port could be operated and every man, woman or child were allowed to go down there, every ship owner, or every consignee were allowed to go down there, every truck driver and do as one likes, and tie up a ship when one wants, leaves when one wants, anchors any place, does anything he likes, then there would be no necessity of having any law. So the real reason behind this legislation is to have a measure of control on that waterfront. And I am sure, Mr. President, that all Members here, because nearly every Member here in one way or the other has had some experience with the situation that exists on the dock.

There has been times when there were arguments over which ship should come in first and which should unload perishables and which one should unload the other stuff, and there was a matter of moving out and moving in and all this responsibility was left on a shoulder of a poor person who in all countries is not responsible for that particular function, and that was the Collector of Customs. The Collector of Customs has his job of collecting Government's revenue, not running a dock.

HON. W.W. CONOLLY (CONT'D): And as such the creation of this port without the proper backing by legislation, or putting this in some type of order and placing the appropriate responsibilities where they should be, I think would be useless if the dock would not be any use to us.

It is true that Government has borrowed a lot of money and no one denies that, but on the other hand if you look at the composition of the Authority it is in no way of getting away from the clutches of Government. It is not turning the dock over to an independant body, it is a quasi Government body, in fact looking at the composition of this Authority he is very much, in fact the four members, as the case may be, of the private sector are very much minority. So I don't see where there is or can be any real fear of people on the outside dictating or doing as they would wish. On the other hand, it has always been the desire of Members of this House to allow the private sector to have a say into operations such as these. I think this is a common occurrence in places where you have Port Authorities, you have the private sector and people who have know-how in line of this trade of commerce and industry to give their input.

We have in this Bill, as I see it has made the, I suppose to some Members of the Legislature here, unfortunate situation to them of having the Executive Council approve the Regulations. On the other hand, I think this is normal when you have a Government and a Constitution set up where there is an Executive Council. If it was a Constitution where you had a Minor Cabinet there would be, in other words you would have the Cabinet/ difference/ but as we have today, the Executive Council, I think this has been the case in Commonwealth countries of having Regulations made by the Executive body of Government. I know this has been heavily criticised, Members take the opportunity of repeating this. Nevertheless, despite all of the criticisms that has been levied from time to time and all of the opposition over, I would say the last four years, I am pleased to say that development in this island has steadily improved and I believe that there has been alot of times, in most times been beneficial to the majority of people of these territories.

We have the element of the Territorial Waters. Mr. President, I think this is a matter that has to be considered in light of us being a dependant territory. I don't think that it would be wise for us as a dependant territory there to set down ten miles or twelve miles, or fifty miles, we have to net down what has been the set figure based on the present situation. What may happen, what may come out of the law seem. And what may be the future decision is a very complex one, is something for us to wait and see. In any event I don't think that this House here could set down a figure of anything other than the three mile limit without first having gained the permission of the Foreign and Commonwealth Office. I don't know whether it will be coming or not because as far as I am concerned I think we have international conventions that cover these. I know some time ago the British Government signed a convention which was dealing with the exploration of oil which was - I don't remember the name of the convention now but we were a part of that and the limitations and their design. I think that the best the Honourable Member could do in preparing this Bill at this time was to use the yard-stick which is being used now legally. I don't think that there would be any disagreement with Government if it were found possible to extend this, ten, fifty, or hundred miles as far as that was concerned.

We have here a situation right in the George Town harbour that has been giving quite a bit of concern, not only to the person who is in charge of the waterfront there the Superintendent of Ports but also to people who are in the trade of tourism as far as diving and snorkling is concerned. We have a situation there right in the harbour where we have some of the most beautiful underwater scenery and as a result of these yachts and other boats coming in and anchoring anywhere they like and anyhow they like, they are destroying the coral. We have had alot of complaints from the dive-boat operators, we have had alot of complaints from other societies who have visited us,

HON. W.W. CONOLLY (CONT'D): and who have just passed an opinion that we need to do something about this or else we may lose this beautiful attraction that we have. I did not know that we had a place in George Town called Eden Rock. I am told that this is one of the most beautiful spots that one could find and the thing about is that it is so easily accessible. One can put on a tank and swim from the beach and go there, where in most other areas you have to go in a boat and cross a reef or something to go out to see that. What is happening there is that the boats are just anchoring on it breaking up the coral because every time somebody puts down an anchor it breaks the coral, and if this continues naturally it will destroy this beautiful underwater garden. So I can see that there is not even some ancillary benefit to be derived from having an Authority set up to control what happens on the waterfront. We have pleasure boats, yachts coming in here and anchoring any place, we know it, we have said, well the police should do this and the police should do that but after all the boat is not committing any crime, there is no criminal offence, how far can the police go? But surely when this particular Bill becomes a law and we have an Authority who is responsible for looking after this, I'm sure then a lot of our problems will be gone.

Mr. President, I don't think that I should go into this any more thoroughly than I have done. I support the setting up of the Authority, I support the Bill, and if there is a question of the order, the size, the components of the Authority, well this is something that can be looked into when we go into committee stage, and we can all give our support, or put in our input. Just to criticise a Bill and to tear it up and to say well it is dangerous and this and that, to my estimation they are dangerous words and I don't think that it behooves, because it is unfortunate that the much criticism that has been given to this port. Now that we can see, and I know we are people that like to see things, we don't like to see things on paper or hear about things, we want to see it actually. Now that people can see the dock there seems to be another approach now of trying to destroy the idea of making a dock in George Town. I think now is the time that we should get together in order to support and see that the end product of all of these years of studies and all of the adverse and controversial opposition, and talk regarding this. And particularly as Caymanians are a seafaring people I feel today that the development of a dock and the control by a proper Authority is going to do for this country what the Airport did when that was opened in 1953. I think that that part is going to be the beginning of great things for this island. I believe that this is one of the areas that from here on, once this is established that we will see a lot of trade, a lot of things that we did not think of. We're only thinking now of one or two boats coming here and this and that and the other. When we built the Airport we were only thinking of one airline coming from the Eastern Caribbean, just shortly after it was built we had one coming from the south. I'm sure this is going to be the situation with the dock. When we get the dock we're going to have ships coming not only from Miami, not only from Jamaica but we are going to probably have some coming out of the northwest or southwest or some place. And why wait until we run into a situation where we can't control it, I think the time to have the control, I think the time to have the law is now. And as the Honourable Member who moved this Bill said that a part of this dock is now ready for our use, not a matter that you can wait. Nowhere part of that dock should be in operation some time within the next couple of weeks. And I believe that it is not too early to see that we have the Authority set up with the proper control to manage and to direct the affairs of that Port Authority.

MR. CRADDOCK EBANKS: Mr. President and Honourable Members, it appears that there is very little ground left for me to prod on. Whilst much has been said in favour of the Bill and in some comments there was some disagreement But I don't think that I understood that one Member trying to say that the Assembly was not in favour of having an Authority or a board, or a group of people to run the facilities of the dock and that seems to have been the most elaboration of the Member/ that I heard speaking. I thought all Members were in favour of having the dock properly run and to have it properly run it would have to be organised and there would have to be a group of people to do this. As I said there is a bit of disagreement on the drafting of the Bill and I suppose that we will better get to the roots of that in the committee stage.

I don't think that it is the intention of any Caymanian, whether he is a bus driver or he is a labourer, or what he may be, to run down on the dock and try to upset this or upset that.

We're getting an improved facility. We had something that has been used over hundreds of years, I suppose, in some manner or another. And over the last few years from time to time there has been other improvements added to it. Well this House year after year talked in terms of stretching our necks to have a good dock, landing facilities, warehouses and what not, whether it was in the area of George Town or somewhere else. It was the view of this Assembly not in the present four years, it has been talked and anticipated long before that. But since we were unable to achieve the goal until now, while it might be quite true that the old dock which is known as Mr. Marley's dock was half haphazardly run but with this new faculity and all that goes with it undoubtedly we would have to have a law for things to be done. How it ought to be done. And I don't think any Member is disputing as to disregardings that there should not be a law to cover this.

As to who the Governor may appoint is sort of immaterial to us because I will be able to see whether it is being run efficiently, it is going run to the best interest as well as anybody else and I am not afraid to criticise an individual or Government or anybody else when I have room for it.

One of the things that I am getting very concerned about is not finding a half a dozen people to run the dock, whether it be an Authority or who they may be, this Government should be getting up and getting out and trying to find ways and means of bringing in some industries for our young people that is coming out of school, to find work and jobs and employment for them, which some of them could well end up in the dock as well. But that is getting to be one of my great concerns today because we got the dock, there's no problem to find a half a dozen man to put/ place to operate this.

There were a few sections in the bill that have been criticised very harshly and I can go along with them to a certain extent as well. The day to day running of the dock would be/those appointed and those responsible for the collecting of the Fees and what not. But the Bill says here in section 4 (1) "such Revenue shall within seven days of receipt thereof be paid into a bank account approved by the Financial Secretary". I don't know why the bank could not be named here. In fact I don't know if you/ to name one because the Government has a Savings Bank which would happen to be the right place for it. But away from that it seems to me like this money should be paid in, deposited in the Treasury and not to be just paid in to an individual bank or some special bank by the instructions of the Financial Secretary which/has been pointed out with the Airport Corporation, even though that is a body that run the Airport. Set the fees and collect and do what not, they turn the collection into the Treasury, I don't know why they did'nt have a special bank to make those deposits in.

MR. CRUDDOCK FRANKS (CONT'D): I know, Mr. President, in most cases that when a Bill is brought to the House it's nothing wrong with it, this, we cannot understand. But, Mr. President, it is as simple as this; if I walked down the street and saw a "no-entry" sign and entered on that "no-entry" sign then whatever happens to me is my fault and nobody else because I could read, it was a "no-entry" and still I would go in. When a Bill comes before you whatever is in writing here, then you don't have any business to read between the lines or presume what might happen or what might take place, this is what it means, what is in writing, and what else can one be guided by? It was elaborated and stressed that whatever money had to be borrowed or spent or approved of the Assembly would do that, yet the Bill said with the approval of the Governor in Council, then that's the way it must be and that's where it is going. It does not have the Legislative Assembly on to that, so how can it be misleading if you don't understand. Why should the Authority be left alone to borrow money as they may feel like they want to borrow it, then when they get in problems they are going to come to the Assembly then to find ways and means to get money to pay the loan. I feel all of that should be going through the machinery in the way that it used to be. Government got the project to do, it needs money too, it brings the package to the Assembly - this is what we need, this is what we want to do and this is the amount of money we need to do it but not for one group to be given the privilege to borrow money if they need it regardless of how they intend to spend it. I'm not saying that they are going to take it and throw it in the sea. But the public, the people that put us in here when they call me against the wall on the outside - what happened in this and I can't tell them, then they will say What are you doing in there. I won't be able to tell them if it does not come here. Like the First Elected Member in Exuma this morning, stated that if you want to see the report you come to his office. I don't see that I have any business to go up to the office to read any report when I am. Like all Members, plain, honest, intelligent people, representing the people, a copy of any report ought to come each elected Member.

Mr. President, I am not going to go along any further than this, but I am going to stay by a number of things and stick to some of these things when it gets into the committee stage because as I said in the beginning I think the whole area has been pretty well covered. And while there was alot of argument, a bit of disagreement then we will have to put it together and get the best out of it so that we can have a Bill that will become law for the operating of the new dock when it is completed and ready to cater for all shipping and handling cargo and whatever that may go with it. I agree with it and I will support it, but we should have a law that will give the staff of running the dock every right to see that it run to its best because as has been said it is a lot of money put in it and for us to get the money back we will have to give every consideration to having the dock operated at its best so that we can accommodate shipping and the handling of cargo for people that order it. So with that Mr. President, I will not go any further, and as I said I will follow along in detail when it comes to go into the committee stage to deal with this. Thank You.

HON. LEMMON O. EBANKS: Mr. President, it has been said that this Bill if it becomes law is a dangerous law. I have also heard it said and it is a fact that an automobile in the hands of an irresponsible driver is a dangerous item as well. But because of that we don't ban the importation of automobiles into the Island. I would also agree that if this law was subject to some of the interpretations which I have heard put to it today that this law would be dangerous. But fortunately I cannot concur with some of the interpretations which I have heard and I therefore do not regard this law as a dangerous law and I support it.

HON. BENSON C. BRANES (CONT'D): I don't intend to be very long in my deliberation on this. I want to give the Member piloting this Bill every opportunity to reply to the comments that have been made, so I will try to be brief. But there are a few things that I see here that I would also like to point out. And before I really get into the meat of what I am going to say I would say that it appears as though the Member can now forget any hope of the low of the dock being named after him. Now that it is becoming a reality it is obvious that the support is gaining momentum. I can recall another undertakingthat sufferad the similar fate.

But getting to the law, Mr. President, I can understand the concern of some Members about the definition of boats and ships and it probably is true that the definition under the British Merchant Act would be somewhat different. But I feel that the definition of boat here has very salutary effect in many respects, because once you pass twenty feet you will find that the crafts are used them to travel from one port to another. And as far as I can see "vessel" is the operative word in this law which embraces both boat and ship other than in section 26 which says what the master of a ship has to do upon arrival in the port. And this very question has been causing larger countries a lot of headaches, recently it is causing a lot of headaches in Cayman. Small boats that are not documented are not required to be documented in the United States, for example because they do not come under the definition of a ship, they can come into port, they don't have a clearance, there is no way of telling where they have come from and all the rest of it, the Customs and Immigration do not have that control that they should have. But with this definition it will now be necessary for any boat over twenty feet which is a ship to come properly documented to the territory and for that reason I think that this definition serves a good purpose.

The territorial limits, I would humbly submit, Mr. President, in spite of the arguments that have been going on in the conference of the laws of the sea and the desire of countries to get up to two hundred miles jurisdiction , Members must realise that this is not two hundred miles jurisdiction in its absolute sense. There is a difference. For example at the moment the United Kingdom, as far as I know claims three miles jurisdiction as is envisaged under this law. But it claims I think up to twelve miles jurisdiction for fishing rights or maybe even more and this is what is envisaged when they are talking about two hundred miles and so on. The United States, for example, I know is aiming at twelve miles for jurisdiction as far as total control is concerned, but would support two hundred miles for fishing control. But this has not been settled and under the present circumstances, and I would bow to the superior knowledge of the Appointed Official Member in this regard , but it is my opinion that we cannot at this time put anything other than three miles in this law because this is the recognised limit in the United Kingdom, and as a Colony we are bound to adhere to those of the United Kingdom.

Now why a Port Authority? Any bank, or any institution lending money wants to know that it is lending money to an organisation for a purpose that can repay that loan from the income generated, that is particularly a Development Bank. If it is a development project one of the criteria is that the project for which the money is loaned must be self financing. For this reason it is necessary to bring the operation of the port under the control of an organisation which is self regulating as near as possible and has control over its finances as far as possible, that is so it is separated from the general revenue so that they are able to determine whether the project is in fact paying its way. As a consequence of

HON. HANSON G. EBANKS (CONT'D): this, monies which are now paid into the general revenue, that is a package tax and warehouse fee will now become the revenue of the Port Authority. The berthing fees will become revenue of the Port Authority. And in spite of criticism which has been levelled at the law for giving the Governor-in-Council to make regulations prescribing the fees to be charged I think that this is where the public has its protection, because the Port is not envisaged as a revenue earning undertaking in its own right, that is it is not intended that it will create reserves. Any surplus earnings come to the general revenue, but Government through regulating the rate can assure itself that the Port is not charging dues greater than enough to pay its way. Criticism has also been levelled at the Authority which the Bill seeks to give the Governor-in-Council to approve loans which may be sought by the Port Authority. And I think another Member explained that this would mean that in effect any large amounts of money to be borrowed by the Port Authority would have to come before this Assembly and some Members seem to be at loss to follow this line of reasoning, and I will try to put this a little bit more simplier to show where this line of reasoning in my opinion is a correct one.

Surely if the Port Authority needed to create an overdraft of a couple of thousand dollars to buy a new forklift, or to buy a few flat bed trailers to pull cargo, the Assembly would not be that concerned about that type of indebtedness. But if the Port Authority was going to embark on any large scale loan I am suggesting to this House that no financial institution with two grains of sense would advance money without the guarantee of the Government. I am suggesting that the assets of the Port Authority would not be sufficiently significant and the nature of the operation would not be attractive enough to any lending institution to accept the assets of the Port Authority as security or collateral for a substantial loan. If it is necessary for the Government to pledge the revenues of the country in support of such a loan the Executive Council does not have that authority and it would eventually find its way back into this Legislature. So this is what is meant when the Member said that it would eventually find its way back to the Legislature. But naturally if the Port Authority needed an overdraft of a thousand dollars or a couple of thousand dollars it would be a waste of public funds to call a meeting of the Legislature to approve that, and it is not done in any responsible country with a responsible Government.

The point has been made that the Director of the Port is, shall I say, downgraded to the status of a secretary by being the secretary to meetings of the Port Authority. But what seems to have been lost sight of is the fact that the Director in effect carries out the day to day functions of the Authority which are laid in Section 6 and if the Director had a vote in the meetings of the Authority it would be similar to having control whatever. The Director, in fact has a lot of power under this law.

HON. BENSON O. WEBBER (CONT'D): It has been said that the building of a dock of this magnitude will of necessity increase the cost of living, and this is a possibility Mr. President, but the possibility also exists and is very real that the revenues required to operate the dock can come from the result, or from saving in freight rates now being paid on imports into the island. And to demonstrate this, or illustrate this I would mention that goods coming from Europe which are transhipped either in Miami or Kingston that consignee pays almost identical freight, from Miami or Kingston to Grand Cayman as he does from Europe to Kingston or Miami. You in addition have the reshipment charges in those ports which are considerable. They in themselves could not exceed what the charges would be here. So in the case of goods coming from Europe I foresee a saving. Further more there is going to be, when the port is finished, as we see it in the foreseeable future; there is going to be sufficient berthing space to guarantee a ship berthing space whenever she arrives weather permitting. And for this reason there is no reason in my opinion why shipping companies cannot absorb any increased rate which may have to be charged at the pier. Alot has been said about diversifying the economy over the years. To me one of the greatest restrictions that has been placed on the diversification of our economy was the lack of proper shipping facilities to get goods in and out. And once this port or the facility has been opened I foresee that we may get some light industries coming in. So the use of the dock will probably outstrip anything that we are now imagining, and the cost to the consumer locally will be absorbed in that way.

Mention was made that Government would be liable for perishable goods. I think section 13 takes care of this because the Authority will have power to determine under what conditions perishable goods will be accepted if they are accepted at all, for storage and this would be made with the carrier, or the consignee before the goods were received so that Government should be able to absolve itself from any liability in that respect.

The composition of the board, Mr. President. I can see nothing wrong with introducing persons from the outside who possess special knowledge to the Authority. It has been said more than once that all the brains in the Cayman Islands are not vested in Members of the Assembly and it is not unlike many other boards where Government goes out and put Members of the public on it. But I think it is obvious that the control is fairly well entrenched in Government's hands regarding the finances of the Port Authority. My law does not say that the Port Authority has to carry over fifty thousand dollars at the end of each year. My Bill says that carry over an amount up to that. If they cannot convince the Authorities that they need that amount I doubt that they would be carrying that amount forward. The accounts of the Authority are subject to audit by the Government auditors, the same as Government accounts are. They are published and I cannot see any possibility where there is any recklessness with Government funds being handled in this way, or what would be normally Government funds being handled in this way.

I am not saying, Mr. President, that as we proceed through this Bill that we will not find corrections, or amendments that are desirable. But the Bill as it stands is not in my opinion a dangerous Bill. It is a necessary Bill and in my opinion a Bill that will do good for the country and put the operation of our new port facility on a solid footing. Thank you Sir.

MR. PRESIDENT: I shall suspend proceedings for fifteen minutes.

MR. PRESIDENT: Proceedings are resumed.

HON. G.E. WADDINGTON: Mr. President, Members, there is only one matter arising out of this debate which I find it necessary to make a statement on, and that is the suggestion made that definition of Territorial Waters should be amended to extend the distance from three to twelve miles. I should like to point out to the House, Mr. President, that the legislation of a Colonial Legislature is subject to the provisions of the Colonial laws for validity not under which no legislation of a Colony can be repugnant to a United Kingdom Act. Now at present the United Kingdom Act sets out the Territorial Jurisdiction in the United Kingdom as being three miles. This topic, that's to say the extension of Territorial Waters, is now being currently discussed at the United Nations Law of the Sea conference and there are proposals before that conference for the extension of the United Kingdom Territorial limits to twelve miles. But until that is done it would be quite illegal and unconstitutional for this Legislature to extend its Territorial limits to twelve miles. And so regretfully, Mr. President, I'm afraid that the definition of Territorial Waters as at present drafted in the Bill is correct and must remain.

MR. PRESIDENT: If there are no other speakers I'll ask the Honourable mover if he wishes to reply.

HON. R.R. TUSH: Mr. President, this has been quite a lively debate on this Bill. And I must say that I'm not surprised at the criticisms that were levelled at it, I expected it some how or the other, because I will admit looking at the Bill that it would appear, being something new to us, a new board being set up, as a lot of authority being given to the Authority which is to be set up under this law. I am, however, pleased today to know the change that has been made in some of the Members who spoke on this compared to what I heard whispered around yesterday evening when the Bill was introduced. I thought it would have been even more criticism than really what has taken place.

When I introduced the Bill yesterday I thought I made it quite clear the objects of the Bill and the reason why it was being presented. And when I mentioned the Authority that would be set up I said that it was necessary to have an Authority set up in order to make sure that the port facility, now being built, would be run in an efficient way. I think the first Member who really spoke on this Bill said he was not sure, it was not clear to him the purpose for which the Authority was being set up. But as I say again, this is something that I made quite clear, that it was to ensure the efficient running of the port, to make it and to place in this Authority the full responsibility of the operation of this port and to make it an independent organisation within the Government, free of any subsidy whatever from Government; it would have to pay its way in other words. And this is just why the Authority is being set up and although it has been criticised by some, I pointed out that all that was in the Bill was necessary in order to make the port self-sustaining and for its proper operation.

Another Member thought that introducing the Bill I should have mentioned and give interpretations of the sections of the Bill, this would have been, Mr. President, contrary to the Standing Orders of this House because as far as I know the Standing Orders say "the Member presenting a Bill shall give the object of the Bill and the reasons why it is being presented. So had I attacked, as has been done by many Members, all the sections of the Bill it would to my mind be wrong and contrary to the Standing Orders of this Legislature.

HON. A.B. BUSH (CONT'D): We heard faults found with the many sections. The first one I think that it was found fault with was the membership of the Authority. When a Member mentioned what was in the law of course, of Membership from the Chamber of Commerce. Now I don't think this should be interpreted to mean that the Chamber of Commerce is going to in any way control any part of this facility, neither are they going to appoint who they want to appoint to the Authority. As far as I can imagine, and what has been the practice in the past, is that in this case the Chamber of Commerce would submit to Government to the Governor-in-Council a list of names of their Members, one of which they would like to see put on this Authority, and Government - the Governor in Council would select one that he thought best suited to serve on this Board. this is how I interpret this. And the reason why the Chamber of Commerce is mentioned here is because it is as it says, it's a commerce body and should be interested in the business life of this Island, and we would expect that someone from that organisation would be a fit and proper person to serve on the Authority and to assist in making sure that the port was run in the right way. The same can be said of the shipping agents who will have almost daily dealings with the facility and they should be fit and proper persons to serve in this Authority.

Mention was made about the downgrading of the Director of the Authority by making him a secretary to the Authority, but this is not uncommon. We have even in our own airline the Manager of that company is the secretary to the Board of Directors. So I see nothing really wrong with that.

The law has been described by some and in particular one Member who calls it a dangerous law, a destructive law and we should be careful in passing it. Mr. President, I want to say that I consider it a good law, a much needed law for a much more needed facility. and when this facility is completed I am sure everyone, even those who have criticised it in the past, will realise that this is one of the best things that could have happened to the Island of Grand Cayman for the Government to have built such a lovely facility as this. Limited in space it will be, but as to design and the quality of it I don't believe you will find another little Island in the Caribbean with such a facility and I believe we will all be proud of it and also of the locality in which it is put.

Fault has been found with the holding of the Authority, of the sum of fifty thousand dollars, and it was suggested that this should be cut to ten thousand dollars. To do such a thing, Mr. President, I would submit, that it is showing very poor faith in the Port Authority because fifty thousand dollars may seem a lot of money, but when we consider the operations of this facility fifty thousand dollars, in a sense will go a very short way. What is it put there for? It is put there, would'nt call it a sinking fund, maybe the Financial Secretary has a different name for it as a contingency fund of some kind to meet any emergency which may arise on the dock. Let us suppose that all of a sudden something took place on our dock which would have to call for some major repair of some kind, this fifty thousand dollars which has been stocked away will be used for something of that nature because as I pointed out the Government will not be subsidising this dock, it must be self supported in every respect. And this is the reason why funds like this can be put aside, and we are hoping that it will be no problem in the facility accumulating this amount over and above its yearly expenditure from its operations and also will pay a handsome sum into Government, into the revenue of Government.

Mention was made also, that the cost of operating the dock should have been put in the law. I don't believe it in any law that I have ever seen any such cost stated. Surely it will be operated as cheaply, I suppose we would have to say as economically as possible.

HON. A.B. BUSH (CONT'D): I'm sure that the Port Authority which is going to be set up under this law will make sure of that, not waste the funds of the facility but rather reserve them. Much has been said too about the vesting of the property in the Authority, but again this is necessary in order to show the full value of the facility. This is something that I don't think we could have gotten out of, this had to be shown just what is the true value of the facility. The making of regulations I know is always a sore spot to Members of this Assembly and I've never heard so much fault found as here of late with the Governor-in-Council making regulations. I think this was an accepted fact for many years - for the many years that I have been here in the Legislature. I can't say that I was pleased with every Regulation that was made by the Governor-in-Council, but we considered that it was the best way to make regulations because it was much easier for the Governor in Council to make Regulations than for the Legislative Assembly to make Regulations - having to call a meeting, summons all of the Members, get them all here to make Regulations would be as one of the Members said, it would be a exist by exercise and I'm sure we would spend a lot of time doing this. So it is much better that way. A simple Regulation would be somewhat troublesome to make in the Legislature while it would be a matter of minutes probably with the Governor-in-Council.

Also criticism has been given about the difference of a ship and a boat. I think it must be understood that everything that use this facility is going to pay for it, and I believe this is done mostly for the purpose of gaining revenue from berthing fees or harbour dues by the Authority. Fear again about the Regulations and that the port dues will go up, expenses of operating the port will be passed on to the consignees, to the agents of ships and so forth. I think it can be expected that there will be a slight increase, I don't believe anyone will dispute a reasonable increase in the port dues which are now being charged; in fact when we come right down to it, Mr. President, we had no charge for port dues in the past because we had no port. So this is something that may seem great to us but I can assure Members that the Authority will do its best and not to make this a burden to the people of the island or to the people who use the facility. Because it must be remembered that even the Port Authority will realise that whatever is passed on in this way to shippers, they may also suffer from it, because if the cost of living goes up no one is really exempt from it here in our island. And so I hope that Members will realise that it is no particular group that would be exempt from things like this, even the Port Authority setting their fees for the operation of the dock.

It was said also that since the new facility will not be in operation until next year that this Bill could have been kept back, I think this would be a wrong approach to this because there is alot of work that has to be done before this Bill can actually come into operation. A lot of administrative arrangements have to be made before we can really have this Bill brought in. But once we know that the Bill is here then we can go on and set up the machinery under which it will operate. So I don't think it is any valid reason for wanting to hold back the Bill. To my mind we should have had it even before and we might have been a little further ahead today.

Reference was made about the Airport and its operations. I think the Financial Secretary explained that and it was something similar to the Port Authority before the Airport was paid for. Of course the amount borrowed for the Airport was a falsey sum compared to what we have borrowed for the dock. I believe one Member said that he did not see any reasons why the port could not be operated like the Department of Public Works or any other department in Government, surely this would never work as far as this port is concerned. So it is very necessary that we have the law and that we set out all the objectives of the law.

HON. A.B. BUSH (CONT'D): Mention was made of the present dock in the way in which it is run. I still say we did not have a dock, we had a landing, and the way in which that is operated, certainly we would not want to go back to that. I am sure that the Collector of Customs would not care to have the headaches with this new facility that he had with the old which is still operating now. There will be some changes,Mr. President, but I believe they will be changes for the good, for the betterment of the island and the people who live on it, and most of all the facility, as I said before,will be something that I feel sure we will all be proud of. I want to thank all of the Members who supported this Bill and in a way I want to think too the Members who criticised it because their discussions on it were, you know somewhat stimulating to my mind, it really put some life into the debate on this Bill. And I think every Member, except one, the First Official Member has spoken on this Bill and I am very pleased to see the interest that this Bill aroused and the debate that went on in it because it shows that it is of some value, else they would have ignored it and said nothing about it, and said just let it go on. So the whole debate, criticisms and the agreement on the Bill was, I must say,most serious. And so,Mr. President, I commend the Bill to Members of this Legislature and ask for their support When we come to the committee stage. There possibly could be a few amendments, I have some in mind myself and when we get into the committee stage I am sure going through it, and I'm sure that each page we turn we will realise how important it is to have this Bill and what a great purpose it will serve. Thank you Mr. President.

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

MR. PRESIDENT: The next item on the Agenda is to Resolve into committee. I don't know whether Members wish to do this at this time.

MR. JOHN D. JEFFERSON: Mr. President, at this hour of the day, towards the end of the week I would like to ask for an adjournment.

HON. W.W. CONOLLY: Mr. President, I was going to suggest that we have the Introduction and First Reading of the two other Bills and then we would have them straight for next week, because the Introduction in the First Reading is just a matter of formality and then you would .....

MISS ANNIE H. HOOKER: THANKFUL.

HON. W.W. CONOLLY: No, it would only take a very short time to have the Introduction and the First Reading because it is no debate.

MISS ANNIE H. HOOKER: Mr. President, I would like to second that we adjourn this meeting now. Fridays I have to go shopping and unfortunately I have not got a husband to prowl around for me, I have to do it myself.

MR. PRESIDENT: Is the Honourable Member formerly seconding the motion that we adjourn?

MISS ANNIE H. HOOKER: Yes Sir, I beg to second that we adjourn at this stage,please.

ADJOURNMENT

QUESTION PUT: AGREED.

THE HOUSE ADJOURNED AT 4.50 P.M. UNTIL MONDAY,6TH SEPTEMBER, 1976.

M I N U T E S

THIRD DAY

MONDAY, 6th SEPTEMBER, 1976 10 a.m.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS RUSSELL, CBE., PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.BE., JP	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.
HON. C. B. WADDINGTON, CBE.,QC.	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY
HON. A. H. BUSH, J.P.	FIRST ELECTED MEMBER AND MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PORT AT CAYMAN BRAC.
HON. TREVOR FOSTER	SECOND ELECTED MEMBER AND MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION.
HON. BENSON O.EBANKS, JNR.	THIRD ELECTED MEMBER AND MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES, LABOUR.
HON. W.W.CONOLLY, OBE.,JP	FOURTH ELECTED MEMBER AND MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, MCCO.

OTHER ELECTED MEMBERS

MR. T. W. FARRINGTON,CBE.,JP	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN D. THOMPSON	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MISS ANNIE HULDAH BODDEN	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR. CLAUDE M. HILL	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L.MCCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.
MR. JAMES M.BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR. G. HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR.CRADDOCK EBANKS	FIFTH ELECTORAL DISTRICT OF NORTH SIDE.

ORDERS OF THE DAY

MONDAY, 6TH SEPTEMBER, 1976

10 A.M.

1. PRIVATE MEMBERS QUESTIONS:

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FIRST ELECTED MEMBER, RESPONSIBLE FOR WORKS, COMMUNICATIONS ETC.

(v) The furniture, fittings and equipment that were in use at Government offices in the West Wind Building - are they still in use? If not, where are they, and if sold what amounts were received?

(vi) The contract for furniture at the administration building, was it entered into at list price, retail price or wholesale price, and was there any discount advanced from the manufacturers to the suppliers or to Government? Is there any list of prices from the manufacturers to Government, and if so will copies be circulated with the reply to the question?

(vii) What amount of money has been paid to date on the dock work to the contractors, the amount to the consultants, and total expenditure including acquisition of land?

(viii) What amount of money has Government paid for the excavation of the trench in the harbour project, and is it now completed? If not completed, what percentage remains to be done?

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION ETC.

(i) Student loan from Caribbean Development Bank to Cayman Islands Government. How much has been loaned to students and for what specific courses of study?

(ii) What has been the amount of collections for hospital fees to July 31st, 1976? What amount is outstanding unpaid for the same period, and how does it compare with the same period of 1975?

(iii) How does the per diem rate of collections to July 31st, 1976, compare with the same period in 1975?

(iv) How do the ambulance fees collected to 31st July, 1976, compare with the collections for the same period in 1975 and what is the amount collected?

(v) How much monetary support from the public has the National Council of Social Services received from January 1st, 1976 to July 31st, 1976? What were the individual amounts received?

GOVERNMENT BUSINESS:

BILLS:-

(i) THE FRIENDLY SOCIETIES (AMENDMENT) LAW - COMMITTEE THEREON

(ii) THE LAND HOLDINGS COMPANIES SHARE TRANSFER TAX LAW - COMMITTEE THEREON

(iii) THE PORT AUTHORITY LAW - COMMITTEE THEREON

(iv) THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW - INTRODUCTION AND SECOND READING

(v) THE JUDICATURE (AMENDMENT) LAW, 1976 - INTRODUCTION AND SECOND READING

TABLE OF CONTENTS

	PAGE
QUESTIONS:	
MR. G. HAIG BODDEN TO HON. MEMBER FOR WORKS, COMMUNICATIONS ETC.	1
MR. G. HAIG BODDEN TO HON. MEMBER FOR WORKS, COMMUNICATIONS ETC.	1
MR. G. HAIG BODDEN TO HON. MEMBER FOR WORKS, COMMUNICATIONS ETC.	4
MR. G. HAIG BODDEN TO HON. MEMBER FOR WORKS, COMMUNICATIONS ETC.	5
MR. JAMES M. BODDEN TO HON. MEMBER FOR HEALTH, EDUCATION ETC.	6
MR. JAMES M. BODDEN TO HON. MEMBER FOR HEALTH, EDUCATION ETC.	9
MR. JAMES M. BODDEN TO HON. MEMBER FOR HEALTH, EDUCATION ETC.	10
MR. JAMES M. BODDEN TO HON. MEMBER FOR HEALTH, EDUCATION ETC.	12
THE FRIENDLY SOCIETIES (AMENDMENT) LAW - COMMITTEE THEREON	15
THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW - COMMITTEE THEREON	18
THE PORT AUTHORITY LAW - COMMITTEE THEREON	30
ADJOURNMENT	71

MONDAY, 6th SEPTEMBER, 1976.

10 a.m.

MR.PRESIDENT: Proceedings are resumed.

QUESTIONS

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE FIRST ELECTED MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

The furniture fittings and equipment that were in use at Government offices, in the West Wind Building -Are they still in use? If not where are they, and if sold what amounts were received?

ANSWER: All furniture, fittings and equipment that were used in the West Wind Building are still in use.

SUPPLEMENTARIES:

MR.JAMES M.BODDEN: Supplementary. Would the member tell us where they are in use?

HON.A.B.BUSH: Mr.President, they are in use in most of the Government Departments - they have been split up in the areas that they were needed and they are all around the Government Departments.

MR. JAMES M. BODDEN: Have any of them been taken to the new building?

HON. A.B. BUSH: Yes, I think some are in use there too.

MR. PRESIDENT: Next question.

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE FIRST ELECTED MEMBER, RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

The Contract for furniture at the administration building, was it entered into at list price, retail price or wholesale price, and was there any discount advanced from the manufacturers to the suppliers or to Government? Is there any list of prices from the manufacturers to Government, and if so will copies be circulated with the reply to the question?

ANSWER: Furniture for the new Administration Building was purchased on a tender basis. Specifications for the type and quantity of furniture was established by the Government and bids were invited. The Government accepted what was considered on all grounds, the best bid. In the circumstances, the question of lists retail or wholesale price, did not arise; neither was the matter of discounts.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: In the answer, it says that the question of lists retail or wholesale price did not arise. These are usually the three prices under which furniture is sold. Didn't anyone check to see if you were buying it at a full retail price or a wholesale price or so much off a list price. Are you telling me that no one checked that?

HON. A.B. BUSH: Mr. President, it was put out on a tender basis as it was said and we accepted the best bid from tenders. We didn't check to see if it was retail price, wholesale price or whatever kind of price it was, we figured it was the best price anyway of the tenders that were submitted.

MR. JAMES M. BODDEN: Well, shouldn't somebody have checked it to see if they could have saved the Government some money?

HON. A.B. BUSH: That's a matter of opinion.

MR. JOHN JEFFERSON: Is it not fair, Mr. President, to accept the fact that that amount of furniture being bought, that there would be some sort of discount passed back to Government?

HON. A.B. BUSH: Mr. President, as I said Sir, the whole thing was purchased on a tender basis and Government accepted the best bid. We did not go to the manufacturers because I'm sure, had Government gone to manufacturers for furniture, we would have heard that people who sold furniture in the Islands were not given an opportunity to bid on it.

MISS ANNIE M. BODDEN: Mr. President, if I may be permitted to ask the First Elected Member to the Legislative Assembly, was there not a lower bid which was tendered by a Caymanian Firm in the furniture business?

HON. A.B. BUSH: I think there was a lower bid, Mr. President, but as the answer says, that everything taken into consideration, this was the best tender that Government thought to accept.

CAPT. C. L. KIRKCONNELL: Mr. President, regardless of how it was put out on tenders, does Government consider that this was handled in a businesslike manner?

MR. PRESIDENT: I think that calls for an expression of opinion.

MR. C. CRAIG BODDEN: Mr. President, the answer indicates that Government considered -- perhaps that's a matter of opinion too -- but the answer states that Government considered they had taken the best bid. Will the Member say if the best bid was also the most expensive bid?

HON. A.B. BUSH: I don't rightly remember, Mr. President, whether it was, but it certainly wasn't considered the most expensive bid by Government.

MR. JAMES M. BODDEN: Could the Member state where the billing on this furniture came from - whether it was from the local supplier or from the manufacturer who supplied it.

HON. A.B. BUSH: This, Mr. President, was handled through our consultants on the building.

MR. JAMES M. BODDEN: Who were the consultants in this case?

HON. A.B. BUSH: The name ones who designed the building - Rutkowski, Bradford & Partners.

MR. JAMES M. BODDEN: Well, they were the consultants. We were paying for it. Who checked it?

HON. A.B. BUSH: I don't know, Mr. President.

MR. JAMES M. BODDEN: Who approved the tender offer? Was it the consultants or was it somebody in Government?

HON. A.B. BUSH: The tenders committee.

MR. JAMES M. BODDEN: Who is the tenders committee?

HON. A.B. BUSH: That's a body set up by Government.

MR. JAMES M. BODDEN: Was the tenders committee in this case just the consultants or did it include paid Government personnel and people from the outside or just what was the composition of this board?

HON. A.B. BUSH: Government members and members from the outside as well.

MR. JAMES M. BODDEN: Do you know any type of guarantee on any of this furniture?

HON. A.B. BUSH: I don't know what kind of guarantee the Member is talking about Sir, whether the furniture will stand up forever, or what.

MR. CLAUDE HILL: Mr. President, if I'm permitted, I'd like to ask the Honourable Member a question as to the consultants and the furniture. If the Consultants were advised by the builders or what in the purchase of the furniture.

HON. A.B. BUSH: Mr, the builders don't advise anything. The consultants are in charge of things, ordering the things for the buildings to advise the contractors as to just what type of materials and everything should be used in the building, not the Contractors advise the Consultants.

MR. JAMES M. BODDEN: Mr. President, following on the question which was just rudely given, I'm sure that the Member himself is not guaranteed forever, so I didn't expect the furniture to be guaranteed forever, but does it carry a one year guarantee, a two year guarantee, five year guarantee?

HON. A.B. BUSH: It is customary to carry a one year guarantee, Sir.

MR. JOHN JEFFERSON: Does Government have anybody at present who could do these types of purchases? The answer was that the consultants - the furniture was bought through the Consultants - in relation to the fact that whenever amounts of furniture or anything else is bought in this quantity, there's a normal reduction or cash in money (discount) given back. Is Government not in the position to do this themselves, I mean I don't know how the consultants have to do that. Certainly we would be in a better position to do that ourselves.

HON. A.B. BUSH: Mr. President, just correcting what the Member said, Sir, the furniture was not bought through the consultants. The Consultants advised on the type of furniture that the building should have. The same thing took place with this building and with the courts building. All the Government buildings that were built recently that had Consultants on the job they chose the type of furniture that would blend with the building. Surely we didn't want something in the building that was completely out of place and this is the part the Consultants played in advising the Government as to what type of furniture the building should have.

MR. JAMES M. BODDEN: In that advising, did they also advise who the manufacturer of this was and who was the supplier and who we should buy from?

HON. A.B. BUSH: I don't know. They probably gave that to Government. I don't know - they probably gave that to the Tender's Committee of which I am not a part of.

MR. JAMES M. BODDEN: I know it is customary for furniture to have a one year guarantee, but you still did not answer my question. Does this furniture that we have, have a one year guarantee to it?

HON. A.B. BUSH: I definitely don't know, Mr. President, as I said, in this particular case, but as I said, it is customary on all types of things such as this that a one year guarantee. A one year guarantee was given with all the buildings by the Contractors when they were turned over to Government in the event of anything going wrong within a year they would be replaced.

MR. JAMES M. BODDEN: Was this furniture purchased from more than one manufacturer?

HON. A.B. BUSH: I understand it was purchased from more than one manufacturer.

MR. JAMES M. BODDEN: Did the manufacturer supply you with copies of what was being sold, or did you get that invoice from the local supplier?

HON. A.B. BUSH: It has been given to the Tender's Committee, Sir. I was not a part of the Tender's Committee and as I said, this bid was accepted by the Tender's Committee who examined all the tenders for this furniture.

MR. JAMES M. BODDEN: Furniture is usually sold on list which is about 60% off the listed price. Did anyone check to see whether we were paying the full list price or whether we got any discount at all?

HON. A.B. BUSH: I don't know, Mr. President.

MR. JAMES M. BODDEN: Did the contract call for the Consultants to get a fee in regards to the furniture?

HON. A.B. BUSH: This again, Mr. President, I really don't know.

MISS ANNIE M. BODDEN: Mr. President, I have to ask, who knows anything about this furniture at all?

MR. G. HAIG BODDEN: Mr. President, the last part of the question doesn't seem to be answered at all. Will copies be circulated to the Members if there are any list prices from the manufacturers? Will the Member comment on that?

MR. PRESIDENT: I don't think that is necessary. The last part of the question says "if so, will copies be circulated" and the answer makes it quite clear that the question of list prices did not arise.

MR. JAMES M. BODDEN: Well, how did we pay for this, were we invoiced for it at all?

Mr. President, could the Member (this is supplementary - my last one) could the Member tell us whether there's anyone at all who can tell us anything about this contract?

HON. A.B. BUSH: Mr. President, it wasn't a contract. / It was an Acceptance of a bid from the Tender's Committee; it really wasn't a contract.

MR. PRESIDENT: Proceed to the next question.

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE FIRST ELECTED MEMBER, RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

What amount of money has been paid to date on the dock work to the contractors, the amount to the consultants, and total expenditure including acquisition of land?

ANSWER: The following amounts have been paid to date in respect of the port contract:

The Contractors:	$1,640,035.27
The Consultants:	175,114.66
The Purchase of Lands:	$337,425.10
The Total:	$2,151,575.03

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: I understand at the present time that part of the dock area is being harbor greened instead of a concrete base. Would this be a part of that cost?

HON. A.B. BUSH: This is being done, Mr. President, by the Public Works Department and this amount I don't think is included because it was - the answer said "up to date" and the date as Members know was the last of August and this job hasn't been completed yet.

MR. JAMES M. BODDEN: Mr. President, the answer is that I have in front of me reads, " up to date", well, to date is today.

HON. A.B. BUSH: To date is when the question was asked, Sir.

MR. JAMES M. BODDEN: Well, let's give you 10 days then. Certainly in the dock contract it must have called for it either to be concreted or harbor greened. If it was to be harbor greened then that cost must have been figured in to that amount here, is that correct?

HON. A.B. BUSH: In the contract, Mr. President, by all means, but not the amount that is paid up to date because as I said, this hasn't been completed. We're talking about the money that has been paid to the Contractors, to the Consultants, to this and to that up until the date the question was asked when research could be made to have the answer, but it certainly does not take in today's date or last week.

MR. JAMES M. BODDEN: If Public Works is doing this job, will this amount would then be deducted from the contract price, is that correct?

HON. A.B. BUSH: Yes, this is a sub-contract to the Public Works from the main Contractor McAlpine.

MISS ANNETT M. BODDEN: Mr. President, if I may be permitted to ask this Member, the purchase of land in this amount does that include the $50,000.00 which is supposed to be paid for the opposite land, the Kirkconnell land which was to be purchased?

HON. A.B. BUSH: No, this is not in it, Mr. President. This figure isn't in it.

MR. CRUDDOCK EBANKS: Mr. President, would the Member say if the contract specified a concrete surfacing or a barber grass surfacing for the dock?

HON. A.B. BUSH: It calls for hot mixed asphalt, Sir, which we consider better than concrete in that area.

MR. JAMES M. BODDEN: How much more do we have to pay the Contractors between now and February 28th when it's supposed to be finished?

HON. A.B. BUSH: I don't know exactly, we'll have to work this out and we'll have to wait and see when the dock is finished.

MR. JAMES M. BODDEN: Well, will it be finished before February 28th or after February 28th?

HON. A.B. BUSH: Probably after, Mr. President, because of all these delays, we have the northwester season coming up and one never knows what will happen. The date, really, that's set for the completion of this dock is the 28th of February.

MR. JAMES M. BODDEN: So we have much more money to pay this Consultant?

HON. A.B. BUSH: If we have much more money to pay? We would say we'll have to pay him, I guess until the dock is completed, Sir.

MR. JAMES M. BODDEN: Well, could you tell us whether his fee is going to be any, twice as much as what you have down here?

HON. A.B. BUSH: No, I wouldn't think so - I wouldn't think so at all. Not by any means.

MR. CRUDDOCK EBANKS: Mr. President, a supplementary, would the Member say what was the amount as a sub-contract that Public Works is doing this surfacing for?

HON. A.B. BUSH: I absolutely don't remember the figure, Mr. President. It is done by the yard I'm so much a yard. I don't know exactly the figure at this time.

MR. PRESIDENT: Move on to next question.

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE FIRST ELECTED MEMBER, RESPONSIBLE FOR WORKS COMMUNICATIONS AND PUBLIC TRANSPORT.

What amount of money has Government paid for the excavation of the trench in the harbour project, and is it now completed? If not completed, what percentage remains to be done?

ANSWER: . . The trenching which was required to be done for the harbour project formed a part of the contract to construct the port. The price therefore, is included in the contract price and the trenching is completed.

MR. G. CRAIG BODDEN: Mr. President, it is not necessary for me to make a statement but the question is not answered - the question is what amount of money has Government paid for the excavation?. It is nothing in the answer to indicate what amount of money Government has paid. Will the Member care to answer the question?

HON. A.B. BUSH: Mr. President, as the answer said, it was a part of the contract and I am unable to give the figure that was inserted in the contract for this particular job. It would not at all be fair to the contractors to pick any contract price out of any contract and divulge it to the public. This is not at all any practice by the Government or any other one who employs a services of a contractor to do a job, to make known particular parts of a contract to the public? The Member could find this out if he came to the office , I would readily give it to him.

MR. JAMES M. BODDEN: Mr. President, certainly that's not the Answer to the question. Who is to be considered and respected more here? the contractors wishes or the Legislative Assembly Members' wishes? There was, I understand a certain figure set in that contract for the trenching, it should be no public secret and that should not hurt the contractor. What was paid for this trenching?

HON. A.B. BUSH: Mr. President, as I have said, I'm unable to do that. And I have been advised by our Consultants that it would be wrong to take any figure out of a contract - the Government knows, the Members know the price of the contract but we cannot pick it to pieces to divulge it to the public item by item.

MR. JAMES M. BODDEN: Mr. President, it is time that we got rid of this Consultant, we had him too long.

Which is the public money Mr. President, it is not the divulging to the public,/But it is divulging to the Members of the Legislative Assembly. Now this question has been tabled and we're expecting a reply - we understand you don't have it this morning but we do expect a reply to it before this session is over.

HON. A.B. BUSH: This will come as ruling from the President I'm much Afraid.

MR. PRESIDENT: I think the Member has it made clear that any Member of the Assembly who wishes access to this information can be given it by going to the Member's office, or it can be disclosed in Finance Committee. But he has made the point that this is not normal practice and I think one must accept that he has gone into this before giving his reply.

MR. JAMES M. BODDEN: With all due respect Mr. President, I bow to your ruling, but already this morning the Member has answered several questions concerning contracts and I don't see where this one is same/correct.

MR. PRESIDENT: Move on to next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN , TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

Student loan from Caribbean Development Bank to Cayman Islands Government: How much has been loaned to students and for what specific courses of study?

ANSWER: The Education Council has processed applications received to date for students loan in the following field: medicine (1), medical technology (1), accountancy (1), teacher education (1), nursing (1), dietetic (1). Loans are subject to the final approval of the Caribbean Development Bank and it is expected that some weeks may elapse before funds can be available to students.

MISS ANNIE M. BODDEN: Mr. President, if I may be permitted to ask, has any applications been turned down flat without even a reason being given why it has been turned down?

HON. BENSON O. EBANKS: Mr. President, the answer says that the Education Council has processed applications received to date.

MISS ANNIE M. BODDEN: Mr. President, this is a statement. The Member need not be so antagonistic against us.

HON. BENSON O. EBANKS: Mr. President, I fail to see where any antagonism was displayed in that. I answered her question.

MISS ANNIE M. BODDEN: It was the temper of your voice.

MR. JOHN D. JEFFERSON: Supplementary question .....

MR. PRESIDENT: I think the Honourable Member from Bodden Town had the floor.

MR. JAMES M. BODDEN: So saying, we got him on his feet Sir, I'll leave him alone.

MR. JOHN D. JEFFERSON: I don't know whether that was a compliment or otherwise.

Mr. President, I would like to ask a supplementary question according to the answer given by the Member in relation to proceeding - is it fair to say that when applications are received here that this Government has or does not have the last say as to whether or not a student will be able to receive that loan?

HON. BENSON O. EBANKS: Mr. President, that is implicit in the answer which I have given. The Education Council processes a loan if it falls within the category of the subject to which the Education Council has given priority in consultation with Government, and the applicants meets all the other requirements, the loan is then recommended to the bank but the bank must give the final approval. So that the Education Council is not in a position to tell an applicant that he will receive a loan until the bank has approved it.

MR. G. HAIG BODDEN: Mr. President, will the Member say if the term "has processed applications received to date" mean that the Education Council has approved all applications received, or does it mean that they have turned down a few - does it mean that the Education Council has approved all applications received as far as the Council is concerned?

HON. BENSON O. EBANKS: Yes, the listing given here was the applications which have been that were received - they fell within our amount of money and we have recommended all of them.

MR. JAMES M. BODDEN: The question is answered by saying "processed". My question will be, how long would it take before the students can return to this, because we are in the beginning of the school year as far as some of the universities abroad are concerned. When will the students be able to know whether they can get this loan or not?

HON. BENSON O. EBANKS: As quick as a reply can be had from Caribbean Development Bank.

MR. JAMES M. BODDEN: Why does Caribbean Development Bank have to approve this when it was our opinion in this House that the Government was going on limb to borrow fifty thousand dollars and be responsible for it?

HON. BENSON O. EBANKS: That is a term of the agreement with the bank.

HON. BENSON O. EBANKS (CONT'D): The Government borrows the money but the bank has the final say as to whether the course sought meets the criteria down in the agreement.

MR. JAMES M. BODDEN: In other words Caribbean Development Bank did not really loan us this fifty thousand dollars, they loaned this fifty thousand dollars in a piece-meal thing as they wished to dish it out to us, is that correct?

HON. BENSON O. EBANKS: I'm not sure what you're getting at, but the position is that fifty thousand dollars has been made available to this Government for loans to students for higher education; this will of necessity be advanced as each application is approved.

MR. JAMES M. BODDEN: But approved by who, Caribbean Development Bank or the local people here?

HON. BENSON O. EBANKS: Caribbean Development Bank, they have the final say.

MR. JAMES M. BODDEN: We did not really borrow the money then, the students borrowed the money, is that correct? Let me ask you this question then Is this loan on an individual basis to individual persons and are the applicants judged by Caribbean Development Bank on the basis of their scholastic record, or what Caribbean Development Bank thinks is the profession that We should have these people enter - which way do they judge this? What is the criteria?

HON. BENSON O. EBANKS: Well the agreement with Caribbean Development Bank stipulates that the Education Council in consultation with the Government must establish areas of priority. This is done by this Government and the Education Council, it is published in the press, a list of this is sent to Caribbean Development Bank, similarly Government or the Education Council in consultation with Government is to establish the financial limit above which a student would not - that is the financial limit of the parents - beyond which a student would not receive assistance. As Members are probably aware, or should have seen in the press there is a further restriction that where the disciplines of study are available in the Caribbean , the students should attend these regional institutions, and it is for this reason that the Bank wishes to scrutinize each application before the money is disbursed to the student. But the money is lent to the Government and then an agreement is entered into between the student and the Government once Caribbean Development Bank has approved of the sub-loan to the student.

MR. JAMES M. BODDEN: Mr. President, it appears it would be easier to get to heaven than to borrow this money. Anyhow, my next question would be this We recently had several students that were lucky enough to pass seven G.C.E. subjects, now supposing that these students had had exceptional records of passes in Biology and the Sciences and they wished to go on to study Medicine, would it be then that Caribbean Development Bank could say 'no they must study accounting', is that the way and which this loan is?

HON. BENSON O. EBANKS: No, but they would have to get A' Levels before they would move on to study medicine, but the Caribbean Development Bank does not tell us in what area a particular student must study. And in fact in negotiating this loan we were able to have the study of law included in the Cayman Islands agreement which is probably the only territory receiving such loans that has this concession.

MR. JAMES M. RODDEN: Another supplementary. Mr. President, it appears that most of us Members on this side of the House have a different idea as to how this money was really going to be used, and would it be possible that the Member could circulate sometimes in due course memorandum to the Members of this side of the House showing the exact terms and conditions of this loan?

HON. BENSON O. BANKS: I certainly have copies of the agreement that any Member could sit down and read at any time in my office.

MR. JAMES M. RODDEN: That was not my question Mr. President. His office and the mail are two different things. I wanted to find out whether copies of this could be put into an envelope and the memorandum of it and just mailed by a Government mail to the different Members of this House that we could study it and know for ourselves rather than having to go to the Members' office to see it, that's a little bit too much of an imposition.

HON. BENSON O. BANKS: Mr. President, that would be subject to the general ruling on this nature of document. If there is no objection then I will have no objection - it is nothing in the agreement for me to hide.

MR. PRESIDENT: I would see no objection to circulation in this case.

Next question.

MR. CRADDOCK BANKS.

MR. PRESIDENT: Sorry.

MR. CRADDOCK BANKS: Mr. President, could the Member say if it was anticipated by the Education Council that these students would enter school on this school year?

HON. BENSON O. BANKS: Mr. President, some of the applications are from students who are already abroad in institutions, some are from students who have proceeded realising that the money would not be forthcoming in September, they were able to make other arrangements for the first term, and those others fully realised that they would probably be starting in January. But in a nut shell I don't think anybody has been inconvenienced or kept out of getting an education because of this requirement.

MR. PRESIDENT: Move on to next question.

MR. JAMES M. RODDEN, CONSTITUENCY OF RODDEN TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

What has been the amount of collections for hospital fees to July 31st, 1976: and what amount is outstanding unpaid for the same period: and how does it compare with the same period of 1975?

ANSWER: Total hospital fees collected to 31st July, 1976 were seventy-one thousand, nine hundred and fifty-six dollars; total unpaid fees to 31st July, 1976 were fifty thousand dollars. Total hospital fees collected to 31st July, 1975 were twenty-seven thousand, seven hundred and twelve dollars, and total unpaid fees to July, 1975 were twelve thousand, five hundred dollars, and I have put in brackets Mr. President, (for that period) meaning that these are from outstanding prior to 1975, but that is for the period January to July, 1975.

MR. G. HAIG BODDEN: Mr. President, A supplementary. Will the Member say if this figure $71,000.00 includes collections at the clinics in the districts as well as at the hospital?

HON. BENSON O. EBANKS: It probably does.

MR. JAMES M. BODDEN: The unpaid fees to July, 1976 of fifty thousand dollars is that a combined figure for several years or is that just for this year from January the 1st?

HON. BENSON O. EBANKS: That's from January the 1st this year.

MR. JAMES M. BODDEN: What would account for this - could this be that this fifty thousand dollars represents a lot of cases where, let's say the people really cannot afford to pay and is figured into this, or .....?

HON. BENSON O. EBANKS: No, this is not like medical aid, this is cases where the hospital holds promises to pay, in other words the person has said I can't pay it in one lump sum but I will pay it monthly, or weekly instalments, or whatever.

MR. PRESIDENT: Next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

How does the per diem rate of collections to July 31st, 1976, compare with the same period in 1975?

ANSWER: I presume the Member is referring to collections for in-patients services, if this is correct the figures are to July 31st, 1976, $37,327.00 - July 31st, 1975, $5,401.00.

MR. JAMES M. BODDEN: The hospital rates of twenty-five dollars a day, has gotten us so far this year, $37,327.00 against $5,401.00 in the year of 1975. Could the Member tell us what has been the percentage increase in occupancy in the Hospital this year compared to last year - whether the rate of occupancy is actually up or down?

HON. BENSON O. EBANKS: There has been a ten percent increase Mr. President, in in-patient occupancy.

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

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

How do the ambulance fees collected to 31st July, 1976, compare with the collections for the same period in 1975 and what is the amount collected?

ANSWER: Ambulance fees collected to 31st July, 1976 are $400.00. No fees were in effect during 1975.

MR. JAMES M. BODDEN: By decreasing the per trip basis of the ambulance fee would it not account to increase this price, or this collection plus giving the patients more comfort?

HON. BENSON O. EBANKS: Mr. President, I think that would call for an expression of opinion.

MR. JAMES M. BODDEN: As the Member responsible for charging these fees would you consider it of benefit to the public if the ambulance fees were decreased - would you consider doing so?

HON. BENSON O. EBANKS: Again,Mr. President, that is a matter of opinion. I have no proof that the public is not utilising the ambulance to the full extent of the public's need.

MR. JAMES M. BODDEN: Mr. President, we have what I understand to be a fairly good ambulance, and at twenty-five dollars a trip this is sixteen trips over seven months which means it is being utilised twice a month, yet the hospital occupancy is up ten percent. It must be some reason why this ambulance is not being used. Would the Member tell us whether it can be decreased, the price on this,rather than to keep it at the twenty-five dollars a trip?

HON. BENSON O. EBANKS: Mr. President, in the same way that the amounts of fees which I have given do not in any way reflect the total value of services rendered at the hospital, neither does the fee collected for the ambulance reflect the total number of times that the ambulance has been used. If a person is unable to pay the fee for the ambulance they get the service free, the same as any other service in the medical department.

MR. JAMES M. BODDEN: Supplementary. Mr. President, we have a big investment here that is only bringing in fifty dollars a month at the present time, or roughly fifty dollars a month at the present time. Would the Member explore the reasons for this then whether it could be that the rate charged for that is proven too high and people are refusing to use it?

HON. BENSON O. EBANKS: Mr. President, maybe if the Member would ask himself if might not be that the health of the people is improving so they don't need the ambulance for as many emergencies.

MR. JAMES M. BODDEN: Mr. President, that could not hold true not with the figures the Member has given us this morning as well as last week when he told us that, I think it was in East End, the health of the people had deteriorated over five thousand percent as far as the use of the clinic was concerned. So it must be some other reason could he investigate the reason and give us an answer back to this Assembly rather than to tell us these figures because if we take his figures, which I'm giving him credit that they are correct, the health of the people must be worse now than it was last year because it is more use being taken of the clinics.

HON. BENSON O. EBANKS: No, Mr. President, the Member is twisting the answers which I have today and previously. The increase in the clinic treatments reflect the increase in the frequency of the clinics being held in that district as well as the fact that doctors are visiting the clinics more frequently so that they're only patients that are really sick they consider the hospital. And nothing that I have said would indicate any increase in the number of emergency cases. The ten percent increase in the use of the in-patient wing could quite possibly be reflected by ambulatory cases, but those that need an ambulance to bring them in, and in fact I am positive that the statistics would prove that there has been less use or need of the ambulance, for example for road accident cases during the period we're talking about.

MR. JAMES M. BODDEN: Mr. President, again using the Member's figures - would he care to tell us whether or not he is concerned about the over five thousand percent increase in East End for the people having to use the clinic?

HON. HENSON O. EBANKS: I didn't say five thousand Mr. President, I said five hundred.

MR. SPEAKER: Next Question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE THIRD ELECTED MEMBER, RESPONSIBLE FOR HEALTH, EDUCATION, ETC.

How much monetary support from the public has the National Council of Social Services received from January 1st, 1976 to July 31st, 1976 and what were the individual amounts received?

ANSWER: Monetary support received from the public from the 1st of January to July 31st, 1976 was $2,222.02. The individual amounts received were: Family Fair Day, $1,000.02, and private individuals in response to the 1976 appeal, $241.20.

MR. JAMES M. BODDEN: Would the Member care to state to the House what is the amount budgeted by Government to operate this department for this year?

HON. HENSON O. EBANKS: Mr. President, I am not positive of this, but what should be clearly understood is that the National Council of Social Services is not a Government department. The National Council of Social Services is an independently organized Association in which Government has no, shall I say, controlling interest or investment. What Government has undertaken to do is to make available to the National Council of Social Services / Expenditure until such time as a National Council of Social Services is in a position to provide its own staff, certain key-members of staff for the National Council of Social Services.

MR. JAMES M. BODDEN: Mr. President, I think the budget this year to run and provide the staff for this department is forty thousand dollars plus. Now on the figures that have been given to us this morning, of twenty-two hundred and twenty-two dollars and two cents, would it not be better if we had taken that forty thousand plus and giving it outright to the people who was in need rather than to finance the salaries and wages of this department?

HON. HENSON O. EBANKS: Mr. President, that is an odd conclusion. I don't know where the Member could draw the conclusion that the salaries being paid by Government is being paid to collect from the public. We could not measure what Government has invested in the Council in terms of what support it has had from the public, that is monetary support. If we could quantify the time and effort that has been put into projects mounted by the Council voluntarily it would far exceed any amount I was able to give here this morning or that we even have in the estimates.

MR. JAMES M. BODDEN: Supplementary. In regards to monetary support the Member has just said that he was hopeful that the Council could get to the point where let's/ could sustain itself, or it could be self supporting as far as the staff is concerned. Well someone must be concerned when it is only roughly five percent of the money that they're being able to tap from the charitable causes in regards to the amount that is being paid right now for salaries; would it not be better if we took this salary - I will be speaking a lot about this later on, I hope - but wouldn't it be better if we had taken this salary and with the help of the present Probation Officer, Mrs. Ryan, we just dole this out to the people who needed help rather than to have such a high paid staff; would the Member say whether he thinks that is possible?

HON. BENSON O. EVANKS: Mr. President, I think that that question is far removed from the original question and I am not prepared, unless I am directed by the Chair, to get into any argument particularly which can only be expressions of opinion regarding the National Council of Social Services which as I have said before is an independent organization which is operated outside of the realms of Government, other than the assistance which Government gives it with staff.

MR. JOHN D. JEFFERSON: Mr. President, if I could ask a supplementary question. Was there any funds received subsequent to July 31st, 1976 and what was the amount?

HON. BENSON O. EVANKS: Mr. President, an appeal for public support was sent out the end of July and up to the 24th of August, the date on which this question was answered, an amount of fifteen hundred and seventy-five dollars had been received in response to that appeal. In addition there have been other promises of support and also the Drama Society made the first performance of their recent play available to the National Council of Social Services, and it is anticipated that this would not, when all of the funds are in go up to three hundred dollars.

CAPT. C.L. KIRKCONNELL: Mr. President, can the Member state whether the money collected from private individuals, has that been put into a community chest or just where has this money been put?

HON. BENSON O. EVANKS: Well this is the idea, that there will be a once per annum appeal and it's on the community chest idea.

CAPT. C.L. KIRKCONNELL: Mr. President, has the Government been informed as to the requirements of a community chest and the complications, or what it will take to actually run this properly - has Government been into pros and cons of this? I am asking this question on the strength of being involved previously in the Kingston Kiwanis Club of Jamaica. We had this as one of our main projects and the more we went into this community chest the more involved it became and the more expensive it was. I wonder if Government has taken the time out to really investigate this properly and to whether a community chest is the answer, or whether the National Council of Social Services really are aware of the implications and the cost.

HON. BENSON O. EVANKS: Mr. President, the idea behind this was embodied in the original report which suggested the setting up of the National Council of Social Services in the first place. I have not been informed of any difficulties being experienced by the Council other than' we'll have to look and see what the response to the appeal is in totality, I would say the first month is encouraging.

MR. JAMES M. DODDEN: Further supplementary. Is it hoped that one of these days this Council can pay the salaries of the staff without the Government having to do it?

HON. BENSON O. EVANKS: I can't answer that question Mr. President.

MR. JAMES M. DODDEN: The Member has spoken about appeals. How do we expect got people to turn loose of money Mr. President, without a concerted action? Is the Member responsible for this satisfied that by sitting in an office and typing out a little letter .....

MR. PRESIDENT: I'm afraid that does elucidate any matter of fact not made clear in the original reply.

MR. JAMES M. BODDEN: Mr. President, further supplementary. Would the Member care to state whether the present appeal that is being done has had his sanction?

HON. BENSON O. EBANKS: Mr. President, I am not responsible for the day to day running of the National Council of Social Services. I made it clear that is an independent organisation.

MR. JAMES M. BODDEN: Well, is the Member then satisfied that with us spending forty thousand plus a year just on salaries to support this organisation, and this organisation receiving in charity roughly twenty-two hundred dollars - is he satisfied with what is being done, or does he think that it would be necessary to take further action to try to raise the intake?

HON. BENSON O. EBANKS: Mr. President, either I am not being very clear in what I am saying, or the Member is not understanding what I'm saying. I said earlier that we are talking about monetary support in this question and answer. It can be tried to quantify the support that has been given to the National Council of Social Services in terms of voluntary time and material. I don't know whether we could really quantify it, for example the permanent supervisor of the school to the handicapped being carried on in West Bay left the Government service drawing the salary of a graduate teacher to go to work there for the salary contained in the estimates, something like four thousand dollars a year, as a part time voluntary worker. There is no way that one can quantify what has been done by the National Council of Social Services in terms of effort and also immaterial which have been received for their efforts. And again, Mr. President, I am saying that this is not a Government organisation and I would hope that Members would respect this - people are giving a lot of their time and effort voluntarily, and I don't think that us dragging it through politics is going to encourage people to participate in the efforts of the National Council of Social Services.

MR. JAMES M. BODDEN: Mr. President, a supplementary, and I hope that you will give me the same latitude that you have just given the previous speaker. He did enter into quite a speech there and I agree that it is impossible to quantify what this department can do, but Mr. President it does concern me, and it does concern a lot of the Members of this House when we know that we have voted forty something thousand dollars plus to keep this department going and it's only twenty-two hundred dollars that has been received. Now I know it is hard to get people to part with money for charity, but with a concerted drive something better than this could have been done and I'm surprised that the Member is not thinking that he should be responsible for this. And I still feel, Sir, that the National Council of Social Services is a good body, it's needed but I am prepared to say that if we have to keep on supporting it on these figures then we have created a bureaucracy and we have killed the very thing we started to do. I know you're going to stop me, I thank you Sir but he had the same latitude.

MR. PRESIDENT: I think we are in danger of getting into debate by this subject and it would be a suitable time I think to close it and move on with Government business.

THE FRIENDLY SOCIETIES (AMENDMENT) LAW

MR. G. HAIG BODDEN: Mr. President, before moving into committee I'm wondering if you can help clear up something. The House decided to go into committee to study a law to amend the Friendly Societies Law, but this morning we have been circulated with a different law, the law which the House voted to go into committee on has apparently been withdrawn, although not formerly and we have been supplied with a new law which we have not had time to study or a bill for a new law.

MR. G. MAIG SODDEN (CONT'D): and I'm wondering if this is correct procedure, I refer you Sir, to Standing Order 61 with regard to the withdrawal of Bills and further ask that the House be given seven days to study this new bill which we have been supplied with this morning.

MR. PRESIDENT: I think we have used this procedure before where the questions have been taken in the second reading and it is obvious that amendments were going to come up rather than moving amendments from the floor in committee, the practise often been, I think for the Member putting forward the Bill to put down such amendments in what is really more a presentable form for the House to consider. If the Member wanted that bit of paper withdrawn we can still consider the Bill in committee as it has been circulated to Members, and motions for amendments can be moved in the normal way in committee. I think this purely to assist the House in its deliberations and it is no thought of withdrawing the Bill or circulating a new one.

HON. G.E. WADDINGTON: Mr. President, I think I should make a statement on this Sir. There's no question of withdrawing the Bill I made it clear when I summed up on the second reading debate that all the amendments which the Member had mentioned in the debate had already been corrected by amendments which I had then and there ready to circulate to Members, but I think that the Clerk of the House, in order to put those amendments into a more presentable form so that Members could follow them more easily redrafted the Bill in the form in which the Member now has before him. I'm not a party to that Sir, I'm quite prepared to circulate the amendments which I had with me when I was speaking on the winding of the debate, and put those amendments in when we go into committee stage. There is no question of withdrawing any Bill.

MR. PRESIDENT: Well, I suggest that we move into committee and we can then consider whether we'll look at the white piece of paper or we'll look at the green one.

COMMITTEE THEREON

MR. CHAIRMAN: The Assembly is in committee.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

MR. CHAIRMAN: I think at this juncture we'd better decide whether we're looking at the green paper or the white one.

HON. G.E. WADDINGTON: I'm quite prepared to have the amendments which I originally had made as we go along.

MR. CHAIRMAN: Well, in that case perhaps we should take clause 2 on the green paper, we can take sub-clause (a) first of all.

CLERK: CLAUSE 2. CAP. 59 AMENDED.

QUESTION PROPOSED.

HON. G.E. WADDINGTON: Well, I ask that Mr. Chairman, that paragraph (a) remains as it is and I suggest that the following further amendments be made to the clause, that (b) be deleted and instead of (b) the following amendment be made.

HON. G.R. WADDINGTON (CONT'D): (b) throughout by substituting for the words "Public Recorder" the word "registrar".

MR. G. RAIG DODDEN: Mr. Chairman, if I can speak on that, the point I was trying to make earlier on is that it is not fair to the Members to ask for such far reaching amendments without time to study the Bill in its entirety and I don't feel it is right to ask the Members to vote for these amendments on such short notice. If it was just one amendment to one section or something, but to my mind this requires study of the entire Bill before we can really do it, and I'm wondering why this Bill can't be left, say till the November sitting of the House. But .....

HON. W.W. CONOLLY: Mr. Chairman, as I see it, it is only amendment to one section. We're dealing with section 2 and (a) of section 2 remains the same as is, and the amendment comes on now with a deletion of sub-section (b) and the institution of a new sub-section (b) which in truth and in fact does not change the whole idea of the particular section. I think the Standing Order says that you can't change sections which will change the whole idea of the Bill. But surley these amendments are not changing the idea of the Bill and these particular points were raised by the Honourable Member himself so when he comes up to talk about having had time to study I think this is only trying to drag things out, Mr. Chairman. I don't see any reason at all why we can't go on with this.

MISS ANNIE H. DODDEN: Mr. Chairman, it had been suggested that we revise this entire law in as much as it was so antiquated being over a hundred years old, evidently that suggestion has not been accepted Evidently I'll have to repeat what I said Sir - I'm not very mechanical but at least I have a little memory sometimes. I'm saying Sir, that there were objections that this Bill, as it is now being over a hundred years old that we should go into it and not only amend it but revise it and make a new law altogether, and I am wondering what this rush is all about.

HON. G.R. WADDINGTON: I think as I explained when winding up the debate in the second reading, Mr. Chairman, that Members have overlooked entirely, oversighted the reason for this exercise. The exercise is not for this Legislature to revise the laws - the revision commissioner under the revision law is empowered to do that and all he is proposing to do is to republish the law in its present state, but in order to do so it is necessary to bring the Administrative end of it - that's to say, to revive the Clerk of the Court and the Public Recorder who/men now no longer necessary and to replace those officers by and large, the Registrar of Companies. The law will then be republished in its revised form and if this Legislature thinks at any future date that that law should be amended then that's a matter for the Legislature, but the whole exercise here now is to put the law in a form where the law revision committee can have it republished.

HON. W.W. CONOLLY: Mr. Chairman, I may make one point on this - that when this Bill was introduced, this Bill was introduced before the floor of the House with no objections, And there was no objection to the introduction of this Bill, if I remember correctly - where we had some opposition was on the second reading of the Bill and there is no way in our Standing Order where at that particular time that any Member of the floor can come up and ask for the withdrawal, but any Member may stand at the second reading and for the Bill to go into a committee of the whole House, or stand to a select committee. And surley I think it would be wrong to be asked from some Member, the Member who had not introduced the Bill to ask this withdrawal at that time. As I see it this Bill is properly before the floor of the House because no motion was made against the introduction and the introduction was passed, and the second reading was entered into.

MR. G. HAIG BOUDEN: Mr. Chairman, the Member knows the Bill can be withdrawn at any time. I don't know why he is saying what he is saying, but the point.....

HON. W.W. CONOLLY: By what?

MR. G. HAIG BOUDEN: Mr. Chairman, I would like to continue if the Member will hush.

The point I'm trying to make is that the amendment we're dealing with is asking that throughout the Bill we make certain amendments. I'm saying that the House should study this new amendment looking throughout the Bill before they make the amendment, because some Members may find that the Bill might not work if he make the amendment by merely substituting certain words throughout the Bill, that's the whole point of my argument. I'm in favour of the amendments.

MR. CHAIRMAN: Well, it does not seem to me that it would be on anything different from the procedure adopted on previous Bills. The Member presenting the Bill is quite entitled to move any amendments to this clause while we're debating it. He has advised the Clerk that he intends to do this and the Clerk in genuine effort to make things easier for the Member has set these out on a piece of paper under clause 2. I don't know to what extent the Member do feel that they would like more time to consider because certainly we would not like to defer proceedings in committee on this longer than twenty-four hours which I think would give every Member adequate time to consider these very minor amendments, but I'm prepared to go ahead with it now.

HON. BENSON O. EBANKS: Mr. Chairman, at least I think the Member piloting the Bill could have been given an opportunity to complete presenting his amendment. I'm sure he had not completed that exercise, or certainly I have not got them written in.

MR. CHAIRMAN: Well, so far we've got the motion before the floor at present, is that clause 2 do stand part of the Bill. The Member presenting the Bill has asked for clause 2 (a) as originally drafted to remain. He has proposed that clause (b) be struck out and a new clause (b) substituted - I don't know whether he has any further amendments to propose to the clause.

HON. G.E. WADDINGTON: There are two other small amendments which I'll proceed to state at this stage: that a clause (c) be added to read as follows: by substituting for the words "Clerk of the Court" where they appear in the proviso to sub-section (6) of section 36 the words "Attorney General") and one other consequential and small amendment another paragraph, (d) by substituting for the words "Clerk of the Court" wherever else they appear, save in sub-section (2) of section 68, the word "Registrar".

MR. G. HAIG BOUDEN: Mr. Chairman, if the Members will look at the Bill they will see that clause 2 in the Bill is not even numbered and where do we get this (a), (b), (c) and (d), and what has happened to the definition of society in the old Bill, and also the definition of Member? I can't even how we can do that.

HON. G.E. WADDINGTON: I'm afraid I don't understand what the Member is saying.

MR. G. HAIG BOUDEN: I'm talking about section 2 of the old Bill, the interpretation section.

HON. G.E. WADDINGTON: I've stated that I am not with the Member, I don't know what he is referring to.

MR. C. CRAIG McQUAIN: Well, it says in the amendment, Mr. Chairman, that in section 2 by adding the definition of "Registrar" means the "Registrar of Companies" - where does the (a) come from? I mean the definitions in section 2 was not labelled (a), (b), (c).

MR. CHAIRMAN: I think the Honourable Member is confusing clause 2 of this amending Bill with section 2 of the Friendly Societies Law - what we're doing in this clause is setting out the amendments (a), (b), (c) and (d) for the purpose of clarification, if this law is then approved and enacted then the necessary changes will be made in The Friendly Societies Law.

MR. JOHN D. JEFFERSON: Mr. Chairman, I don't see where we're doing anything different from what we've done in the past. In relation to the amendments that is being offered I have experienced various motions and various amendments being offered. As far as I'm concerned we're straight forward - I would say we would proceed with the Bill in committee stage.

MR. CHAIRMAN: I'm going to suspend proceedings at this stage for fifteen minutes.

Proceedings in committee are resumed.

Well, the question is that clause 2 be amended by leaving in clause (a) as drafted in the Bill, by deleting clause 2 (b) and substituting the word "throughout, by substituting for the words "Public Recorder" the word "Registrar" and adding two new sub-clauses, ? (c) by substituting for the words "Clerk of the Court" where they appear in the proviso to sub-section (6) of section 46 the words "Attorney General"; and adding a new clause 2 (d) by substituting for the words "Clerk of the Court " wherever else they appear, save in sub-section (2) of section 46, the word "Registrar".

HON. V.G. JOHNSON: Could you put it to the vote now, Mr. Chairman?

QUESTION PUT ON AMENDMENTS: AGREED.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE FRIENDLY SOCIETIES LAW.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That completes study in committee, on a Bill entitled the law to amend The Friendly Societies Law.

We come now to The Land Holding Companies Share Transfer Tax Law.

THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW

COMMITTEE STAGE

HON. V.G JOHNSON: Mr. Chairman, I am proposing an amendment to the definition clause section 2 to include the definition of the word "transfer" and the definition is being circulated to Members now.

MR. CHAIRMAN: I think to clarify the position we have the Bill which has been circulated to Members on which the second reading was based. I understand that already a number of amendments to section 2, section 3 - I'm sorry I'm looking at the wrong Bill.

HON. V.G. JOHNSON: This amendment which is being circulated Mr. Chairman, is pertaining to another Bill.....

MR. CHAIRMAN: Another Bill yes.

HON. V.G. JOHNSON: Yes, not the Bill we're dealing with at present.

MR. CHAIRMAN: Well, the only Amendment that the Honourable Financial Secretary will be moving in the committee stage is to add the definition of the word "transfer" which is now being circulated to Members.

HON. V.G. JOHNSON: And that will be inserted at the end of the paragraph.

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. DEFINITIONS.

QUESTION PROPOSED:

HON. V.G. JOHNSON: Mr. Chairman, the Amendment which I'm seeking is to have a definition of the word "transfer". In section 3 which deals with return on the payment of Stamp Duty - it refers to shares being transferred and it is on this sort of transaction that the Stamp Duty is attractive. Now the question arose as to what is the meaning of transfer and companies apparently had been taking this to mean merely transfer shares upon sale , but no regard was given for the issuing of new shares and I understand that if the definition is not made quite clear in the manner in which it is put forward that there could be an escape where, for instance the company that is made up of a hundred shares wish to sell those shares and the Land Holding Company merely issue new shares because a company always has the capacity of issuing new shares. The company could perhaps issue two thousand shares and sell those new shares which would give the new owners of the company the controlling interest. The low shares which were originally the issued shares of the company would not play a very significant part as far as the sale of the company is concerned. This is a gimmick which could prove detrimental to the law itself if we are not careful to define, transfer which includes the issuing of new shares as well; this is the reason why it is necessary to have this amendment and I would ask Members to consider it carefully and accept the recommendation.

QUESTION PROPOSED:

MR. G. MAYO BODDEN: Mr. Chairman. I don't know how you're going to vote on this but there is another definition that I think we should look into.

MR. CHAIRMAN: I suggest that we confine ourselves to the amendment proposed, after that I'll put the question that clause 2 as amended, if that is carried, stand part of the Bill and then any other matters could be raised at that stage on clause 2. But I think we confine ourselves first of all to the addition of the definition of the word "transfer" which is probably the best way to go about.

QUESTION PUT ON AMENDMENT: AGREED.

QUESTION PROPOSED:

MR. JAMES M. RODDEN: Mr. Chairman. Before we do that I don't know whether we be back tracking here because I'm sorry, I went out to get a hansard. But the definition of "immovable property" has that passed already, or could we consider that .....

MR. CHAIRMAN: Mr. that can be considered now.

MR. JAMES M. RODDEN: Alright Sir. I personally am not too pleased with the definition of "immovable property", it's similar I think, to what's in the old law. But I can agree with "tenant fixtures" and "removable fixtures" - sorry I don't have my glasses - or "power plants" because if we go back to when this law was debate it and June of 73 or a similar law to this the Stamp Duty Law and at that time, quoting from the hansard the Honourable Third Official Member said that "immovable property" is buildings on land, machinery fixed and/property. So it was the intention at that time that machinery which would be something like the power plant would be considered immovable property and I think that was the idea that all of us in the House possessed, and I personally would like to see this changed to where power plants are not defined as "immovable property", because I could see us having problems with it again in the future and I think it should be defined really as "immovable property", a part of the fixtures, because we did have this debate in here on this in the second reading, but nearly any building can be defined as movable and would not come under this law and I think we're going to have some trouble with it in the future if we leave it as wide as it is now. I'd like to see some changes made to that, Sir.

HON. V.G. JOHNSON: Mr. Chairman, as you know Stamp Duty on property transfer is one of the revenues of this Government. We've always been very cautious and careful in assessing these transfers because once there is a loop hole Government could lose a great revenue through this avenue. I've always held it that all property with buildings and any firm fixture which could not be removed without any undue difficulty would form a part of the land being so transferred. I know that people have endeavoured to remove as many items from the definition of land as possible when selling especially a house or any big property, they've gone as far as to include the air conditioning of the building - which is movable - we have no objection because it can be removed any undue difficulty. There is a question really, of plants and the rest of it - I know that these can be removed. I take it that there are many cases when plants are installed on a property that it is there to stay and with no intention for its removal; this, I take it is a case like Caribbean Utilities which operates a city plant. Whether this should be included in a property being transferred for Stamp Duty purposes are not the question of opinion but if there is any doubt on this - and really to say that a building can be unscrewed and removed from the property is something which I would examine very thoroughly before agreeing to any transfer to exempt a house from Stamp Duty. We have to watch this carefully because as I said before Government would lose a good bit of revenue in this regard. I know we have gone to the extent that where a piece of land has been sold and the buyer has purchased it on an agreement to pay over a period of time and a house has been built on the property before the actual transfer takes place; that at the time of transfer it is very likely that the property is assessed at the cost of the land plus building for Stamp Duty purposes. So we are very keen when assessing Stamp Duty on these property transfers.

HON. K.W. CONOLLY: Mr. Chairman, I'm not holding any brief for Caribbean Utilities, but since the point has been raised and I'm sure that in here in this House there has been the point taken some time ago of this particular company going into a different form of the generation of electricity.

HON. W.K. CONOLLY (CONT'D): Let's take it for instance that the development of electricity in Cayman is such that warrants going into turbine - what would happen with these generators that the company have? surely there would be removed and sold to some other place. It's not the first time that the old public service have had second hand generators, came from some place else. And I think that this is a normal thing of generators being sold from one area to another area. No doubt,one of our small plants at this place might even have to go to Cayman Brac, or it would go to some other island that would need that. So in looking after this one should not say that the present plants that are at the compound of Caribbean Utilities are there to stay, because if they're in good condition and it warrants the company to expand their generating system it could very well be that these particular engines were sold and new generating equipment bought. So as I said it is a question as to whether these are going to be fixed immovable or not I would take it that if they are to become fixed they would not have any value because if they are shot, they're worn out surely they would not have any value, and this in the only way that I see that those plants would become a fixture on that property. At this stage I would think that if they remain in good working condition and the company expands their operations it is most likely that those particular generators, or some of them at least would be removed from that site.

HON. V.G. JOHNSON: Mr. Chairman, I can confirm that and there are quite a number of small generators there that can just be picked up and removed from the site.

MR. JAMES M. BODDEN: Yes, but we're not talking about the small generators that a kid can pick up either.

I don't see,Mr. Chairman, where the argument put forward by the Fourth Elected Member to Executive Council hold much water, because by the same token after ten years of using your home you could decide to, let's say demolish it and sell some of the contents of it so that would certainly be movable at that time - the same thing would apply to a generating unit. But I think the crux of the matter here,Mr. Chairman, would be this that if we had taken the balance sheet of Caribbean Utilities we would find that their generating equipment was amortized over so many years which would probably be twenty years. So the life of that unit is considered At twenty years and it's amortized for book keeping purposes and for the income to be derived on it at the rate of twenty years. So anything twenty years in one position to me is immovable and definitely should not come under the terms of being tax exempt. If there is anything that is immovable at that point I would put it to be one of those large generating units at Caribbean Utilities. But what I'm trying to say is this, the horse has already got out of the pasture, but it is no reason for us when we're changing the law today not to safeguard ourselves for the future because I am sure that you'll find ten years from now the present owners of it will be wanting to sell it again and at that time I would like to know that my grandson is sitting in here, or my son, or someone else that they got the chance to argue that they should pay. So I would like to move,Mr. Chairman, at this point that immovable property would stop at the word "fixtures" leaving out "all power plants installed for the purpose of trade, industry, agriculture, or animal husbandry" - I'd like to see that struck off and the definition end at 'immovable fixtures".

HON. V.G. JOHNSON: Mr. Chairman, there's a general principle in law that I think the Attorney General would be able to explain this much better than I can. But in the general definition of what attracts Stamp Duty it would appear to me that the matter of "immovable property" would still be considered by a court of appeal if the matter went under appeal, and whether it is contained in the law or not I think it is something which the Commissioner of Stamp Duty would have to take into consideration in assessing a transaction for Stamp Duty purposes and if for instance the Commissioner decides

HON. V.G. JOHNSON [CONT'D]: that a plant is fixed on a property should be included in the value for Stamp Duty purposes and he rules that the Stamp Duty should be paid on the transaction including the plant it is very likely that his decision could be appealed and it goes to the Grand Court and there the judge would decide what is "movable property" and what is "immovable property" and it is very likely that the appeal would succeed against the comissioner, because it is very likely that the court would take into consideration the plant is classified "movable" and that it is not subject to Stamp Duty. So whether it is written into the law or not in assessing these transactions for Stamp Duty purposes the question of "movable property" and "immovable property" must be taken into consideration.

MR. JAMES M. BODDEN: But, Mr. Chairman, let's leave that alone for a court of law to decide. We are here making a law and probably every one of the laws that we make can be challenged in a court of law but let's wait until that time comes up. We can make this law here now and if we feel like classifying "immovable" and not classifying the generating plant as "movable" then if that ever arises let them challenge it in the court of law, if they win well then we know that we have been defective in this law and we'll have to come back and change it, but until that time I think we are responsible for making the laws and we should make them as we see fit. And if the majority of the Members of this House see fit to say that a Generating unit is not a "movable" item then I think it should be that way in the law.

MR. JOHN D. JEFFERSON: Mr. Chairman, I was thinking out loud in wondering if/proviso wouldn't do what we're seeking to do here in the event like the Member was just saying, in the event that a/ power plant is removed and being sold, well then there would be a different thing altogether but make a proviso/take care of that particular thing, but meantime make it a permanent fixture in relation to assessment of Stamp Duty.

HON. V.G. JOHNSON: Well, what I was trying/A while ago to say Mr. Chairman, is that whether you remove/ or a power plant installed, or it's left there it will still be at the discretion of the comissioner of Stamp Duty to decide the issue. If Members think that it should not be in the law then that discretion will still lie with the comissioner of Stamp Duty to decide the issue.

MR. JAMES M. BODDEN: If that comissioner of Stamp Duty then should do otherwise and let them get away with it then he should be answerable, whoever he is to this House.

HON. V.G. JOHNSON: The Comissioner of Stamp Duty, his decision could only be upheld by the appeal court.

MR. JAMES M. BODDEN: That's double trouble.

HON. BENSON O. EBANKS: Mr. Chairman, I'm wondering whether "immovable property" has a definition in our Stamp Duty Law.

HON. V.G. JOHNSON: No .....

HON. G.F. WADDINGTON: No, Mr. Chairman.

HON. V.G JOHNSON: Sorry.

MR. G. HAIG BODDEN: Mr. Chairman, the real test for "immovable property" is whether the property has been fixed for a more temporary purpose, or whether it is intended as an on going concern.

HON. W. CRAIG BODDEN (CONT'D): I think the Member here from West Bay hit the nail right on the head - what I think he had in mind was if you have a generator that is installed and is being used for all times it comes into a different category from a generator that, say is being sold. So the question of whether a property is immovable or not is determined by whether it is fixed upon the land for all times, or whether it is fixed there just for a temporary purpose because everything, when you come down to it is can really be removed - this building could be removed. So the test of whether a property is immovable or not is whether the property is fixed for a mere temporary purpose, or whether it is intended to generate, say electricity for all times and I think this definition of "immovable property" here is useless, because it does not determine whether a property is immovable or not, and this definition should be taken out and redrafted altogether in such a manner that the test will lie upon whether the property is intended to remain for a long time or whether it is intended just as a temporary prop upon the land.

HON. W.W. CONOLLY: Mr. Chairman, I think the real main purpose of this Bill is to collect Stamp Duty on land. It's not so much collecting Stamp Duty on anything else but land, because as far as we have it now if you have a piece of land and you sold the piece of land you pay the Stamp Duty on the land. We have similar instances, we have another exceptional case where if a boat is brought into the island on the deck of a ship you pay the custom duty, if it comes in on its own power it does not pay. The main reason for this law is to stop a way whereby land was being transferred without paying that seven and half percent Stamp Duty. Now surely a building can increase the value of the land, or what's on the land can increase it - can increase the value. Now it all depends, in my estimation as a house on a land definitely does increase the value of the land. Even though an engine which can be removed and taken to any other place, and even though that generator can be the source of great income, but does that increase the value of the land, can it be removed, can it be taken someplace else and installed and do the same job - all of these things have to be taken into consideration, because the main purpose of us looking at this law Mr. Chairman, as I understand it is to see that we collect a seven and a half percent Stamp Duty on the transfer of land and determining whether the value of land we have to take into consideration what is on the land, what can be removed and what cannot be removed, what gives additional value to land.

I'll just take for instance we are using the electric company and there today we have poles - some of those poles cost several hundred dollars, I suppose it might run into a thousand dollars with the transformer and the wires and everything connected - that pole could be buried on my land - does that pole, even though it is transmitting electricity and it's creating a lot of revenue does it increase the value of my land? It does not, because that pole can be cut down, be taken away and my land does not have anymore value and this is I think what we should look after - does this particular fixture, can it be removed, is it there permanently, is it considered as increasing the value of that particular piece of land or what?

MR. JAMES M. BODDEN: Mr. Chairman, the main thing we're trying to do here is to determine what is land. Now we don't want to get into a position where we have/law that is interpreted one way for Tom Brown and another way for John Smith, and that's really what we're going to do.

The argument that the Fourthe Elected Member just put up, with all due respect to him I can't see the/reasoning behind it, because he well knows that the pole that is on his land does not belong to him, that pole belongs to Caribbean Utilities. So it makes no difference whether it/ enhances the value of his land, or it does not enhance the value of it, that is an asset of Caribbean Utilities, not an asset of his. So I don't see why that argument was brought in at all - as far as I'm concerned/we're going to for Stamp Duty purposes its the value, to me that value then should have been fixed on the light poles and the transmission equipment and every-thing else because it is fixed asset.

MR. JAMES M. BODDEN: But what we are really trying to determine here is what is land and my opinion is that the land that is there with any building, that is on it and anything that is in that building that cannot be determined to be furniture and fixtures - that's the only way that I would be willing, personally, to agree to it, because if we want to talk about "immovable" we can move this building, this is supposed to be one of the strongest built buildings on the best foundation in the country, but - Your American engineers could come in here and move this, probably in a week without disturbing the building either, neither making it crack or anything else. But I think Mr. Chairman, that this has happened once before - we're here making a new law, this has happened to us, let's plug the gap. If ten years from now we're faced with the problem and somebody has to challenge it, through the court, and if we should be unlucky enough to lose well then whoever is in here at that time will have to come back and try to make another law that they would not be able to challenge in court, but at least let's give them the tools to do the job, or to begin the job with anyhow.

MISS ANNIE M. BODDEN: Mr. Chairman, we have just heard in this last transaction, I consider we have lost the money, and if there is anything that we can do to safeguard future generations and future legislators, all of us will not be here many more years, let us do so now. And I would suggest that we take every precaution possible to see that our Government is not defrauded, I will call it, with any money that they should get.

HON. V.G. JOHNSON: Mr. Chairman, you know I think electricity is a very important commodity to this country to its present and future development and what has gone behind. And I don't think we should be bucking, you know Caribbean Utilities as we're doing and I think everything is being scanned and what happened in Caribbean Utilities recently. And I am satisfied that under the provisions of any law in this country we have collected what Stamp Duty was properly due to this Government. I don't think we should continue bucking this. Further more, I think land under the interpretation law mean the land and any building on the land - it does not include any plant or machinery fixed to the building, and I think the interpretation in this law of "movable property" is a correct definition, I don't think there is anything wrong with it.

MR. JAMES M. BODDEN: Mr. Chairman. I don't think any of us is really, let's say completely debating Caribbean Utilities, in this issue we're looking at anything that could be of that nature. But after I have heard some of the defences I've heard here this morning I'm surprised if we ever did collect any Stamp Duty, and I would make a motion at this time that we give it back to them because I'm sure they must be crying beads of sweat.

HON. A.D. ROSS: Mr. Chairman, I am perfectly satisfied Sir, with the section as it is, "immovable property", to my mind is a building like this Sir, no one can tell me that he can remove a building like this now he can demolish it, he can destroy it but he certainly can't remove it and I wonder if those who say that he can move buildings like this would undertake it for seven and a half percent of the value. I'm almost sure .....

MR. JAMES M. BODDEN: The consultants might.

HON. A.D. ROSS: Mr. Chairman, I think what we should look at is the purpose of the generators and stuff, what we're talking about, and the purpose which he has served and all things like this for industry, and for this Sir, come within a franchise from Government of which no duty is charged for these things brought into the Island.

HON. A.S. KNOX (CONT'D): Now to my mind, if it was ever anything that could be removed it's a generator from a block which is set in the ground and on which these generators would set So surely this all wears out and could be taken out and replaced at any time. And the purpose, especially for which this is used makes it necessary to put such a definition providing for things like this which really operate under a franchise from Government for the benefit of the country.

MR. JAMES M. MORGEN: Mr. Chairman, a franchise for the benefit to the people don't come into this at all: this will be just like a person selling land - there's a lot of people derive benefit from just selling a lone piece of land; that's not the point, the point that we're trying to say here is that if we leave this thing so loosely defined it's not going to be just Caribbean Utilities, it's going to be a lot of other people that is going to get away with paying taxes on what should be paid on. Take for instance Mariculture, they have a lot of fixtures on the plant down there in the form of pipelines and this and that and the other, and certainly they could be removed but to me if it was being sold I consider it should be a part of the fixtures and tax should be paid on it. So you're going to get a lot of other things - you're going to get factories coming in here and if they're sold they're owing an income to the people - it's a business enterprise and if they sell one factory to the other one I would not say that they could not take out, maybe some loose machinery and not pay taxes on it. But to me anything that is a fixture in that they should pay taxes on it, such as a press or a lathe or this or that or the other - those heavy machinery types of thing, they should pay taxes on it. We're putting a law that is supposed to be good for many years to come and/feel like this definitely should go to a vote and we should strike off after the word "fixtures" right to the end at "machinery"and let the court decide if it has to be.

HON. A.B. BUSH: Mr. Chairman, what I was trying to point out to the Member, or to the House if a power plant is so transferred from one to the other it is doing the same performance as it was before it was sold. It will be doing the same job,providing power for industry and so on and it would be used again for the very same purpose.

MR. JAMES M. MORGEN: Mr. Chairman, what's the answer to that one? If I sell a piece of land in Lower Valley that is being used now to raise cattle on, and I sell it to you and you raise cattle on it it is the same use.it don't make any difference, that's not what you reason for Stamp Duty.

HON. A.B. BUSH: But one is immovable property and the other one really is movable property. And I surely believe that power plantsmust come under the definition, the heading of "movable property".

MR. JAMES M. MORGEN: You know what, it's time now that we start thinking about some things because as it is now the local person is being taxed - I hate to infer this but I'm going to - the local person is being taxed and other people are not being taxed and I think now it's time that it end - give us all a fair shake - if I'm going to pay, let me pay. But let the other man pay also.

HON. A.B. BUSH: I wonder who gets away with paying Stamp Duty on the sale of land, who does it? No one as I know of. I'm sure the Financial Secretary can answer that and assure the House that no one ever gets rid of paying Stamp Duty on any transaction of land, and this is what the law is primarily for, land and all that/ sticks to it. But this is one of the differences between movable and immovable property, and immovable property is one which we do not collect the tax on. What I am saying that the power plants falls in such a classification.

MR. JAMES M. BODDEN: But why tax one person for it and not the other one?

MR. CHAIRMAN: I think the arguments have been put for and against the amendments fairly well and I suggest we put it to the vote.

HON. BENSON O. EBANKS: Mr. Chairman, except I might differ on just one point Sir. I asked one question earlier, whether land was defined in the Stamp Duty Law and I was told 'no'. But what I was looking for was really if it was defined anywhere, because I doubt that you could have a meaning in this law inconsistent with a meaning given elsewhere. And I think the Third Official Member mentioned that in the Interpretation Law there is a definition of land, and if I am correct in that I'm wondering if we could have that developed.

MR. G. HAIG BODDEN: Mr. Chairman, would the Member mean definition of "land", or definition of "immovable property"?

HON. V.G. JOHNSON: Land.

HON. BENSON O. EBANKS: I think the Third Official Member said that in the interpretation law there is a definition of 'land' which would be very near what would be the meaning of 'land' if "immovable property" was left as described here, and this is what I am looking for - I want to make sure that there is no discrepancy.

HON. V.E. WOODINGTON: Mr. Chairman, the Interpretation defines "land" and premises, as including all tenements or hereditaments and also all messuages, buildings or other constructions whether the property of Her Majesty, Her heirs or successors or of any corporation or of any private individual except where there are words to exclude houses and other buildings.

MR. G. HAIG BODDEN: Mr.Chairman, can I ask if "immovable property is defined in the Interpretation Law as well?

HON.C.E.WADDINGTON: The answer is no, Mr.Chairman.

MR.G.HAIG BODDEN: In that case, Mr.Chairman, we should try to find definition and the Honourable Member for Communications and Works is beginning to see the light, although it is dimly perceived, because he mentioned earlier that we should look at the purpose and that is the crux of the whole matter in determining "immovable property" we should look to the object for which the property is fixed, rather than to the degree of annexation and that's the whole problem with this. And so, Mr.Chairman, what is wrong with the definition we have is that the definition given in this Bill deals with the degree of annexation rather than the objects for which the property is fixed. Or to repeat what I said earlier, we have to decide whether the propert is fixed for a mere temporary purpose or for a permanent purpose.

HON.C.E.WADDINGTON: Mr.Chairman, may I point out that under the Stamp Duty Law, which applies to stamp duty on conveyances and transfers on sale, that the wording is "conveyance or transfer on sale of any immovable property. Now the Stamp Duty doesn't in itself define "immovable property", but the question whether property is immovable or not is really a question of fact, it can either be moved or it cannot be moved, and the suggestion that a building for instance like this building could be moved, is really, I think, unrealistic, because in the final analysis a court would have to decide whether any particular building was movable or not, and movable property, in my view, would be defined or construed to mean whether a property can be lifted up from where it is and as a property, the entire structure, be put somewhereelse. And there has been,

HON. G.E.WADDINGTON (CONTINUING) ... as far as I know, no problems at all in connection with the Stamp Duty Law. In trying to define immovable property in the present bill which we are now considering, it is clear that things like tenants fixtures and structures and removable fixtures are movable, and therefore it is stated quite expressly that things have not been included in the term immovable property and likewise, things like power plants are obviously movable, because they can be replaced. They will have to be replaced from time to time and whilst some Members are making this point purely because of the Caribbean Utilities, it must not be forgotten that the term is "power plants installed for the purpose of trade, industry, agriculture or animal husbandry, so the same argument could be made that if a farmer, for instance, has a chaff-cutter in his cow-shed or a wood-cutter that he would have to pay stamp duty on that if he happened to sell his property, unless the section remains as it is, to exclude machinery of that nature.

MR. JAMES M.BODDEN: The machinery of that nature that the Honourable Second Official Member has just mentioned is not excluded now, so I mean, that's not our fault.

HON.G.E.WADDINGTON: It is excluded at the present, Mr.Chairman, because machinery of that nature is obviously movable, it doesn't come within the meaning of the Stamp Duty Law....

MR. JAMES M.BODDEN: Quite correct, and we wouldn't be stamping it now either if we changed this. So by changing this at this time, you plainly tell us that immovable is not defined in the other law, what is wrong with us defining it at this time and if we see fit to put this definition on it then let it be tested in a court of law.

MISS ANNIE H.BODDEN: Mr.Chairman, that's the whole argument with the case I cited. A part of that building was to be removed but nevertheless the full value had to be paid on land and building.

MR.CHAIRMAN: Well, the motion that we are debating is that the definition of immovable property be amended by deleting the words "or power plants installed for the purpose of trade, industry, agriculture or animal husbandry". I suggest the easiest way to deal with this is to put this to the vote and then look at clause 2 as amended thereafter.

QUESTION PUT ON AMENDMENT: AYES AND NOES.

MR.CHAIRMAN: I think the ayes have it.

HON.W.W.CONOLLY: Can we have a division?

D I V I S I O N

AYES	NOES
Miss Annie H.Bodden	Hon. D. H.Foster
Mr.James M.Bodden	Hon.G.E.Waddington
Mr.G.Haig Bodden	Hon.V.G.Johnson
Capt.Charles Kirkconnell	Hon.A.B.Leigh
Mr.Craddock Banks	Hon. T.Foster
	Hon.R.O.Banks
	Hon. W.W.Conolly
	Mr.T.M. Farrington
	Mr.John Jefferson
	Mr.Claude Hill

MR.CHAIRMAN: I apologize for my defective hearing he Noes have it by 10 voices to 5.

QUESTION PUT that clause 2 as amended by the addition of the addition to the definition of the word / ' ', stand part of the Bill. AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLAUSE 2 AS AMENDED PASSED.

MR. G.CRAIG WOODEN: Mr.Chairman, I just want to add that your hearing isn't defective, it is/ that the others weren't convinced, that's why they/were so faint.

MEMBERS: Laughter.

CLERK: Clause 3 Return and payment to be made by Land holding corporation.

QUESTION PROPOSED:

MR.JAMES M.RODDEN: Mr.Chairman, are we through completely with section 27

HON.V.G.JOHNSON: Yeah.

MR.CHAIRMAN: I am afraid so.

MR.JAMES M.RODDEN: I thought we were taking them one by one, Sir.

HON.W.W.CONNOLLY: Oh, shucks.

MR. JAMES M.RODDEN: Each one of these minor definitions, like "land holding", "land holding corporation", "landed property" and "share". There are things to be raised on each one of these.

MR.CHAIRMAN: The question is that clause 2 do stand part of the Bill there was then one specific Amendment proposed, that was dealt with...

MR. JAMES M.RODDEN: Well, with all due respect, Sir, I thought that you were taking them one by one....

MR.CHAIRMAN: I said that clause 2 as amended - that was the time to raise any specific minor points on other matters. I am sorry if this was not clear.

QUESTION PUT ON CLAUSE 3: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4: Exemption of transfers between trustees of the same trust,etc.

QUESTION PROPOSED:

MR. JAMES M .RODDEN: Mr.Chairman, I hate to give up on this. I had talked or spoken about some amendments for this in my debate but as everybody seems to want it this way, I guess we might as well go along. I won't raise any more amendments, Sir; I had half a dozen more, Sir, but just let them go if they are not satisfied with collecting the money, don't make any difference to me.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 - Regulations.

QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - PENAL, NEGLECT TO MAKE RETURN,ETC.

QUESTION PUT: AGREED: CLAUSE 6 PASSED.

CLERK: CLAUSE 7 PENAL, FALSE STATEMENTS,ETC.

QUESTION PUT: AGREED: CLAUSE 7 PASSED.

CLERK: CLAUSE 8 VALUATION DISPUTES.

QUESTION PUT: AGREED: CLAUSE 8 PASSED.

CLERK: CLAUSE 9. REPEAL OF LAW 15 OF 1971

QUESTION PUT: AGREED: CLAUSE 9 PASSED

CLERK: CLAUSE 10 TRANSITIONAL PROVISIONS. LAW 15 of 1971

QUESTION PUT: AGREED: CLAUSE 10 PASSED

CLERK: A LAW TO REPEAL AND REPLACE THE LAND HOLDING COMPANIES EQUITY TRANSFER STAMP DUTY LAW.

QUESTION PUT: AGREED: TITLE PASSED.

HOUSE RESUMED

AT 12.50 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. We are down to resume proceedings in committee on the Port Authority Law.

THE PORT AUTHORITY LAW

COMMITTEE THEREON

MOVED BY HON. A.B. BODEN

SECONDED BY HON. D.H. FOSTER

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PROPOSED:

MR. G. HAIG BODDEN: Mr. Chairman, there are a couple of items in Clause 2 that need some amendments. The first one is, "boat", during the debate it was brought out by the Member from Cayman Brac that the definition of "boat" doesn't seem to meet the modern interpretation. And he felt, and I agree with him, that the yard stick for determining what is a "boat" should be changed from "feet" to "tonnage", and I would like to make an amendment that a "boat" means a vessel weighing not more than so many tons, rather than measuring not more than twenty feet".

MR. JOHN D. JEFFERSON: Could you not say then, Mr. Chairman, that if there we use that definition that/ wouldn't be boats coming here that we would not be able to control, in other words, we would have nothing to say over them. And isn't that the idea now? Aren't we aware now that more drugs are brought into this country by a lot of these small private boats than any other conveyance there is. It does me strange myself, and I would like the Second Official Member to give us guidance on that. The only objection that I would have is, that we don't let somebody out that normally would be caught in our nets at present.

The public has spoken about time and time again -- I went to North Side a few weeks ago and they talked about a boat that had came over there and another nobody went aboard, nobody knew what was going on, and as has been indicated here I would hope that under this Law that we're going to be able to avoid some of this thing.

MR. CRAIGBOCK EBANKS: Mr. Chairman, "boat" means "a vessel measuring not more than twenty feet". As the Member who has just done speaking, making reference to "small boats" plying around the Islands probably those boats that may be so involved, and whatever may be the reason for that, they are boats far above twenty feet. And those boats did clear at sometime from some place for some place, whether they ended up according to their clearance or not it is another question. We have around our shores here a type boat known as "The Cat Boat", it is just a fishing boat, and their average is sixteen, eighteen, twenty, twenty-two feet boats and that's all they have been used for. And I couldn't agree under no circumstances, no arguments, no debates, regardless

MR. CRADDOCK BRANTE: (CONT'D): of who present it or try to impress it, that a vessel is considered in the measurement over twenty feet. It could only be no more than a small fishing boat, boats the length of forty-five, fifty or sixty feet. Most of those boats in their movements they clear from place to place, unless one/ does want to be in the smuggling business and move around, but generally all of those type boats do clear from some port or the other. And I can't support this as it is here. So, I don't know what we'll do about it, whether we'll extend or consider a/ longer measurement or base it on a tonnage or what, because most of us are aware of the fact that the taxes on ships are based on the tonnage and they pay according to their tonnage. A fifty ton boat for a figure of illustration pays ten dollars. When you/re the seventy-five thousand ton ships, so it is no comparison to talk about over twenty feet considered to be a vessel. I couldn't accept that from anyone as guidance/ that is the proper terminology for it, because we have a lot of those boats that are merely used for fishing purposes that don't go over seas, they don't have to be cleared, and boats that do come here, they do come from some port or the other that they have cleared.

HON. W.W. CONOLLY: Mr. Chairman, as I see it, we look after the interpretation as it relates to the body of the Law and I think the main word that is stressed in the Law is the word "vessel". We look at the interpretation of the word "vessel" is a device including a hovercraft capable of being navigated in water by any means by a crew of one or more persons but does not include an inflatable device unless such device is or is designed to be propelled by a power unit attached thereto". Then you look at 'ship", what "ship" means, "ship means a vessel measuring more than twenty feet from stem to stern". Then you go now to "a boat" a boat means " a vessel measuring not more than twenty feet and not less than eight feet from stem to stern". So, I imagine the reason why this definition of "boat" is put in there was because/ this particular Law we have the replacement of the Mechanically Propelled Boats Law, and I am sure this Law is giving this Port Authority certain regulations over boats and over ships and over vessels generally. And as I see it, it is pretty clear that anything that is over twenty feet is considered a ship, anything that is twenty feet to eight feet is a boat.

But, we look into the Law and see exactly how these things are used in relationship to these interpretations. I don't think it has any relationship to the collection of duty or not, because if it is more than twenty feet it's a ship and it comes within the jurisdiction of the use of ships or uses of a vessel whether it can be navigated by one crew or more. So, looking after it a number of times, I think the most important thing in this - I have underlined a number of times, that the word "vessel" is used, and I don't know if you see "boat" used, but in the regulations naturally covering the Mechanically Propelled Boats Law, under that Law now, which gives - I think the Law now says that, "a person under the age of a certain age cannot operate a motor propelled boat on certain areas of Grand Cayman". I believe we had to do that in respect of certain injuries that happened in certain areas. And I don't think this affects for as I can see it, my looking after it is this, that the main purpose of this Law is to give the Authority the power to control the movements of vessels. And in breaking down the terminology of the word "vessels" they have classified it into two classes, namely, "ships" and "boats" giving specific measurements for them, and there is no doubt in my mind that in certain other legislation when you're collecting port dues or in other shipping acts registration and what not, it might go by tonnage. But, this is in respect of this particular Law which is an authority to give the Port Superintendent control over the port in George Town and other port areas as designated.

MR. CLARKE M. HILL: Mr. Chairman, I agree with the Fourth Elected Member to Executive Council. The interpretation/ really clarifies "boats" "ships" and "vessels", and I think what he says is quite right in its meaning. "Boat" means "a vessel measuring not more than twenty feet and not less than eight feet from stem to stern". And in going back to "ships" means "a vessel measuring more

MR. CLAUDE M. HILL:(CONT'D): than twenty feet from stem to stern". Then "vessel" is A device including a watercraft capable of being navigated in water by any means by a crew of one or more persons but does not include an inflatable device unless such device is or is designed to be propelled by a power unit attached thereto".

CAPT. C.L. KIRKCONNELL: Mr. Chairman, for the purposes of this law we've had two explanations: why this is necessary, the over twenty feet and under twenty feet and the reasons given I will accept. Because, with - are not here, a boat and a ship the length in the encyclopaedia Britannica, I look it up myself. It says, "a boat is considered anything up to forty-five feet - a ship over forty-five feet". However, the reasons given for eight to twenty and from twenty and over, I accept that as being in order for this Law.

MR. CRADDOCK PARKER: Mr. Chairman, that still doesn't control if we are talking about the movements of small boats, because a boat twenty-one feet they can attempt to cross the oceans, so it would have to be considered then a "vessel", and I still feel that there is no just comparison in this with a boat eight to twenty and a vessel over twenty. The Fourth Elected Member of Executive Council did not see where it was any room for me to make a remark in connection with taxation. I don't know where he found any room to make remarks on a motor propelled boats and people under age and what age to operate a mechanically propelled boat because we are not dealing with that either.

HON. W.W. CONOLLY: With respect , Mr. Chairman, if you look at section 30, this Law does deal with the Mechanically Propelled Boats Law, and I was quite in order to deal with it. Because this particular legislation will repeal that Law which is on our standing books now if this is passed. So, I think, Mr. Chairman, I am quite in order to refer to it.

MISS ANNIE H. BODDEN: Mr. Chairman, I am not commenting on the Law, I AM against it strictly, not that I do not think that we need a Port Authority Law but I do not agree with this one. But I am going to say, sir, this much, that this Mechanically Propelled Boats Law, if it is the one that I'm thinking of that limits the age of boys who can drive those engines, certainly is not being adhered to. Last Wednesday, the day after Court I went down to the Gallows Beach to pick up two little children there, and there were boats up and down like a boy that ran almost into where the swimming compound is, I would call it, I'm very sure he wasn't over fifteen years of age. But, still he was there endangering lives of the public, so it is not anything that's being adhered to.

HON. J.D. BUSH: Mr. Chairman, I think if we left out the definition "boat" it would simply mean that the Port Authority had no control whatever over this particular type of boat, and just left "vessel" in that you would only be able to control that boat from twenty feet up which considered as a vessel. But, as Members will note, in section 30 it repeals a lot of Laws and one of these is the Mechanically Propelled Boats Law. And if we didn't have the definition of "boat" in here surely we would have no control at all over that boat, it would simply mean that one, and especially if the Law was repealed. And that one could do as it wanted, run up and down anywhere within the port area, and the Port Authority would have no control whatever over that type of boat. So, I think it's just the matter for control purposes of these boats.

MR. CRADDOCK PARKER: Mr. Chairman, I didn't make any attempt to say that boats should be left out of the Bill at all. I didn't do that.

MISS ANNIE H. BODDEN: Mr. Chairman, history recalls that the first settler in Cayman Brac went from here in a vessel for Cayman Brac. You read in the second volume of the First History. And I know in my days there was a man called one foot Joe who went all the way to Honduras in a little small boat, so boats must be included in this Law. But, I am not commenting on it, because I am against it.

MR. G. HALL SCOTT: Mr. Chairman, I think the point raised by the Member from Cayman Brac is his debate on this Bill is very relev nt. He mentioned "boats" extending to forty-five. I think the limitation of twenty feet will not suit the purposes of these Islands, because there are many of these mechanically propelled boats that are more than twenty feet, twenty-eight feet would be more like the bigger class in common use. And if we make an other change, we ought to change the figure twenty feet to at least thirty feet, because if we leave it twenty feet we will automatically exclude many mechanically propelled boats and perhaps the public launches and boats that should come under the classification of boats and would be subject to the Regulations for the mechanically propelled boats. What would be the position if you had a mechanically propelled boat that was twenty-nine feet, I am sure you can find a dozen of them in the Island - they would not fit into the classification of "ship" but by this law they would be ships, so I think we must to change this. I mean I know that it is found difficult to make changes unless the suggestion comes from certain areas, but I don't see how we can look the fact in the face And then close our eyes. We have to change this 20 feet to, I would say, 30 feet.

MR.CLAUDE HILL: Then, Mr.Chairman, we have another worry coming up - it would mean that the crew would be placed on anything over a certain length, vessels carry a crew and navigable by means of a crew, that's what the law reads here and I feel that if you place boats to where they are anything over what it stands here before us now, you will find yourself find my out whether there is more than one on the boat as crew.

MISS ANNIE M.SCOTT: Mr.Chairman, although I am not by any means a seaman, I even thought that one member on this boat or ship is considered a crew, it is one or two or three, and certainly the boats wouldn't be able to run without some kind of a crew .

MR. CLAUDE HILL: Right.

HON.V.C.JOHNSON: Mr.Chairman, I think the matter has been debated for quite a long time - could you put it to the vote now, Sir?

MR. JAMES M.BODDEN: Mr.Chairman, it seems ridiculous that anything over twenty feet, which is normally let's say a dinghy, would be considered as a ship. I don't know where this definition came from, I don't know what the reason was for putting it in at this size, but I would certainly go along with an amendment to this that it should be changed to say forty-five feet, because other than that you are going to get these little fishing boats around here,pleasure boats and everything of that nature and then we might find out that when this goes to Executive Council and the fees are fixed, if a little fishing boat tied up along the dock, they would have to pay may be two hundred dollars to come in under the classification of ship,where= if they were classified as a boat it might only be twenty-five dollars.

HON. BENSON O. EBANKS: Mr.Chairman, I fail to see how this figure of thirty feet or forty feet or anything is so magic in this law. The operative word here is " vessel" and that includes everything that is capable of being navigated, except the inflatable floating unless it has a power unit attached to it and I am sure that the reason for putting boat at this size is something that must be envisaged for purposes of control in the law as the Member pointing has said.

I do know that even if we are going to follow what has been the custom in other countries in the past, I know that these smaller undocumented boats are giving a lot of headache to the authorities in other countries. I know that the United States Customs regard undocumented yachts and fishing vessels as their greatest problem in fighting the importation

HON. ARNSON O. EDANKS (CONTINUING) of drugs into the United States. How exactly the regulations are going to affect ships and boats here I am not capable of saying, but in looking through the law there are very few places where the word "boat" is used it's always the navigation of vessels. In section 26 it requires masters of arriving ships to produce certain documents to the Director of the Port and if boats were defined as being less than or up to forty feet it would obviously mean that anything coming in to the port that did not measure forty feet could legally evade having to deliver ship's papers to the Port Authority, as I see it, and I would think that this is why this law is so drafted, it is in keeping with modern thought to get all craft capable of travelling from one place to another under some sort of control. Together, of course, with the other reasons which have been given regarding the fact that we are repealing the Mechanically Propelled Boats Law and so on, and it is necessary to get those under control.

To me really there is nothing magic in it other than the control of the boat coming into your territory. As far as operating locally, I think the operative craft here is a vessel which covers everything, as far as I can see.

MR. JAMES M. DODDEN: Mr. Chairman, I too don't see anything, let's say, of magic in this, but certainly under section 26 couldn't be held up as an argument because under the Immigration Law - I think the Immigration Law would call for any ship coming in here with papers from her port of clearance, would have to show that to the Immigration. In regards to undocumented in the United States, I speak subject to correction here), but I think that under the American Laws that an undocumented vessel is a vessel of one hundred net tons or less. And certainly we're not talking about anything here that would come under that classification.

HON. W.W. CONOLLY: Mr. Chairman, ...

HON. ARNSON O. EDANKS: Mr. Chairman, that is the exact point. Under American Law they could leave the United States without a clearance, but, under this Law they would know that they could not enter Cayman waters without a clearance or proper documents. And it would mean that we then would have control otherwise they would be breaking our Laws; this is the whole point, and the United States is working on changing that, I know. I have heard debates on this over the Voice of America where the Customs Officials are putting pressure on the Maritime powers to correct this anomaly. At present a person can have a yacht tied up at his back door, sail and go to any port and return and nobody in the wider unless the U.S. Coast Guard finds him by tracking him on some observation station.

MR. JAMES M. DODDEN: Mr. Chairman, on this here, what the Member is saying this still wouldn't solve our dilemma. Because, if you go and get right down on specifics the way that the word "boat" here it certainly isn't enough. And we have a Master Mariner here in the Assembly and I think he could back me up on what I'm going to say now. "Boat" is defined here, says, twenty feet, there is two ways of measuring a boat or a ship, and that is from her length overall as well as on the keel. And you could have a sailing boat for instance measured on the keel that could come in as nineteen feet six inches which would be to come under this Law here would be coming as a boat and wouldn't have to show any papers or anything. Yet, the length of that boat could probably be thirty-five feet. And, Mr. Chairman, I don't see really how you're going to properly define it this way?

HON. W.W. CONOLLY: Mr. Chairman, as I see the situation here, if it were not for section 31 there would be absolutely no necessity for even defining the word "boat". Because, the definition of the word "vessel" would take care of every possible thing that you could imagine. And this particular Law is an unusual in section 30. It states that those particular laws, that's the Cherry Boat Law, The Lighthouse Law, The Public Launches and Boats (Insurance) Law, The Mechanically Propelled Boats Law and The North Sound Pier and Shelter Law will be repealed. But, section 31 says, "The Mechanically Propelled Boats Law". It says, "Notwithstanding section 30, the Lighthouse Law and the Mechanically Propelled

HON. W.W. CONOLLY: (CONT'D) Boats Law shall remain in effect until replaced by regulations made under this law". So until such time the word "boat" here is referring to this specific thing, and the main reason for it is to give the authority control over these mechanically propelled boats.

Now, any length, you can put thirty feet or forty feet or anything as far as the regulations are concerned. But, in this Law as I see it, we would have to put regulations which were in agreement with the new existing regulations under that particular Law. And if it were not for that "saving" in section 31 they wouldn't be no necessity even to define the word "boat". Because, I've looked through the Law and I don't see the word "boat" used any place else in it, I see "ships" and "vessels". All the relationship to this, does damages to a vessel, navigates vessel, fails to comply with the directions of the director, the rules for unloading and loading vessels, the lien on vessels, the inspection of vessels, the loading and unloading of vessels, the general supervision of vessels, it doesn't say anything about "boats" at all. So, the whole Law hinges on the word "vessel" which is in my opinion amply defined in the Law.

MR. JAMES M. BODDEN: Well, Mr. Chairman, could the Member tell us then, supposing two boats leave Tampa Florida and come to Grand Cayman, one is twenty-five feet long and the other one is nineteen feet six, the twenty-five foot boat would have to clear Immigration and present papers and so forth and so on. What do we do with the one that is nineteen foot six?

HON. W.W. CONOLLY: That's hypothetical, but I would think - (Mr. James M. Bodden:- Not a bit hypothetical) - just wait a minute, Mr. Chairman, the Member asked a question, it's hypothetical, but it is possible, and I imagine that whether the boat was nineteen foot six or twenty feet six or what, once it came into this Island it would be termed as a "vessel". And when it was coming from a foreign port it would have to go under the regulations dealing with boats coming from foreign.

MR. CRADDOCK EBANKS: Including Cayman Brac?

HON. W.W. CONOLLY: Well, sometimes I think Cayman Brac is foreign, you know, but I think in this time we will .....

MR. G. HAIG BODDEN: Mr. Chairman the illusion to the nineteen foot six boat is not as far fetched as it may seem, because the Atlantic has just been crossed in a twelve foot boat. But, I see, that the Member from East End, the Honourable Member from Exco., was not asleep during my debate on this Bill, because I think I was the only Member that pointed out that section 30 was repealing certain Laws and replacing them by amendments, and it bothered me, and that is why we have to be so careful with the definition of "boat". Because, this Law is doing away with Laws which were on the books and/will be replaced by regulations over which we will have no control, and we have to be careful that the definition of "boat" is sufficiently strong enough to stand up when tossed around in the regulations which are going to replace the Laws which will be repealed under section 30.

MR. JOHN J. JEFFERSON: Mr. Chairman, I think we have been doing a lot of pros and cons on this subject and I think it is time that we put it to a vote.

MR. G. HAIG BODDEN: Mr. Chairman, if I can have one more word, I would say that we seem to have Members that easily come to their feet to ask for a vote, that the question be put to a vote. I know that we have certain toys that equally or quickly give out certain sounds if certain things are done, and I would ask, Sir, that you consider the rights of the minority to .....

MR. CHAIRMAN: Well, I have already consider the rights of the minority for twenty minutes since the Honourable Financial Secretary moved the closure.

I'll put the question that Clause 2 do stand part of the bill. All those in favour please say Aye .....

MR. G. HAIG BODDEN: Mr. Chairman, just before you do that, Sir, there were certain other definitions that we planned to query. I think you are putting it on the full clause.

MR. CHAIRMAN: Yes. If you want to discuss any other parts of the Clause 2, please do so.

MR. G. HAIG BODDEN: There was/the matter of 'territorial waters" that question was raised in the debate, and I wonder if the House will consider extending the limits beyond the "three miles" mentioned.

MR. JOHN D. JACKSON: Mr. Chairman, I think the Second Official Member gave us good reasons why we couldn't do very much about that.

HON. G.E. WORRINGTON: I thought I had, Mr. Chairman, I have nothing more to add.

MR. CHAIRMAN: If there are no further points, I'll put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. THE PORT AUTHORITY.

QUESTION PROPOSED:

MISS ANNIE H. BODDEN: Mr. Chairman, while I am in favour, as I have said with our Port Authority Law, I am not in favour of this particular one. And to me, section 3 - well, I don't know a word in this, it's not in my vocabulary, that I have ever heard put in a Law, really, really, really. And I must say, I am amazed, amazed that any particular group in this Island should be named to put in the Law. Because, let us be very realistic about it, the Chamber of Commerce, I am not affiliated, I don't know anything what it's about, the only thing I know is this, that the Chamber of Commerce is like every other body in this Island hustling for themselves. And I feel today that no particular group should be named in any Law. If you want to select a member from the Chamber of Commerce, go a head and do so, from the Shipping Company or whoever it may be, go a head. But, they should not specifically/named in this Law. I disagree with it one hundred percent; while I am against the whole Law period, but this particular section - I think it's five, they are the worse of the whole group.

HON. A.B. FIRTH: Mr. Chairman, I'd just like to move an amendment, Sir, to Section 3. "The Director of Public Works"., we really have a "Chief Engineer of Public Works" and not "Director". So, if you could change that from "Director" to Chief Engineer of Public Works".

MR. JAMES M. BODDEN: Mr. Chairman, I have a further amendment. I would ask the House to consider adding another section, Sub-section 5 to Section 3, stating that "The Authority set up shall be responsible to the Member responsible for Communications and Works".

MR. G. HAIG BODDEN: Mr. Chairman, I agree with the two amendments proposed, one by the Lady Member and one by the First Elected Member for Bodden Town. With regards to the Chamber of Commerce, I feel that no special group

MR. C. HAIG BODDEN (CONT'D): should be mentioned more, and that the Governor in Council should be free to select the additional Members for this Authority from whatever groups or whatever organizations it might seem necessary.

And with regards to making the Member for Communications and Works responsible for, in a certain measure, this Authority, I would think that would only be in keeping with our new Constitution. Recently, we recently have had a situation where a Member of Executive Council is responsible for certain jobs that were delegated to him by the Governor and the Governor has seen fit to appoint a Member to be responsible for Communications and Works, and this new docking facility is Government's largest expenditure to date. It's Government's largest single project and I can't see why an Elected Member should not be responsible for this. If responsibility is going to be delegated to a Member of Executive Council, I should think that this would be the first Department or the first project or the first day to day running in Government circles that should be put under a Member. This definitely must have been an oversight in the drafting of the Bill. In fact I would say, Sir, that if such an amendment is not made I can't see how this Bill can be in keeping with our new Constitution.

We have been told in this House quite recently that the reasons for redrafting or rewriting the Tourist Bill and the Health Practitioners Bill and this Bill and that Bill, was so that these Bills would be in keeping with our new Constitution. And it would make it easy for the Governor to delegate certain responsibilities to Elected Members.

Now, I know there are certain parts of the functions of the Authority which could not come under the Member for Communications, I will concede that. Certain things in the working of the Authority would naturally fall under the Governor himself or under the Financial Secretary, but the actual day to day running of the Port should be the direct responsibility of the Member for Communications and Works, otherwise there would be no one for us to hold responsible, there would be no one answerable. At the present time with our dock it appears to be so that the Member for Communications and Works has been given certain responsibilities, definitely he has had to answer a lot of questions concerning the building of the new dock. And I don't see why he should by this Law be excluded from having anything at all to say with this most important part of Government's operations. The Port is not only Government's most recent expenditure, it's its most important one to date, it's the largest one to date, and if any Member can give me any reason why the Elected Member for Communications and Works should not be responsible and should not be answerable to this House for the day to day operation of this port, I will accept it. But, I don't think there is any reason unless they give the one that we heard sometime ago about Caribbean Development Bank being the one to call the tune. I won't accept that, And I think that, as far as the public is concerned they have a right to one of their Elected Members to be fully responsible for this most important part of Government's operation.

And I would like to see an amendment to this Bill, which would make the Member for Communications and Works fully responsible to Government for the day to day running of this Port Authority.

MR. JOHN D. CRFFERSON: Mr. Chairman, I would voice very strongly the same challenge in relation to the Member being responsible. I think it is only in keeping with all other passed Laws, and I would feel that in one way it would look to me sort of disrespectful. I think since the Member is charged with the tremendous responsibility he has Law for, that he should be the Member responsible, he is responsible as it is and the Law should bear him out. I think that somebody ought to be responsible to this House, and I certainly do endorse in the strongest terms, that fact that the Member should be the Member in charge of the one to which the Authority will be responsible to. In addition to the fact that at the end of every year when the Accounts have been audited by Government Auditors that the papers will also be laid on the table here for the benefit of Members. But, I strongly endorse the fact that the Member should be responsible or the Authority should be certainly his responsibility, he in turn should be able to answer to the populace and to us in that respect.

HON. G.E. MADDINGTON: Mr. Chairman, I think that is being over sighted in this Bill is that the Port Authority will be created a body corporate, which is an entirely different animal from say, the Tourist Board or any other such Boards in which the Member is made responsible in the Law. The Authority under this Law will be an autonomous body with perpetual succession and I have no doubt that the Member will be made responsible constitutionally by the Governor for that Authority to be put under his portfolio. But when it come to making him responsible in the Law it would be entirely in conflict with the powers of a Statutory Corporation.

MR. JOHN D. JEFFERSON: Mr. Chairman, in leading on to that my knowledge of the Cayman Islands Corporation which the Member is the Chairman of that particular Board, and that is a Corporation. And certainly, to me that with the Port Authority would run pretty close to one another.

HON. G.E. MADDINGTON: But that an entirely different matter, Mr. Chairman. Surely the Member can be made Chairman if that's the will of the House, but he can't be made responsible for a corporate body, he can be the Chairman and accept the powers and the duties that would apply to a Chairman of such a body.

MR. G. HAIG BODDEN: The Member can't be made Chairman under this Law if we leave it as it is. The Law says, "that the Chairman shall be a permanent Civil Servant" so the Chairman can't be the Member.

HON. G.E. MADDINGTON: I wasn't saying that he could be as the Law stood, I said that this House could amend the section to make the Member Chairman if they so wanted by the appropriate amendment, but he cannot be made responsible unless he is made a part of the Authority.

MISS ANNIE E. BODDEN: Mr. Chairman, as I understood from the Financial Secretary the other day it was hoped that this Port Authority business would be an arm of Government. Now, Mr. Chairman, as I see it we seem to be letting loose everything to this Authority whoever he might be or she might be or the Chamber of Commerce etc. and the shipping people. But I feel that we in passing a Law should make some body responsible to the Legislature and the public as a whole. Because, Mr. Chairman, I am very sure I am one of the few supporters that the Honourable First Elected Member has had all during the time from the time it was mooted that this dock would be put in George Town. I supported him from the start but I can't support him to the finish because I can't agree with this Law. I can't and will not agree with it because too much power is taken out of our hands and vested in an Authority that we don't know the dealings.

And Mr. Chairman, this might be beside the point but we are the most gullible, I believe people in the world, everything anybody tell us we swallow hook line and sinker. Well, my mother had the phrase that we told her "you can't listen to everything anybody tells you", she said, "why not?" I said, "well in the days you lived you could, but you cannot now". And this Authority in my way of thinking has unlimited powers. So do it, they pleased and I feel they should be responsible to somebody who in turn will be responsible to us, and most of all, the public.

MR. CHAIRMAN: If I may comment on the Constitutional side "under the Constitution the Governor shall within his discretion allocate Departments of Government and subjects to Elected Members making up the portfolio. He is obliged to delegate, but it lies in his discretion the extent of the delegation and what to delegate". But for the information of the House I think all Statutory Boards, Committees, like the Tender Committee etc., have been placed under Members of the Executive Council. And it would certainly be my intention if this Law were passed to make the Member for Communications and Works responsible for it to the extent that Members of the House can ask questions, raise matters connected with it - a Statutory Body. This is always an area of some difficulty, but Ministers in the United Kingdom answer for Statutory Boards and Corporation up to a certain extent. As the Attorney-General has pointed out, if there are

MR. CHAIRMAN (CONT'D): empowered by the Law to act as Corporations, they naturally they have certain powers which lie with them according to the Statutes. But it certainly would be my intention to place a Member of the Executive Council in charge whether it is necessary through this Bill, of course, it is a matter o this House.

MR. JOHN D. JEFFERSON: I accept that then, Mr. Chairman. I'll accept that.

MR. JAMES M. HODGEN: But Mr. Chairman, this Bill once it goes into Law is something that we might have to live with for a long time. And you may be here as Chief Executive for the next hundred years as well as you may only be for another two years, the man that come after you may not look on it in the same way and then it would be no one responsible to the House.

MR. CHAIRMAN: On the other hand I think one could argue that it may not be constitutional to write into a Law something that derogates from the Governor's powers, in his discretion, under the constitution, but that is a matter for the Attorney General's opinion.

MISS ANNIE H. HODGEN: Mr.Chairman, what I would like to ask is this, is it constitutional, is it necessary, is it anything to have this, any particular body named in this law. And whose suggestion was it? It must be some unique thing - it can only be what I had that pleasure laugh about. It can only be that. I would say, Sir, although I am not affiliating myself whatsoever with the passage of this into Law, not Annie Huldah Hodgen, but I feel, Sir, that no particular body should be named and I wonder if this would not be deleted or put in the Law Society, for instance. Everybody wants to be in charge of everything Government has after it is brought to a successful conclusion. When this dock was being built, there was opposition from far and near, man and woman, girl and boy, and now that it is about to have a successful conclusion, I would say, everybody wants to get into it. If Everybody wants to jump in and have a say in it, and I feel that it would improper for any person who has opposed this Bill, who has opposed this dock, like opposition has been, - they have even said it is too good for the Cayman Islands - it's going to break in two, a vessel is going to pop it up - now to appease, it can only be appeasement to put any Chamber of Commerce name in this bill and I disagree with this one hundred percent, and this particular section more than ever.

HON.A.B.BUSH: Mr.Chairman, I must say, Sir, I have no strong feeling on this particular thing, naming this particular body or bodies in this Law. It was only put, as was explained, that those people who we expect would be interested in the dock, ships' agent and the Chamber of Commerce And they might really have something to contribute on the authority, and this is the only reason, not that we intend that they will run any part of the dock, or anything, but just that they would be interested enough to probably be of some asset to the Authority. But I must say, Mr.Chairman, that I have no strong feelings, one way or the other. It's not very easy, though, to find people in the community who are now willing to serve on all these various Boards of Government, I have found it on Boards that I have been sitting on, even if they are appointed to Boards, they hardly ever show up - they are always too busy or something of the sort and make some excuse, that they hardly ever attend a meeting. So it is not a very easy task to find people who would be interested enough in things like this to attend the meetings regularly, because as will be noticed, the Authority shall have a meeting every month at least, every month.

MR.JAMES M.HODGEN: Mr.Chairman, in reply to what you answered me awhile ago, if I understand it correctly, we would sort of be derogating from your duty under the Constitution if we should list such a specific thing in this Law. Well then, why is it then under section 3 that those powers of yours under the constitution would not be derogated when you name "one of whom shall be selected from nominees proposed by the Chamber of Commerce , and not a Signatory

MR. JAMES M.BODDEN (CONTINUING) agent and shall hold office at his pleasure"?

MR.CHAIRMAN: Because this Second affects my discretion under the Constitution. The discretion I was referring to was discretion to delegating responsibility to/Member of the Executive Council.

MISS ANNIE H.BODDEN: Mr.Chairman, like I have said before and repeat, I am not interested in this law because it's not what I figure we should have to make people come and dictate terms to us. But I am saying this on the other hand, Sir, that I feel this should be left open that in the wisdom of the Governor in Executive Council or be it who it may be, that suitable people be put on this Board, because I am going to tell you, Sir, you might not know it, you haven't been here long enough, but had you been here, say, twenty-five years ago when one Legislator was fighting to get something, the next one fighting to get something, it might be the same thing down on this dock.

Now I will say this, we are a pretty bad crew with bickering, couldn't get much worse - we are like children, but when it comes to personal interest, I do not think there is one Member in this House who will study personal interest to the hurt of Government. They got their bad ways, and plenty of them too, including myself, but they are not fighting strictly for what they are going to gain out of anything in any law. But you will find people who will get on boards, fighting to get what they want, how they want it. If I have a ship out there and I am on the Board, she comes in first; if I have a canoe that/want to tie up, that is coming in first. I have known enough about the maritime affairs of this Island, up to now to know that there are people who expect to get privileges because they are on certain boards and I say, leave it to the discretion of people who are not interested in the extent that they will hurt other people.

Now this Chamber of Commerce, as far as I am concerned, has no business even to be written into the law - I wonder what it's for? Expect appeasement, that's all I can see in.

MR.JAMES M.BODDEN: Mr.Chairman, please do not take what I am going to say now as any personal affront, because it is not intended that way, but if I see this correctly, once this Authority is set up and as the Second Official Member has said, it would be a corporate body. Now at that point it is a corporate body and the lands and everything that the Port Authority or that the Government at this point own, is supposed to be vested in this Authority so as a corporate body, existing under the laws of the Cayman Islands Companies Law. I don't see where you would have any more authority really to do with that than one of us Legislative Members would have at that point, Sir. Could you clear that up for me? Because I don't see how you can appoint a Member to be responsible for it once it is a corporate body, if it's not written into the law, because it is then a body of its own separate from the Government.

MR.CHAIRMAN: There is ample precedent for this, as, for example, the British Broadcasting Corporation in the United Kingdom, is a separate corporation, but a Minister in the House has the responsibility for answering questions in the House of Commons to do with the British/Corporation. It is a very difficult constitutional question. The degree to which Members in the House can probe into the affairs of a statutory corporation, but they can, and traditionally, a Minister of Government, is responsible to the House for answering questions. Now our Constitution says that the Governor shall delegate responsibility to Members of Executive Council, subjects and Departments of Government to the extent that he, in his discretion, considers advisable, and this has been done. If any new corporation is created immediately the Governor has to decide who on the Executive Council Bench is to be responsible to the House for dealing with matters connected with that corporation. That is as I understand the position. The Attorney General may wish to comment.

HON.G.P.WARDINGTON: Perfectly correct, Mr.Chairman, I can't add any thing more to that.

MR. JAMES M.BODDEN: I quite agree with you under that, that you do have the power under the Constitution in regards to giving the Members What I am trying to get at, and I don't think it has been completely answered is once this corporate body is set up as it is envisaged in this Bill and it then becomes a corporate body, let's say, existing under the corporate laws of the country,.....

HON.G.E.WADDINGTON: Not really, it doesn't come under the Companies Law at all, its a special statutory corporation.

MR. JAMES M.BODDEN: Well then it's not coming under the corporate Law at all?

HON.G.E.WADDINGTON: Oh, yes, there are common law provisions applying to statutory bodies and they gain their constitution from the statute which created them, namely this statute.

MR.JAMES M.BODDEN: Well, I still don't see how you are going to be able to delegate powers when you don't have them at that point. I'll stop the argument, but I really don't see how it can apply, because we are going to get into a situation here, then, that we have been in, for instance, with the Cayman Airlines, where we have questioned the Member who we think is responsible for that - we have been told that we have no right to question it because it comes in under the Companies Law.

HON.G.E.WADDINGTON: Well that's correct - that's an entirely different animal to this statutory corporation.

MR.JAMES M.BODDEN: Well who is this going to come in under - who is going to be directly responsible for it?

HON.G.E.WADDINGTON: I think His Excellency has already explained that.

MR. JAMES M.BODDEN: Well we are creating a body, then that is really responsible to no one. Is that correct?

HON.G.E.WADDINGTON: This will be an autonomous body whose functions and duties and powers are set out in the law, but if this Authority acts in a manner contrary to the constitution under this law, then any person, any interested person can bring an action in the court to have the court put them back on the rails, if necessary.

MISS JULIE M.BODDEN: Mr.Chairman, what I am so concerned about is this, that in paragraph 5 (we haven't reached that yet - of course) there is hereby vested in the Authority the parcel of land with buildings and works there situate as set forth in the Schedule which, together with such other parcels of land as may in future be vested in the Authority shall be known as "Port Area" - what I am afraid is this, that we are giving to this some-body I don't know who it is - too much authority in dealing with too many valuable things, taking our land and vesting it - what does vesting of land means, except that if I am vested with land, I am going to quite an extent. The Personal Representative Law, 1965, I think it is, says that when I am an Administratrix for an estate or an Executor or Executrix, that the estate is vested into me - what is vested into or means? That's what I want to know in regards to this thing what is meant by us vesting all our lands and so on in this Authority. When we say vesting, does it mean that they deal exclusively with it to the pushing away of all the legislators , all the Government, all the anybody - this Law, to me, is very , very, very serious.

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, following on to what I said in the debate, I consider that the statutory body here is a well-rounded out body

CAPT. CHARLES KIRKCONNELL: (CONTINUING) I cannot agree with what has been said about the Chamber of Commerce, because I consider they are a very representative and a very responsible body of people. They have contributed, or the Members of that Chamber of Commerce, as I said earlier, they have contributed, they have been the largest contributor and the largest developers of this territory and I can see no objection to why they should not be represented on the Port Authority. Similarly, the ships' agents - they are the people who have to deal, or will have to work on a day-to-day basis they will see what is right, what is wrong, they will be in a better position to rectify whatever may be going haywire, than any of us here in the Legislative Assembly. We have to be told, they will have it first hand, they will have this experience at first hand, so I can see no objection why either the Chamber of Commerce or a shipping agent should not be included in the statutory body - I consider it a well-rounded off body.

MISS MARY E.DOBSON: Mr.Chairman, I am not saying one thing against the shipping agent, because we have certain shipping agents in this Island today who are well informed navigators, I would even say they are dock-builders and have no objection to a person like that , but you are not naming in this law that "Shelby Hydes" or "Arnie Boddam" or "Charles Kirkconnell" should be represented, somebody from their firm coming forward. I am not against the shipping people being able to give directions and assist,because I figure They are the people that know, but you are not saying one of the members from the Kirkconnell's firm or Trevor Foster's firm or Benson Ebanks's firm, you're just saying one. But this thing is specifically naming this person which I disagree with.

Now I agree one hundred per cent that the people to run this dock are the people who know what they are doing - not like me, I wouldn't know anything - I have never seen the dock yet, except passing the road I don't know anything about it. I wanted the dock in George Town, I did everything possible in my humble way, which I know I am not thought very much of in this House by the majority, but I did everything I could in my simple way to foster, I would say, this dock being put in George Town, because George Town would not be George Town without a dock. I have done everything - I am against closing Mally's Bay - I want the dock to go to the North, but I am saying this that we should not specifically name anybody.

You hear what the public is saying about this inclusion of this name, you hear what the public is saying. Thank you.

HON.V.G.JOHNSON: Mr.Chairman, the Chamber of Commerce is not the name of an individual, it is the name of a body with a membership consisting of hundreds of people and it is for the Chamber of Commerce to name nominees it didn't say one either, nominees and Government would choose one from among those nominees.

MR.CHAIRMAN: I think I will recap as far as we've got on this - the question before the House is that Clause 3 stand part of the Bill. There have been three amendments put forward -

the first one is to replace the words "Director of Public Works" by the words "Chief Engineer"

the second one, as I understand it, is to delete the words "one of whom shall be selected from nominees proposed by the Chamber of Commerce and one a shipping agent."

So the clause would read 'shall be appointed from time to time by the Governor and shall hold office at his pleasure"

And the last amendment that has been suggested is to add a new sub-clause (9) proposing that the Member for Communications and Works should be responsible for the Authority - I haven't got the exact wording of that. I am going to leave matters there and suspend proceedings for fifteen minutes, if the honourable Member still wishes to pursue this, perhaps he can put forward specific wording to be considered.

AT 3.46 P.M. THE HOUSE WAS SUSPENDED

AT 4. P.M. THE HOUSE RESUMED.

MR.CHAIRMAN: Proceedings are resumed. We've given clause 3 a hearing and I would suggest that we take the three amendments proposed in succession, vote on these individually and then on the clause as drafted, or amended as the case may be.

MISS ANNIE H.BODDEN: Mr.Chairman, I would just like to say this, Sir, I did not propose any deletion of of the shipping agent, if it is me you are referring to, Sir.

MR.CHAIRMAN: Well the first amendment is fairly straightforward that is to delete the words "Director of Public Works" and substitute the words "Chief Engineer".

QUESTION PUT ON THAT AMENDMENT: AGREED: AMENDMENT PASSED.

MR.CHAIRMAN: The second amendment, as I understand it, is to delete the words " one of whom shall be selected from nominees proposed from the Chamber of Commerce and one a shipping agent".

MISS ANNIE H.BODDEN: Mr.Chairman, I am very much in sympathy with the shipping agent because I feel that would be a proper person to have on the board. What I am against is this, it might be looked on as being stupid. When we in our humility and in our everything tried to get this duck located,when we tried to raise money, tried to do everything we were the laughing-stock and the puzzle who took us for a game now, putting them on the board - I just can't go for it.

MR.G.HAIG BODDEN: Mr.Chairman, what I think the Member for amendment to this section is to delete " Chamber of Commerce" but leave the shipping agents. She is just asking for the deletion of Chamber of Commerce.

MR.CHAIRMAN: Well, the deletion is "one of whom shall be selected from nominees proposed by the Chamber of Commerce" - is that correct?

MISS ANNIE H.BODDEN: That is it, Sir. Mr.Chairman, I would like it emphatically declared that I do not even know who the Chamber of Commerce consists of, I dont know. But I know that some of those people were our greatest opponents and now that we have seen the light, now that the battle is almost won, everybody wants to jump on and govern this dock.

MR.CHAIRMAN: Well, I think to make sense.....

MR.JOHN D. JEFFERSON: Mr.Chairman.....

MISS ANNIE H.BODDEN: I don't know how you would do it, Sir, I suppose I will leave it, but anyhow that's my feelings on it.

MR.CHAIRMAN: I think to make sense of the clause one would have to delete the words "one of whom shall be selected from nominees proposed by the Chamber of Commerce and", and insert the words "who shall be appointed from time to time by His Excellency, one of whom shall be a shipping agent and shall hold office at his pleasure".

HON. C.E.WASHINGTON: I think if you just took out the words from Selected"to "one" in the second to the last line that that would cover it. From "selected" down to "one" in the same line.

MR.CHAIRMAN: Could you read our as amended, if it goes through,

HON.G.E.WADDINGTON: How the amendment would read? The amendment would read "not more than four nor less than two other members who shall be appointed from time to time by the Governor, one of whom shall be a shipping agent and shall hold office at his pleasure".

MISS ANNIE M.BODDEN: Right.

MR.JOHN JEFFERSON: Mr.Chairman, I can't see any real strong reason for striking out Chamber of Commerce -- I can't see any real strong reason. We are not naming an individual.

HON. BENSON O.EBANKS: Well, vote strong on it then...

MR.JOHN JEFFERSON: Well,...

HON.V.G.JOHNSON: Mr.Chairman, the voting will cure that.

MR.JOHN JEFFERSON: I agree, which I am prepared to do.

MISS ANNIE M.BODDEN: Mr.Chairman, if there is a vote or no vote, I know I have lost it, but that is my firm conviction. I don't believe in after people put you down to nothing like they done us, now giving them the front seat. No, no. That not good enough for me.

MR.CHAIRMAN: Well if this amendment is carried, the clause will read as follows: -

> "not more than four or less than two other members who shall be appointed from time to time by the Governor, one of whom shall be a shipping agent and shall hold office at his pleasure".

So I shall put the question - all those in favour of the amendment, please say Aye -

SOME MEMBERS: AYE.

MR.CHAIRMAN: Those against - no.

SOME MEMBERS: NO.

MR.CHAIRMAN: I think the ayes have it.

MISS ANNIE M.BODDEN: I am sorry of that, Sir.

MR.CHAIRMAN: Well, the last amendment is to add a new sub-clause (3) and the wording suggested is -

"The Authority set up shall be responsible to the Member of Communications and Works". Moved by the Second Elected Member for Bodden Town . Is there a seconder for this?

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

MR.CHAIRMAN: It's not necessary in Committee, I am told.

CAPT. CHARLES KIRKCONNELL: Mr.Chairman, did I not understand you correctly, that this would automatically, under our Constitution, be done - in other words you would automatically put this on one of the elected Members in Exco.

MR.CHAIRMAN: I can certainly give that assurance. I think the mover of the motion has expressed doubt whether this is sufficient assurance that it would not necessarily bind any successor.

MISS ANNIE M.BODDEN: Well, Mr.Chairman,as I said before, I am not at all pleased with this Bill, but I feel, Sir, that there should be somebody responsible who would tell us something once in a while. While you are here, Sir,

MISS ANNIE S.BODDEN (CONTINUING) I have every confidence that things will go from good to better, to the best, but you will not be always here, Sir, and the money like this CAY. business now, when we have asked on different occasions "tell us so and so", that's not your business, you are this, you are not the other thing, and we don't even know who to turn now - certain things are going to brew up now with this CAY. business that I bet we will be told about that. Now I feel, Sir, that we should have somebody who would be sort of an over-seer of this dock and we could well question, or get some information from that particular Member of the Legislative Assembly who would, of course, be in Mr. Do.

Now I feel that we at least should have some source where we could approach to get some information, because this thing is a very serious thing when we talk about vesting all our land in this Authority and don't know what will be the up-shot of it. The law gives the authority to borrow money, to do anything they want and we should have some proper person who we could approach to find out what is going on in this business. Now I have gotten to the place, Sir, I trusted most people before but when it comes on Annie Bodden's affairs, I will take my chance, but the Government of the Cayman Islands, the people, the twelve or thirteen or fourteen thousand people that are represented by this body, we should use our best commonsense to see that people don't get away with anything over us.

To my way of looking at it, this Caribbean Bank must be some sort of Hitlerism or Castroism or Communism or something dictating everything how they want everything - I just can't swallow that.

MR. JAMES M.BODDEN: Mr.Chairman, I was the one who tabled this amendment and in looking at it, I would also like to make a change in it to give some latitude by suggesting that it should read -

> "The Authority set up shall be responsible to a Member of Executive Council appointed by the Governor or delegated by the Governor"

rather than to just name the Executive Council Member that would be responsible.

HON.V.G.JOHNSON: Mr.Chairman, I've heard a lot of reference being made to the property of the port being vested in the Authority, but I would like to remind Members that the property of the airport is equally as valuable as the property of the port and all that property is vested in the Cayman Islands Corporation, because there is a precedent already in this Government for the vesting of lands into private corporation.

MISS ANNIE M.BODDEN: Mr.Chairman, the Airport Lands - we paid a song for that - we whistled a song, less than what we paid for the port out there, Sir. There is no comparison whatsoever, as I understood after we paid the debt its not vested in this corporation, except the corporation is a branch of Government. I don't know, you see. We don't know much about this kind of thing and I want to make it very sure that we are not going to give away the millions that we have put into this dock. Now when I am speaking on behalf of the dock, I might be forfeiting my seat in this Legislative Assembly, because I have been told more than once and by more than one person when you support the Member of Executive Council and put this dock in George Town we have no confidence in you. I am saying that George Town is the place for the dock, but I cannot agree, after all this struggle, this poverty we have placed ourselves into to get this dock, that we should give to any authority dictated to by any Caribbean or any other Bank, I am absolutely against it.

HON.V.C.JOHNSON: Mr.Chairman, the cost of the land is one thing, but the improvement of the land is another. In 1968 when that airport was reconstructed to introduce the jet age, the cost of construction at that time was one and a quarter million dollars and if one and a quarter million dollars is equated to the cost of doing the job today, I daresay it would be

HON.V.G.JOHNSON: (CONTINUING) valid at somewhere around four million dollars.

HON.W.W.CONOLLY: Mr.Chairman, I would like to say that the lands at the airport in the last three year didn't cost a sum either, several hundred thousand dollars went into buying lands.

MISS ANNIE H.BODDEN: You're not telling me, because I know all about that transaction.

Mr.Chairman, what I would like to find out is this, Sir, since I understand we have paid this debt to this corporation up there, is this land still vested in this corporation, is this corporation a part of Government, or is it an outside affair, that's what I want to know. Do we own that land as of right, now that's what I want to know, or is it vested in somebody still?

HON.V.G.JOHNSON: This corporation is a statutory body set up by this Government.

MISS ANNIE H.BODDEN: Well is that statutory body set up by this Government, is that, I would say a part of our Government, and that part of the Government is under the supervision of the higher Government, I would say, the real Government. This is a quandi, or quashay as I hear the men call it, this Corporation business?

HON.V.G.JOHNSON: The man here we is the Member responsible for the Corporation.

MISS ANNIE H.BODDEN: But I am trying to find out this - you see, Mr.Chairman, what gets my blood up is this that when we are trying to get a little information we are treated off as if we were fools - but that's not the point. I am saying that in the interest of the general public, the public of the Cayman Islands, who put me here to represent them to the best of my humble ability, that I should try to get the facts straight, to correct the false impression on the outside. When we ask anything - "you're not supposed to know, you're not supposed to ask unless you go to the office of some dignitory to get what information you want" - I think we are entitled to have it -that's what I am saying, Sir, and I am saying that this....

HON.V.G.JOHNSON: The corporation was established in 1955, Mr. Chairman, a long time ago.....

MISS ANNIE H.BODDEN: Mr.Chairman, in 1955 I was a dying woman and by the grace of God I am here today and I intend to do my duty til death calls me to the great beyond.

MR. JAMES M.BODDEN: Mr.Chairman.I'd just like to inject that instead of vesting this, could be accomplish the same thing if we set up a management board giving it these powers and leave the land,the facilities vested in the Government as it is now?

MR.CHAIRMAN: I think we will deal with vesting when we come to clause 5 - perhaps we should confine our remarks to the amendment before the House which, as I now understand it, will read "The Authority set up shall be responsible to a Member of Executive Council delegated by the Governor", new sub-clause (9).

HON.W.W.CONOLLY: But, Mr.Chairman, wouldn't that be contrary to the law, you're saying now that the Authority is responsible for certain things and then saying that the Authority then is responsible to somebody else, wouldn't that be putting across the bows of the law? If it/worded that way - I am only asking for information because this law given the authority who has the right to delegate a certain amount of authority to this Director and if the Authority then is responsible to someone else, how will this function be performed? How will this mesh in I can't see the synchronising of this - not if it is written in the law as suggested.

MISS ANNIE H.BODDEN: Well, Mr.Chairman, if we have not got the proper wording we have a duly qualified legal man here who can put us right, but I am saying, Sir, that I feel that we as legislators should not take the property of the people, Crown Lands, call it anything you want, and put it in the hands of this Authority or whatever you call it with this Director, I don't know who the Director may be; I don't know, and I feel we should make every precaution, we should take every care to know that we are not going to get involved in things that we will never get straightened out of. And I am saying that this Law should be thought very carefully about, and we should not give too much to one person to rule the rule, the Director or whatever his name may be.

I feel that we should have a man, not a woman because women the majority of them don't know anything about this kind of thing, and who would be in a position to over-see what is going on and report back, if necessary, to us and you as well. Sir, because this is not going to be anything funny - they think it is a lot of fun and I look on this as a very serious matter. Taking and wasting what the people of the Cayman Islands have sweat blood to get to put in the hands of any Authority such as the Bank who advanced this money - well I dare say anybody would have given money under those heads - anybody could have gotten it anywhere and if God could make me a multi-millionaire over-night I would give the money back and let us be free. I consider that we are in bondage to get this.

HON.W.W.CONOLLY: How that is going to work cheaper how that gonna work, I don't understand.

Mr.Chairman, as I see it, we have to have confidence in someone and despite what has been said and what has not been said, we have the assurance from you, Sir, that some Member will be charged with the responsibility of this particular Department of Government as portfolio and I should think that we are presently legislating this ordinance, what may happen or what can happen a hundred years hence, as someone suggested, we might not have these same provisions in our Constitution. And I would take that we have to use our best judgment on the existing Institute of our constitution and our laws, and I would feel that the assurance given by you that somebody will be authorised and delegated this authority, to be responsible. I would think that that is sufficient. This is how I feel about it and I would feel that we should proceed and.....(MISS ANNIE H.BODDEN: Mr.Chairmen....), because to write something in the law that may make it conflicting with your authority or on the other hand we make it conflicting with the functions of the Authority, it doesn't seem that that would be proper. Because after all what we are doing here, as I see it, we are now happily, we have got the dock above the water, we have stretched our neck out in a large investment and I believe that the greatest interest here should be to see that we have an Authority or have somebody or something to properly manage this dock. Not no matter whether or who it is, but that it is properly managed. this is as I see it.

MISS ANNIE H.BODDEN: Mr.Chairmen, the Bible even tells us that everything must have a head and the head of a home is the husband - the wife comes second and the children third, but God should be first.

Now I am saying this, Sir, that we have stretched our necks out to get this dock and I feel, Sir, that we cannot reasonably pass . a law as this giving all this authority to this - what you call it again - Port Authority and we must protect ourselves. How I shall make it a matter in my campaign to put this law forward as it is put on paper. Now I am not campaigning against one soul, not a human being, I am studying Annie Bodden and my colleague, my legal authority, my barrister to put in and I am not opposing anybody, but I am going to make this an issue in my campaign to say what kind of a law we passed.

HON.D.H.FOSTER: But Mr.Chairman, I think Members are not looking at the make-up of the Authority, it has the Civil Servant as Chairman, the Financial Secretary, Chief Engineer, Collector of Customs half of it are already virtually top officials.

MISS ANNIE H.BODDEN: They are ex officio, ex officio according to the dictionary means "by reason of one's office ", now can they use that same authority on this Port Authority or are they just there for their good looks? That's what I don't understand.

HON.D.H.FOSTER: No, they are full members of the Board.

HON.FRANCO O.FRANKS: Mr.Chairman, I would also submit that if we accepted such an amendment as is proposed we would have to do many further amendments to the Bill because like many things the Authority cannot do without the permission of the Financial Secretary, and you couldn't have two captains on the same boat. What I am really saying is that if you are going to have a Member responsible well then you would have to put in "Member" every place you have "Financial Secretary", as I see it.

MR. JAMES M.BODDEN: Mr.Chairman, as I see this all we have the protection of having the Civil Servants on it, but nowhere is it subjected to, let's say, political dictates by being questioned by any Politician. Could it be that Caribbean Bank has directed that this dock must not be in any way influenced by politics?

MISS ANNIE H.BODDEN: Mr.Chairman, as usual I am sure I have lost my battle, but I have put up a good fight and I am against the law period, so I won't have anymore comments on it.

MR. JAMES M.BODDEN: Mr.Chairman, I suggest we put it to a vote, Sir.

MR.CHAIRMAN: The Amendment proposed reads as follows -

"New sub clause (9) to be inserted to read -
'The Authority set up shall be responsible to A Member of Executive Council delegated by the Governor'."

So I shall put the question on that amendment, those in favour please say aye -

SOME MEMBERS: AYE.

MR.CHAIRMAN: Those against No.

SOME MEMBERS: No.

MR.CHAIRMAN: I think the Ayes have it.

MISS ANNIE H.BODDEN: I am sure of that.

MR. W. MACK BODDEN: I am not so sure of that, Mr.Chairman, can We have a division, please.

D I V I S I O N

AYES

Mr.T.M.Farrington
Miss Annie H.Bodden
Mr.James M.Bodden
Mr.G.Haig Bodden
Mr.Craddock Ebanks

NOES

Hon. D. H. Foster
Hon.C.E.Waddington
Hon.V.G.Johnson
Hon.A.L.Bush
Hon. T.Foster
Hon. F.O.Franks
Hon.K.W.Connolly
Mr.John D.Jefferson
Mr.Claude Hill
Capt. Charles Kirkconnell.

AYES

5

NOES

10

MR.CHAIRMAN: The results of the division are, five in favour and ten against the insertion of the new sub-clause.

So I will put the question now that Clause 3 as amended do stand part of the Bill. Will those in favour please say aye.

SOME MEMBERS: Aye

Mr.CHAIRMAN: Those against no.

SOME MEMBERS: No.

MR.CHAIRMAN: I think the ayes have it.

CLERK: Clause 4 Financial Procedure.

QUESTION PROPOSED:

Mr. JAMES F.DODDEN: I'd like to question 4 (1), Sir, "the revenue of the Authority shall be classified under the following heads of receipts:" and going on down to (i), it says "miscellaneous expenditure approved by the Financial Secretary" - now if this Authority is not subject or responsible as more or less as has been told to us, why this section. I can't understand why they could undertake expenditure that is approved by the Financial Secretary if it's a corporate body in its own entity?

HON.V.G.JOHNSON: Mr.Chairman, it can be struck out as far as I am concerned, it was put in the law, it was in the construction of the law, because it was thought that there may be a time miscellaneous forms of expenditure which the Authority wished to incur and perhaps the best avenue to discuss or to seek the approval for such expenditure was in discussion with the Financial Secretary. If Members seem to feel that that particular provision should not prevail in the law I have no objection to it being struck out.

MR.JAMES M.BODDEN: Mr.Chairman, I am not against it in asking that it be struck out, Sir. I am only querying how the law will be able to work this way. When all along we've told, since this has been placed before us that actually it would be responsible more or less to no one other than the authority as it is set up. I don't want to see it taken out, I am only raising a query point on it, but when we come to sub-section (1) of section 4 I certainly would raise one on that and that would be that the Authority may, for the purpose of the performance of its functions raise loans as it is now, its (a), from the Government, or (b) with the approval of Governor in Executive Council. I would certainly suggest that we have an amendment there to read "that the Authority may for the purpose of the performance of its function raise loans with the approval of the Legislative Assembly".

MISS ANNIE M.HORSEN: Right.

HON.V.G.JOHNSON: Mr.Chairman, this again is dealing with the financial arrangement of the Authority and if the Legislative Assembly, in this law gives the Authority the over-all approval to deal with its financial affairs when and if necessary, then it means that when there is need within the Authority to raise loans, that the law here is saying that these are the two manners in which loans can be raised from the Government or from outside sources with the approval of the Governor in Council.

The purpose for which loans are going to be raised must certainly be another issue because the Authority cannot on its own just rush to raise loans, to incur expenditure unless this has some overall approval, and as I said the other day, it must be planned for major improvement in the facilities. In which case this must be subject to policy decision of

HON.V.G.JOHNSON (CONTINUING) Government. It must come in a paper to Government, it must be put forward through Executive Council, to the Legislative Assembly for approval and when the approval is given then it goes back and the authority has the power then to proceed with the raising of the loan in one form or another as set out in the law, and then it raises the loan from Government or from outside sources. But the machinery would have already been set in the financial arrangements for the operation of the Authority and that would not need to be brought back to the Legislative Assembly for permission. But the overall improvement or development of the port, yes, that must be subject to Government policy decision, and it can't be undertaken unless that decision is made.

MR. JAMES M.BODDEN: Mr.Chairman, I can't quite understand this, because all of the assets into this thing are really the assets of Government. Now we are going to take a former entity transfer these assets into that and then turn right around and give that Authority for that entity the power to borrow money from the Government. What this reminds me of is a man on his death bed loaning his children money.

HON. V.G. JOHNSON: Well, if the provision wasn't here, Mr. Chairman, the Port Authority would go about putting the proposals to Government for a policy decision and when that policy decision was reached then you would go back to the Port Authority and the Authority would have no provisions under which it can raise a loan. That would be the subject of another law before the Legislative Assembly.

MISS ANNIE M. BODDEN: Mr. Chairman, I am beginning to think we better had kept Mr. Maley's bay and don't bother with this dock since it is going to entail all this unnecessary stuff. Because I certainly cannot agree "the Authority may for the purpose of the performance of its functions raise loans from the Government, or with the approval of the Governor-in-Council from outside sources". In other words we are not to know anything about this loan unless we hear it on the road like we always do. Because we have never been approached, we have never been asked, we have never been told and I mean after all I wonder why the people of the Cayman Islands elect twelve people to come to this House, I wonder why? Why didn't they say four, just the Executive Council and don't need these other what you want to call it. You don't need them, because we are just here to be told what is being done at the convenience of the people who want to tell us, and that is not the representation that the people of the Cayman Islands want. They want their Legislature to have some knowledge of what is going on. But not-as Jim Stick asked me some time ago "Miss Annie who is the Government?" I told him the Government as far as I knew consist of the twelve people and the three official headed by His Excellency the Governor. We're not told anything, everything we suggest is wrong and I am going to make this an issue in my campaign.

HON. BENSON O. EBANKS: Mr. Chairman, as I see it the only reason why (1) is as it should be. (MEMBERS LAUGHTER) (MISS ANNIE M. BODDEN: You all laugh that is no laughing matter), as far as it is would be if small amounts were involved. But surely, if there are large amounts where, in my opinion, the Government would have to stand in the back of it, we would have to come to the Legislature to pass a law to enable the money to be borrowed, to charge it against the revenue of the country.

I don't see the work for many, many years to come being self-sufficient to the extent that any one would lend it money on its own cognisance. The present loan is guaranteed by the Government, it is charged against the revenue of the Government and is the subject of a law which passed this Legislature. So that I think this is the control which the legislature would have on it. But if for some reason they needed quickly a couple of thousand dollars, I think it would be reasonable if the Governor-in-Council could approve this provided they were satisfied that they would repay it from their own resources in short order. Certainly if it was going to commit the Government in any way it

HON. BENSON O. EBANKS: (CONTINUING): would have to be subject to Finance Committee's approval at least, because under the present arrangement Executive Council doesn't have any authority to spend money that's not voted. We have to come to the Finance Committee for approval of everything. It would only be small amounts that the Authority could convince the Governor-in-Council that they needed the money urgently and that they could show where the repayment was eminent. That is how I interprete this section as operating.

HON. V.G. JOHNSON: Mr. Chairman, that is what I meant when I said a while ago that these proposals for improvement would need to come to the Legislative Assembly. And the same applied in the case of the Airport in 1955 when the Cayman Islands Corporation Law was brought into effect, along with that law came the Loan Law to raise the loan. Because where it is necessary to have proper collateral for security for the borrowing of loans no institution will accept anything from the private Corporations or a Corporation such as we talking about. They usually seek to have this security given by Government and the security is always in the form of a Loan Law. And I dare say that if the Port required any major improvement which would require a fairly large loan that is what would apply. We would need to bring it to the Legislative Assembly for formal approval. Maybe, as the last speaker said where small loans are concerned if somebody is willing to loan the Authority a small amount of money without any collateral as security then perhaps in that case it would be able to negotiate them directly, but not in the case of a large loan.

MR. JAMES M. BODDEN: But, Mr. Chairman, once this is done all the assets are going to be vested in this Corporation and the only way we would come in then really is a co-signer in order to guarantee that loan from the general fund. Assume all the assets and all the income is then tied up in this Corporation, and it is safe to assume that when that dock is finished it should have a marketable value of at least $20million and it is safe to assume that it could borrow at least $1million and a million dollars is a lot of money in anybody's money. And here as it is we have given them the power they could go ahead and make the loan if somebody will make it to them. It is not sanctionable by this House however there is no place in this bill that there is any reference to it being subjected to the Legislative Assembly.

HON. V.G. JOHNSON: Mr. Chairman, raising a loan is one thing but it is the Authority's ability to repay that loan that counts a great deal. Even this Government raising loans, we must have the ability to repay these loans before we can negotiate them.

MR. JAMES M. BODDEN: Well the ability to repay it to a certain extent will probably come in if this really works out as we hope it would be. If we are only going to have the couple of boats we have there now coming well, then we didn't need a dock in the first place, so we wouldn't be able to pay it off from that. But if we're looking into the future to where we expect expanded trade there will certainly be a revenue, and it will certainly be that this thing could be mortgaged for $1million and then you come back and you've got to pay it out of the general fund again.

I can't agree with this, Mr. Chairman, I know it is a losing battle but I feel like some of these things should be in some respect sanctionable by the Legislative Assembly, because I would have to go further on that and join what the Lady Member said a while ago, I have wondered for four years why I am sitting in here. Because I can't remember the name and I checked with my colleagues here, I know that when I was a kid growing up here I used to see my mother make cakes and they send to the store and they would get some little things and they were real small, they looked like marbles and

MR. JAMES M. BODDEN: (CONTINUING): they shake them out on top of the cake when they get through to decorate it, so that is really all that I believe the right of us on this side is, not even the icing, Sir, just the little sprinkle things.

MR. JOHN JEFFERSON: Let me say this, Mr. Chairman, I don't echo that sentiment at all.

HON. BENSON O. EBANKS: Mr. Chairman, I'd just like to point out one other thing that there is very little likelihood of the Authority accumulating any amount of capital or cash, inasmuch as subsection (5) of section 4 requires that all amounts in excess of $50,000.00 be paid into the general revenues of the country at the end of each year.

MR. JAMES M. BODDEN: But that's not relevant to what we're talking about at all, because we're talking about borrowing money.

HON. BENSON O. EBANKS: It's relevant in that they will not have any cash in hand.

MR. JAMES M. BODDEN: You borrow money you pay it out right away.

MISS ANNIE H. BODDEN: Mr. Chairman, ...

MR. G. HAIG BODDEN: Mr. Chairman, if the Lady Member doesn't wish to speak I have something to say.

MISS ANNIE H. BODDEN: You go ahead.

MR. G. HAIG BODDEN: Mr. Chairman, all the Honourable Members from Executive Council that have spoken on this seem to agree that if a major loan is to be raised they would have to come to the Legislative Assembly, but the Bill doesn't say that. What we're trying to get in for the Bill to say it. In other words what we want is that section (b) of subsection (4) of Clause 4 should read "With the approval of the Legislative Assembly", rather than "With the approval of the Governor-in-Council". The Members agree that that is the way it should be but the Bill doesn't say so and we want it written in the Bill.

MR. CHAIRMAN: I think we can put this amendment to the vote, this specific amendment to Clause 4(4)(b) that the wording "with the approval of the Governor-in-Council from outside sources" be deleted. And the wording inserted "with the approval of the Legislative Assembly from outside sources".

I'll put the question on this specific amendment proposed.

QUESTION PUT: AMENDMENT TELL AWAY.

QUESTION PROPOSED:

HON. A.D. DUGU: Mr. Chairman, I have a few amendments to Clause 4 subsection (2), after (d) after (e), (d) should read "payment with interest to the Government of the consideration provided by section 5. And then we re-letter (d) to (e), (f), (g), (h), (i), (j), the new section added really after (c).

MR. CHAIRMAN: Will the Member read out the exact wording again please.

HON. A.R. DUNN: "Payment with interest to the Government of the consideration provided by section 5". This I think, Mr. Chairman, will take care of the repayment of the loan of. which no mention was made before.

MR. CHAIRMAN: Well, the amendment proposed to Clause 4(2) inserting after [2)(c) the words "(d) payment of interest to the Government of the consideration provided by section 5". And thereafter re-lettering the various sub-clauses as (f) (g) (h) (i) and (j).

Is there any debate on that proposed amendment?

MR. G. HAIG BODDEN: Mr. Chairman, I don't seem to follow that at all, because it makes reference to section 5. Is it really section 5 they really mean or is it a part of 4, where the Authority may for the performance of its functions raise loans from the Government? Is it 5?

HON. G.D. WADDINGTON: The section 5 referred to in the amendment just made is section 5 not subsection 5 of section 4. It is section 5 to which an amendment I think will be proposed by the Member introducing the Bill.

MR. CHAIRMAN: This is to subsection (5), is it?

HON. G.D. WADDINGTON: No, no.

MR. CHAIRMAN: To section 5.

HON. G.D. WADDINGTON: Section 5. An amendment will be proposed in due course by the Member to section 5.

MR. G. HAIG BODDEN: Yes, I understand now, if they're going to make an amendment to 5 when we come to it. But it certainly doesn't make sense.

HON. G.D. WADDINGTON: No.

MR. CHAIRMAN: If I may interject myself at this stage is "payment of interest" sufficient or is it repayment of the capital as well?

HON. V.G. JOHNSON: Payment of capital and interest.

HON. G.D. WADDINGTON: No, I think it is alright at the moment, Sir. I think interest is correct.

MR. G. HAIG BODDEN: Do I understand the Member to imply that the capital will never be repaid?

HON. G.D. WADDINGTON: No, the capital will be provided for in section 5 I think.

HON. V.G. JOHNSON: Mr. Chairman, I wonder if the amendment to section 5 couldn't be taken now, Sir. So that you could read it in conjunction with the amendment to section 4.

MR. CHAIRMAN: Perhaps, it could be explained then we can vote on it later.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to see it - maybe we could do the two clauses together. Because it is very difficult to follow this if we don't know exactly how it is going to be.

MR. CHAIRMAN: Well we can put the question clauses 4 and 5 together if that's convenient to the House. So I'll ask the Clerk to read the title of clause 5.

CLERK: VESTING OF PROPERTY.- CLAUSE 5.

QUESTION PROPOSED ON CLAUSE 4 and 5.

HON. A.B. ROSS: And the amendment, Mr. Chairman, should read "for the consideration provided for in the Schedule", and what we see in 5 now "There is hereby vested in the Authority", on and so and so.

MR. JOHN D. JEFFERSON: Where does that go?

HON. A.B. ROSS: We start with that instead of starting there with "There is hereby vested in the Authority". "For the consideration provided for in the Schedule there is hereby vested in the Authority-". This means also, Mr. Chairman, that the Schedule will also be amended.

MR. JOHN D. JEFFERSON: I wonder, Mr. Chairman, maybe I could ask the Member or the Financial Secretary why a provision of seven days of receipt thereof be paid into a bank. Why is a period of seven days put there?

HON. V.G. JOHNSON: Where is that?

MR. JOHN D. JEFFERSON: Section 4 (c) "and such revenue shall within seven days of receipt thereof be paid into a bank account approved by the Financial Secretary.", why a period of seven days?

MR. CHAIRMAN: We're going back to 4(1) I think, the last two lines.

HON. V.G. JOHNSON: It is just a financial requirement, Mr. Chairman, that all revenues collected in any organ of Government must be paid into the bank within a certain time. Here they are giving the Authority seven days to pay money into the account.

MR. JOHN D. JEFFERSON: Suppose Friday was a holiday and then Saturday, Sunday. I can't see any reason for seven days.

HON. V.G. JOHNSON: Funds can be deposited in the bank every day for that matter, Mr. Chairman, but the law is saying that it must not exceed seven days that a deposit is made. But careful administration will provide that funds are paid into the bank every day.

MISS ANNIE H. BODDEN: Mr. Chairman, with regard to (1) "When the Authority raises loans under paragraph (b) of subsection 4 it may, subject to subsection 6 and to any contractual obligations entered into by it or on its behalf -

(a) create, issue, sell or negotiate debentures and other securities;". Now, Mr. Chairman, those other securities would be on what, Sir? Securities on what?

HON. V.G. JOHNSON: What section is that?

MISS ANNIE H. BODDEN: This is (5) on this next page.

MR.CHAIRMAN: Clause (4) (5).

MISS ANNIE H. BODDEN: (5) "When the Authority raises loans under paragraph (b) of subsection 4 it may, subject to subsection 6 and to any contractual obligations entered into by it or on its behalf -

(a) create, issue, sell or negotiate debentures and other securities;".

Sell what?

HON. V.G. JOHNSON: Well these are, perhaps, debentures or securities which have been held by the Authority. Because the Authority can invest funds as well into securities.

In other words, Mr. Chairman, the law here is providing a very wide area of operation for the Authority. In the same way that Government is capable of dealing with financial issues in a very wide area. And the words there "create, issue, sell or negotiate debentures and other securities" should only be in case the Authority come in possession of debentures and securities or has provision for the issue of these securities and debentures. In other words it is the same as the Government recently introducing a Public Loans Law to issue Treasury Bills and Bonds, it is giving the Authority here the permission under the law to also create, issue and sell debentures and securities. It will have to do a great deal of administrative work in, perhaps, providing special laws or special arrangements to do these issues. But nevertheless the law provides that the Authority can do this and that is important.

MISS ANNIE H. BODDEN: Mr. Chairman, this to me is becoming very, I don't know exactly a word, but this Authority can raise loans and then it can sell, negotiate debentures and other securities; redeem, fund or convert its existing liabilities; and do all necessary things for the the accomplishment of paragraphs (a) and (b). In other words this Authority has carte blanc to do anything they please. I just can't see this. I just can't see why this Authority has to have so much power. I can't see it. I might be dumb but I can't see it.

HON. V.G. JOHNSON: Well there is no use in creating a skeleton Authority, Mr. Chairman. The Authority must have the scope in its financial administration to do the many things which it will be called upon to do from time to time.

MISS ANNIE H. BODDEN: Mr. Chairman, as I see this thing we better had kept Mr. Maley's bay, because it seems to me that we are going overboard to give this Authority so much power so that one of these days we might wake up and find that the whole water front is gone.

HON. V.G. JOHNSON: Perhaps, if you look into the Memorandum of Association of a company, Mr. Chairman, you find the same things there The company is authorised to do these things.

MISS ANNIE H. BODDEN: I know all about that. I know more about Companies than you do Mr. Johnson, because the first company to be formed in the Cayman Islands Annie Bodden typed it, the Cimbaco Company.

HON. V.C. JOHNSON: I'm not saying that you don't.

MISS ANNIE H. BODDEN. I'm not as dumb as you think I am.

HON. V.G. JOHNSON: I'm saying that Cayman Lee, perhaps, have the same provisions so there is no reason why the Authority can't be given the same scope of operation.

(MR. JOHN JEFFERSON LAUGHING).

MISS ANNIE H. BODDEN: You laughing, you'll laugh on the wrong side one of these days.

MR. CHAIRMAN: There are two amendments before the House. One is to clause 4(2) to add a new sub-clause (d) as stated. And secondly, to amend clause 5 by introducing the words 'for the consideration provided for in the Schedule" and continuing with a small 't' "there is hereby vested in the Authority-".

MR. G. HAIG BODDEN: Mr. Chairman, there is one other substantial amendment and that is with regard to the amount of money that can be carried forward from year to year. It is fixed in this Bill at $50,000.00 and some Members challenged this in the debate.

MR. CHAIRMAN: To what section is this?

MR. G. HAIG BODDEN: This is subsection (d) of 4.

HON. V.G. JOHNSON: Mr. Chairman, I've already stated that the Authority will need the financial scope, it would need to be liquid early in the year should in case there are obligations under the various loan Agreements. If the Authority is not able to produce the cash when those payments are due then of necessity it must come to Government to seek financial assistance to do so. We thought that $50,000.00 was a reasonable figure. It doesn't have to be $50,000.00, anything up to $50,000.00. And over and above this amount is paid into the Government revenues. So if it is in the Authority it is still a part of Government.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to see that figure reduced because as I said in my debate we haven't been shown any figures to substantiate this $50,000.00 carry over. We've only been told that they will need that and I think it is much too much and I would suggest that it be reduced to $10,000.00.

HON. V.G. JOHNSON: Mr. Chairman, the schedule of payment to Caribbean Development Bank on the loans require that repayment and interest and principal be made twice annually. The first one is in the early year and the other is in the latter part of the year, the early year I think is in March. It means that the Authority will have to accumulate a good bit of cash between January and March to pay this first payment. And it is not likely that it will gather sufficient funds in just three months to meet these payments because these are large payments. It is the repayment of a capital sum of $2.2million plus the interest, so you can imagine what each payment will be like.

MISS ANNIE H. BODDEN: Could you tell us what each payment would be like please?

HON. V.G. JOHNSON: I haven't got the schedule here, Mr. Chairman. I can't say.

MR. CHAIRMAN: Does the Honourable Member wish to press this with a formal amendment?

MR. G. HAIG BODDEN: Yes, Mr. Chairman.

HON. W.W. CONOLLY: Mr. Chairman, where does the Member get the figure of $10,000 from. He is complaining that the Honourable Financial Secretary didn't give him any reasoning for the $50,000.00 and I mean to discuss his amendment intelligently I would like to hear him say how he derived at a figure of $10,000.00.

MR. JOHN JEFFERSON LAUGHING).

MR. G. HAIG BODDEN: Certainly, Mr. Chairman, if there is no need to produce figures for the larger sum there shouldn't be any need to produce them for the lesser figure. If the Member can't show us why we need $50,000.00 I don't think you need to show why you need $10,000.00. That's only logical.

HON. W.W. CONOLLY: Mr. Chairman, I think the Financial Secretary did say there would be large payments made in the first part of the year and he was satisfied that a sum of $50,000.00 should be inserted.

Now if these financial arrangements that are being made on behalf of the Authority and the expenditure and what not is approved by the Financial Secretary and he is satisfied that it takes $50,000.00 to carry it forth - up to $50,000.00 in order not to be embarrassed, I have to take his word. If someone made a suggestion of a lesser figure without any reasoning why that figure should be I don't know if I could discuss it. That's all I am saying - if the Member would say why this lesser figure - what is the reasoning behind the lesser figure, is it just a matter of amending or he has any knowledge that the payments would be less or that the $10,000.00 would satisfy the repayment or requirements of the Authority. Because we wouldn't want to insert a figure here that might cause any embarrassment on the Authority in meeting their financial commitments.

MISS ANNIE H. BODDEN: Mr. Chairman, I would say that we might as well face facts. This duck will have to be subsidized by the Cayman Islands Government if it is to exist. It is just as cheap to face facts as it is for the time being.

MR. CHAIRMAN: I think I'll take the votes on the three amendments to these clauses. The first one is to add in 4(2) a new subsection (d) "payment with interest to the Government of the consideration provided by section 5", and re-lettering (c) (f) (g) (h) (i) and (j).

QUESTION PUT: AMENDMENT PASSED.

MR. CHAIRMAN: The second amendment proposed is that under clause 6 (3) that the figure of "$50,000.00" be deleted and the figure of:"$10,000.00" be inserted instead.

QUESTION PUT: AMENDMENT PASSED.

MR. CHAIRMAN: The next amendment is to clause 5 to insert the words after the figure 5 "for the consideration provided for in the Schedule there is hereby vested in the Authority -".

QUESTION PUT: AMENDMENT PASSED.

QUESTION PUT: CLAUSES 4 AND 5 AS AMENDED PASSED.

CLERK: CLAUSE 6 FUNCTIONS OF THE AUTHORITY

QUESTION PUT: CLAUSE 6 PASSED.

CLERK: CLAUSE 7 DUTIES OF THE DIRECTOR.

QUESTION PROPOSED:

HON. A.B. BUSH: Mr. Chairman, there is an amendment to section 7, Sir. In the third line after "from the Public Service" insert "and subject to the general supervision of the Authority include the control, recruitment," and so on. This is because it would be taking away the authority of the Authority and giving it to the Director and this authority should be directed to the Director from the Authority and so this amendment is to do just that. For the Authority to delegate authority to the Director to do these things.

MR. CHAIRMAN: Well the amendment proposed to Clause 7 in the third line after the words "Public Service" to insert the words "and subject to the general supervision of the Authority".

QUESTION PUT: CLAUSE 7 AS AMENDED PASSED.

MISS ANNIE M. BODDEN: Mr. Chairman, how long do you propose to go on, Sir ? I am supposed to go to a Church meeting at 5.30.

MR. CHAIRMAN: I was hoping to go on until 5.30.

CLERK: CLAUSE 8. PORT OFFICERS.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. CONSTABLES AS OFFICERS.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. LABOURERS.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. MASTER TO COMPLY WITH THIS LAW AND THE DIRECTIONS OF THE DIRECTOR AND TO PAY DUES.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. LIEN ON VESSELS IN RESPECT OF DUES.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. REGULATIONS.

HON. A.B. BUSH: Mr. Chairman, there is an amendment to 13. "The Governor in Council may make regulations prescribing –

(a) ports" and we delete "areas and the vesting thereof in the Authority;".

A full stop at "ports.".

MR. JOHN D. JEFFERSON: Delete "areas"

HON. A.B.BUSH: "The Governor in Council may make regulations prescribing -
(a) ports;"

MR. JOHN D. SHEFFERSON: So you strike out everything after "ports;".

HON. A.B. BUSH: After "ports;" in (a).

MR. G. HAIG BODDEN: Mr. Chairman, I would like to ask what is the reason for this change?

HON. G.W. WADDINGTON: The reason for the change, Mr. Chairman, is that "port" is defined in the definition section as including every part of the Islands prescribed as such, so that "ports" have to be prescribed by regulations.

What is there now namely, port areas and the vesting thereof in the Authority is incorrect because port areas are defined in the law as being the areas vested in the Authority by section 5. So section 5 takes care of port areas and that cannot be prescribed. The only thing that can be prescribed is ports.

MR. G. HAIG BODDEN: Yes. Mr. Chairman, I want to thank the Member for that explanation because what I wanted was to be certain that we have provision for say the use of Spotts when we have Northwesterns because they are still coming.

HON. G.W. WADDINGTON: That can be prescribed as a port.

Mr. G.HAIG BODDEN: Mr. Chairman, (b) I can't go along with the Governor in Council making regulations for the tariffs, unless that is subject to affirmative approval. This argument we've been through many times and I feel that the tariffs should not come into law until they have been approved by the whole Assembly.

HON. BENSON O. EBANKS: Who they are going to have to hide behind if we change this.

QUESTION PUT: AMENDMENT PASSED.

QUESTION PUT: AGREED. CLAUSE 13 PASSED AS AMENDMENT.

CLERK: CLAUSE 14. PENAL.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. AUTHORITY NOT A SALVOR.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16. DIRECTOR'S POWER OF ARREST OF VESSELS.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17. DIRECTOR'S POWER OF ARREST OF GOODS.

QUESTION PUT: AGREED. CLAUSE 17 PASSED.

CLERK: CLAUSE 18. THIS LAW TO PREVAIL OVER LAW 14 OF 1971.

QUESTION PUT: AGREED. CLAUSE 18 PASSED.

CLERK: CLAUSE 19. POWER TO DETERMINE CONDITIONS, AND RATES OF CARRIAGE OR STORAGE.

QUESTION PUT: AGREED. CLAUSE 19 PASSED.

CLERK: CLAUSE 20. DIRECTOR MAY RETAIN GOODS UNTIL FREIGHT ETC. IS PAID.

QUESTION PUT:

MR. G. MILO BODDEN: Mr. Chairman, during the debate I raised the question of who would accept responsibility for perishable cargoes which deteriorated while being held under this section. One Member from Executive Council suggested that it was covered under 19, But certainly it isn't.

HON. V.G.JOHNSON: It has never been the practice, Mr. Chairman.

HON. BENSON O. EBANKS: I think I was the Member who made that suggestion, Mr. Chairman, and I stick by that. Because the Authority has the power to determine the conditions upon which goods shall be stored in port areas. Which means of course under their control and naturally if they do not have facilities to take care of frozen or perishable goods they would not take them except at the risk of the consignee.

HON. G.E. WALDINGTON: In any event, Mr. Chairman, clause 15 covers that because there is no liability under clause 15, except for wilful neglect.

HON. V.G. JOHNSON: What I was going to say, Mr. Chairman, is that the Customs Department has never yet held perishable goods because of the fact that there is nowhere to keep under storage these perishables. I think it has always been the practice to arrange with the consignee for these perishables to be delivered on arrival in the island, and I am certain that this will continue to be so in the operations in the new port. I can't see that this will create any difficulty at all.

QUESTION PUT: AGREED. CLAUSE 20 PASSED.

CLERK: CLAUSE 21. CONSIGNOR OR CONSIGNEE LIABLE FOR PAYMENT OF CARRIAGE AND STORAGE.

QUESTION PUT: AGREED. CLAUSE 21 PASSED.

CLERK: CLAUSE 22. NOTY TO DELIVER DESCRIPTION OF GOODS.

QUESTION PUT: AGREED. CLAUSE 22 PASSED.

CLERK: CLAUSE 23. OFFICER'S POWER TO LEVY CHARGES, ETC.

QUESTION PUT: AGREED. CLAUSE 23 PASSED.

CLERK: CLAUSE 24. EFFECT OF NON-REMOVAL OF GOODS.

QUESTION PROPOSED:

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, the period of fifteen days - I would recommend, Sir, to substitute seven days because there could be quite a back-up of cargo, in Jamaica, for instance, they had to enforce this seven day law because they had no storage facilities,

CAPT. CHARLES McDONNELL: (CONTINUING) ... in order to get people to clear their goods. They were just using government's warehouse as a warehouse. And I would like to suggest here, Sir, that seven days would be reasonable.

HON. A.B. ROSE: That's a little short, Mr. Chairman. I would prefer leaving it as it is at the fifteen days. I see the point the Member is making but it might create some hardships somehow or the other on us here in the Island. And I think fifteen days is reasonable.

MR. CRADDOCK BROOKS: Mr. Chairman, I think one thing ought to be taken into consideration and that is that goods that are not dutiable should not be stored in the warehouse indefinitely, like I have seen it there many a times. The consignee to these should make every effort to have them taken out at the very earliest within 24 or 36 hours rather than using up the space in the warehouse, as I said, like I have seen many a times.

CAPT. CHARLES McDONNELL: Mr. Chairman, I feel that time will prove me right and it won't be too far in the distant future when we'll have to amend this section.

HON. V.G. JOHNSON: I can see this happening especially at Christmas time, Mr. Chairman.

MR. G. HAIG BROWN: Mr. Chairman, for once I'll agree with the Member for Communications and Works. Because most of the importers are reasonable people and if they are called and said "Well look we need the space will you help us", I am sure they will clear the goods. I don't think the Christmas goods would stay there, you know they are always anxious to sell them.

There is one other suggestion that I have for this section , that the notice for the sale by public auction should also be published in the newspaper. Because if that is just put in the Gazette how many in the public would really know about the sale by public auction and how many would turn up at the auction. The sale is not only to get rid of the goods but it should also raise some revenue.

MISS ANNIE B. BODDEN: Mr. Chairman, with regard to this 15 days. In the warehouse now, I went there a couple of weeks ago.there is stuff piled up there that nobody knew even who it belonged to; it had been there for over a year, a lot of corned beef and fixtures for bathrooms etc., which had been stored there for years they said and nobody even claimed them, I said they should be sold. So the people do use our warehouse for their warehouse I can assure you of that.

HON. V.G. JOHNSON: Except there is a procedure under the Customs Law, Mr. Chairman, for dealing with goods remaining in the warehouse over a certain period of time. This is administrative and the Collector of Customs take action to auction these goods if they are not claimed and if they are not removed. I think he usually gives a period of six months and if goods are not removed within that time then he places them on public auction.

MISS ANNIE B. BODDEN: I was told, Sir, some of these have been there one year and a half.

MR. CHAIRMAN: What has been suggested that the notice of sale under clause 24(1) should also be published in the news paper as well as the Gazette. Is the Honourable Member proposing that as a formal motion?

MR. M. SAM MORRIS: Yes, Mr. Chairman. The Member from West Bay here suggested that the radio might also be found means of getting the notice published.

HON. W.W.CONOLLY: The radio might not be working, the newspaper.

HON. V.G. JOHNSON: Or there might only be one broadcast and people might not hear it. The newspaper is the best medium for this, Mr. Chairman.

HON. A.B. BUSH: How many publications in the newspaper, Sir? I wonder is it just once or would it be .....

HON. V.G. JOHNSON: Once.

HON. G.C. WADDINGTON: Once.

MR. CHAIRMAN: I am not sure whether the proposal is to replace "in the Gazette" by "in the newspaper" or to leave it "in the Gazette and the newspaper".

CAPT. CHARLES KIRKCONNELL: In addition to.

HON. G.C. WADDINGTON: May I suggest the addition of the words after Gazette "and in a local newspaper".

MR. CHAIRMAN: Well that seems to meet the general approval of the house.

QUESTION PUT: AGREED. CLAUSE 24 AS AMENDED PASSED.

CLERK: CLAUSE 25. APPLICATION OF THE PROCEEDS OF SALE.

QUESTION PUT: AGREED. CLAUSE 25 PASSED.

CLERK: CLAUSE 26. DUTY OF MASTERS TO SUPPLY INFORMATION.

QUESTION PROPOSED:

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, I would like here, sir, to amend this by adding "cargo manifests" which has been omitted here. It says in -

"(a) the ship's register and the ship's papers;
(b) a list of passengers,
(c) a list of births and deaths,
(d) a list of stowaways,
(e) such other information as the Director may reasonably require."

But if we are specific in stating a list of passengers I think the law should be specific in saying "cargo manifest", because this is where the dock will be getting its main source of revenue. And I would like to see "cargo manifest" added to this list, Sir.

HON. D.H. FOSTER: Ship's papers is in the definition.

MR. G. HALL EDWARDS: Mr. Chairman, I have checked on this and the ship's papers doesn't seem to specifically mention the ship's manifest. I would think that not only the cargo manifest but the Bills of Lading should also be specified.

HON. EARSON O. EBANKS: I think that would be covered under the Regulations with the definition of ship's papers.

MR. G. ERIC DOUGLAS: But, Mr. Chairman, ship's papers are already defined here, maybe we could just add that to the definition of ship's papers instead of including documentation we would just say include cargo manifests, Bills of Lading and other documentation and records. Because the cargo manifests and the Bills of Lading as far as Customs is concerned would be the most important documents to come off the ship. All the other papers would more or less just be incidental.

HON. V.C.JOHNSON: I confirm that, Mr. Chairman, that the ship Cargo manifests and Bills of Lading are important documents and the Customs rely especially on the cargo manifests a great deal in dealing with the importation of goods into the island.

HON. A.H. HYDE: But wouldn't this be covered by Regulations, Mr. Chairman? Here we have ship's papers include the documentation and process required by this law or any regulation to be produced for inspection by any person.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, you can cover anything Sir, with Regulations. This is correct and I agree with that but if we are going to find it out including a list of passengers, a list of births and deaths, a list of stowaways I can see no reason for any objection to a very important document the cargo manifest. This is the paper which a Port Authority is going to derive most of its revenue from. I can't see any objection to it being included.

MISS ANNIE V. BOTTOM: Mr. Chairman, if I maybe permitted to say, Sir, that is what the cargo is checked from. The checker on board the ship has a copy of the ship's manifest and he keeps checking from that point the Bill of Lading. It is very important that that be included.

HON. PERSON O. EBANKS: Mr. Chairman, I take the point made by the Honourable Member from the Bloc, but I think that the Member piloting the Bill also has a point. Because this says Masters of arriving ships. I think under the Regulations in certain instances the cargo manifest is required to be produced even before the arrival of the ship by the Agent. For example, in the case of a ship coming from Europe the Authority requires to have the manifest in order to know what is to be landed in advance of the arrival of the ship.

CAPT. CHARLES KIRKCONNELL: I think, Mr. Chairman, this is done not that it has to be done by law, but I think it is done to facilitate the unloading. For instance you also have a cargo plan to assist the Port Authority in knowing just where cargo is stored for say the port of George Town, the port of Belize, the port of Kingston, Jamaica, where a ship is carrying cargo for more than one port.

The cargo manifest together with a storage plan it is normal practice for ships coming from Europe where they have sufficient time they mail these documents out. Not that it is the requirement by law that they have to, but this is done to facilitate the agent and also the Port Authority in whichever port they go to.

HON. EARSON O. EBANKS: As I understand it it will be made a requirement under the Regulations to this law which will have the force of law.

HON. A.B. BUSH: Mr. Chairman, I wonder what really would the Member who spoke classify ship's papers as? Would anyone expect any ship to come in with a load of cargo without a manifest first? This is a foregone conclusion.

HON. V.G. JOHNSON: They have done it before.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, I quite agree with him, Sir. But all we needed then to say was the ship's register and the ship's papers. Why then list (b) (c) (d) and (e)? I cannot agree with you. If you're going to exclude cargo manifest exclude all the others. I have been a Master for twenty something years and I certainly know what papers a ship has to carry.

HON. A.B. BUSH: You may not have any passengers, Sir, and you may not have any deaths or births on board the ship. This is unusual so if anything like this happens you would expect that this would be reported. And stowaways - these are specific things - usually not on board ships but which may happen on a ship.

HON. BRENSON O. EBANKS: Mr. Chairman, I see the Member from Cayman Brac's point and certainly in local trade you would expect to get these on arrival. The only thing I am saying is if you put it in here it might preclude you demanding it in other instances prior to the arrival of the ship. I don't know if I am making myself clear. If it is placed in the Regulations it could be said that ships travelling from Europe or Canada or New York would send it by mail, whereas ships coming out of Miami would present it on arrival. But as I see it if we put it that Masters of arriving ships , it would mean that a company that did not necessarily want to comply with the Port Authority or co-operate with the Port Authority could in fact hold these documents until the arrival of the ship. That is the only point I would see against putting it in here. Otherwise I see the point entirely.

MISS ANNIE H. BODDEN: Mr. Chairman, I've been a ship Broker from the time I was 10 years old or so and a manifest is a necessity. And it should be listed here. Hmmmm: ..... (HON. BRENSON O. EBANKS TALKING). Make the Members on the other side talk.

MR. G. HAIG BODDEN: Mr. Chairman, this matter is far too important to be left to Regulations. It should be spelt out in the Law. Don't forget that the production of proper Bills of Lading and proper cargo manifest would facilitate the Customs in the collection of the tonnage tax and proper measurements. If they have brought no other papers at all they should bring cargo manifests and Bills of Lading. And don't forget that any insurance claims and any litigation or anything concerning this cargo would require the original Bills of Lading and other copies. This is far too important to us to pussy-foot around with here this evening. We must put this in the Law.

MR. CLAUDE HILL: Mr. Chairman, I am wondering if under section 20 (e) that doesn't clear that, Sir. (e) reads "such other information as the Director may reasonably require.".

MR. JOHN D. JEFFERSON: Mr. Chairman, I agree with the Member from the Brac however if you didn't go into the specifics to list a list of passengers and what have you, then I could understand. But when we go into listing these then I wholeheartedly agree that they ought to be listed along with these also.

HON. W.W. CONOLLY: Mr. Chairman, if I could say something on this. I think the list of passengers - because going on to say the list of births and deaths, list of stowaways - a list of passengers would be very important because if you had a death aboard or you had a birth aboard in order for the authorities here to check against who you left with and your increase or decrease so the way this is most important.

I see the point that a ship's manifest or a cargo manifest is a very important document. Yet as it stands here I think it is covered. The (c) says the ship's register and the ship's papers. Now a cargo manifest, if it's a cargo ship, is, in anybody's language, the ship's papers. And I agree that this is an important document and I agree it should come on the ship, but I also agree that there is a point that was raised by the Member from West Bay in saying and I think this was concurred also by the Member from Cayman Brac, that it is proper and it is a matter of co-operation when you are getting ships coming from long distances prior to the arrival of the ship that a cargo plan and the manifest precedes the ship, which gives the Authority to know how many men are needed to do this cargo and where the cargo is and all this. If you put that in here as a manifest and a cargo plan it would mean that this could be held until the ship arrives. Because this is stating here that Masters on arriving ships. This is not saying that it could be posted or anything else.

So as I see it this is well covered as far as the manifest is concerned. It is covered in this, it takes care of the situation, if you don't say anything more than this covers manifest - because a cargo ship the most important paper is the manifest once it is a cargo ship. I've sailed cargo ships myself. If you leave it to (e) such other information as the Director may reasonably require, this is according that he requires on the spot and as has been said before the definition of ship's papers in section 2 says that includes the documentation and records required by this law or any regulation to be produced for inspection by any person. So if it is a regulation under this that the Master coming in here has to produce a manifest then it has the force of law. So I don't think today that there can be any mistake about it. And as far as I am concerned writing it in is making it specific but it is covered as it is worded now in the law.

MR. CRADDOCK BANKS: Mr. Chairman, I think all Members have made it abundantly clear that a,b,c,d,e, are very important. They have further made it clear that the ship's manifest and Bill of Lading are very important, then what is wrong with having the manifest and the Bill of Lading put into this, or then strike out a,b,c,d, and e and leave only "Masters of arriving ships shall produce to the Director". It is just one or the other. They are all important and you have all of these added why don't you add one more.

MISS ANNIE H. DOUGLAS: Mr. Chairman, if you even clear a ship for the high seas you have to have a manifest. I've cleared thousands of ships and I've read books on clearing of ships. A manifest is the most important thing besides the Bill of Health.

MR. C. HAIG BODDEN: Mr. Chairman, even if there is no cargo aboard you must have a manifest to show that there is no cargo. And I can't see how we can be so petty when we go into details like showing the sex and occupation of a passenger. For example, there isn't much chance that the sex is going to change during the trip. I mean we're being petty.

The other side of the argument is this. That if we put here that they must produce a manifest and Bills of Lading this would not preclude the ship's agents from mailing us copies from

MR. G. HAIG BODDEN: (CONTINUING): Europe or from Africa, it wouldn't preclude that but it would guarantee that these most important documents would be produced here. The ship couldn't be unloaded, I couldn't see how we could accept the cargo if the Director of the Port or the Collector of Customs didn't have a detailed description and that is what your Bills of Lading give, and that is what your cargo manifest would give.

So if we want to be petty and say because the Member from Cayman was mentioned this we won't put it in, well we can do that but we're behaving like children.

HON. A.B. GUSH: Mr. Chairman, my contention is that the ship's papers takes care of the manifest. What is ship's papers if it does not include the manifest?

HON. BENSON O. EBANKS: Mr. Chairman, it is not a case of being petty, Sir. All I want to be assured of is that if it is put in here which says to be presented by arriving Masters that it will not preclude regulations being made to say that it must be presented earlier in certain cases. And I believe that we would tie our hands to do that. And unless I could be assured of this by the Second Official Member this is my argument. If I can be assured that this would not tie the hands of the regulations making body to get these papers earlier in certain cases well then I would have no objection to writing it in here, because I realise it is an important document. All I am worrying about is that in our zealousness to cover this point in the case of ships on short journeys, we do not preclude the Port Authority from the advantage of receiving it earlier when ships are coming from farther distances.

MISS ANNIE E. BODDEN: Mr. Chairman, just because a simple matter like that, because anybody that knows anything about shipping and the regulations and the papers required know that a manifest is one of the most important documents (HON. BENSON O. EBANKS: We accept this.) You shut up will you.

MR. CHAIRMAN: Please, Miss Bodden, direct remarks to the Chair.

MISS ANNIE E. BODDEN: I apologise to you, Sir, but not to the Member. Because he continually tries to get me upset.

I am saying this that the most important document on a ship is the manifest. Because if we clear a ship going to sea, even to the high seas, the manifest no cargo, stores as listed below. I cleared ships from before I was 18 years old.

A petty thing just because it happens to come from this side that's all there is to it. These sublime, wonderful people they can do nothing but to correct things. I say that manifest should be included on this and I stand by it although I am against the law period.

MR. CHAIRMAN: I think we should get the Second Official Member's comment on the previous contributions.

HON. G.R. WADDINGTON: I think that there is a point made, Mr. Chairman, that if the manifest and the Bill of Lading and what have you spelled out in the definition of ship's papers then the Master on arriving ships could claim that he is entitled to produce it on arrival and not before. And I think that there might be some slight conflict there if the intention is to enable regulations to be made for the previous forwarding of these papers. There may be some conflict there, I am not saying certainly that it is, there could be a conflict there in that the Master could say that well we're not bound to provide

HON. G.E. WADDINGTON (CONTINUING): these papers until we actually arrive. There is that risk involved. Whether it is a very serious one or not, it maybe. What it would be to the interest of shipping agents to send the papers on anyhow without being compelled to do so. I think it would be in their own interest to do it. But I think everybody has agreed that the cargo manifest and the Bill of Lading is a very important part of the ship's papers.

MR. G. CRAIG BODDEN: Mr. Chairman, I am speaking subject to correction but I am sure if we look to the Customs Law we'll probably find that a Master must produce these documents. I believe that they're spelled out in that.

MR. JOHN D. JEFFERSON: Mr. Chairman, I'd like to see it written in law. Since we've gone to specifics and written the rest of it in I'd like to see it written into this section 26.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, I have seen it happen over and repeatedly over a number of years due to a mail strike or some other strike or the other that they have had for instance in the United Kingdom the ship's manifest arriving after the ship has been in port. Therefore, if the ship had to mail its papers and the papers had to be in the port say of Kingston prior to the ship's arrival before she could unload this would be penalising the ship unreasonably. They mail copies to the Agents and to the Port Authority or the Dock Masters, then the ship's Master he brings his copy which he must present also in addition to what has been given out by the ship's Agents.

MR. JOHN D. JEFFERSON: I think it is time we put this to a vote, Mr. Chairman. I think we know exactly the pros and cons of both sides - at least I am willing to vote on the issue as it is.

HON. V.G. JOHNSON: Mr. Chairman, I wonder where under the regulations ship's papers would be prescribed.

MISS ANNIE M. DONDEN: Mr. Chairman, I'll have to ask to be excused I have to go to a meeting and I might be a little late tomorrow morning, Sir, I have to attend court. Thank you, Sir.

HON. BENSON O. EBANKS: Mr. Chairman, I think if we said a copy my fear would be removed again subject to the Second Official Member. But I would think if we said a copy it would not preclude regulations being made for a copy to be sent in advance as well. I think that would meet both sides of the House, Sir, since there seems to be a feeling that it is only an attempt to be trivial about it.

HON. V.G. JOHNSON: I don't know, Mr. Chairman, about the forwarding of copies. I know it must be a requirement when the ship enters port that they produce a ship's manifest, a cargo manifest rather. I know that there has been relaxation in the rule here over the years. In other countries a ship cannot enter port without producing a ship's manifest, whether it is a requirement under the law or not I know they can't do it. It's an important document which it must produce.

HON. BENSON O. EBANKS: But I think if you put copy it would be alright.

MR. G. CRAIG BODDEN: I think the Member is very correct in that, Mr. Chairman. In fact even if he was not correct common sense would dictate that if a cargo ship is coming here it should be mandatory for the Master to produce a manifest and Bills of Lading spelling in detail every item that is on the ship and the task of the revenue officers would be so much easier, when they know exactly what to expect from each consignee.

HON. V.G. JOHNSON: I would also say, Mr. Chairman, that a lot of thought has gone into this law and it is intended here whether it is spelt out or not that things like cargo manifest and Bills of Lading should be produced on arrival of the ship in port.

HON. A.B. BUSH: But I would like to know what does the ship's papers contain, if they don't contain papers like that.

HON. BENSON O. EBANKS: Mr. Chairman, I think again if the Second Official Member, we could hear him on my suggestion of saying a copy which I am submitting would not preclude the copy from being sent in advance. Because I agree with the Members that when a ship arrives she too will have to have a copy, you're breaking international law to sail the seas without a manifest. I am in agreement with this, all I am saying is that I wouldn't like to see the smooth operation of the port interrupted in any way by anything we might put in here, but I think if we put a copy we would not be tying anybody's hands to make a regulation to require that a copy be sent earlier in some instances. That would be my view.

HON. G.E. WADDINGTON: That would have to be done by regulations.

MR. G. CRAIG DOODEN: Mr. Chairman, a copy could not do. If the ship is going to bring any papers at all they must bring the original papers. I don't think any court of law would accept copies, they would have to be the original Bills of Lading and the original manifest.

HON. BENSON O. EBANKS: Now, Mr. Chairman, we are really getting ridiculous. Because a ship is not in possession of the original Bill of Lading that belongs to the consignee of the goods. And in the case of goods coming for example, through a bank the original Bill of Lading will come to the bank not by the ship. If the goods are prepaid under a letter of credit the original Bill of Lading will accompany those documents, so it would only be a copy.

MR. G. CRAIG DOODEN: Mr. Chairman, he may be correct in that. I wonder if he would expound on the original manifest as well.

HON. BENSON O. EBANKS: I would suggest that a copy of that is sufficient because under the regulations you would in turn have to submit what is called a corrected manifest or a report in the event that you have left goods behind. So that is the operative document and not the manifest as such other than for the requirements I stated earlier. But the final document is your report or a corrected manifest.

HON. W.W. CONOLLY: Mr. Chairman, I wonder if I could ask the Honourable Member for Cayman Brac as he is an experienced Master, what he would consider as this law now stands. The ship's register and the ship's papers what would they include - as a former Master Mariner coming into the port what would he expect to have produced to the Customs.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, the ship's papers could include such things as the ship's articles, Decca certificate, they would also include a declaration of health, a load line certificate, classification certificate, all of this is what a ship's Master would have to produce. You haven't left anything out. But they have been specific in saying that a passenger list, this is my point Sir, if we're going to deal with specifics we must follow through. A list of passengers

CAPT. CHARLES KIRKCONNELL:(CONTINUING) has been stated here as a must, a list of births and deaths is a must, a list of stowaways is a must and I am only saying,Sir, that a cargo manifest should not be excluded if these other papers here are included. As I said the other ship's papers could mean a number of papers. So I hope I have cleared this point.

HON. W.W. CROSBY: The ship's papers also include the manifest and the Bills of Lading. Could that also include them?

CAPT. CHARLES KIRKCONNELL: They could be. Yes, I agree with this. This is what I am saying but why have you - we could have done without (b) (c) and (d) and (e) by just saying the ship's register and the ship's papers. That would have included everything, but if we've gone to specifics and listed the others I don't see any reason why cargo manifests should not be included.

HON. V.G. JOHNSON: Mr. Chairman, could I offer an amendment. I think it should take care of the problem. What I would suggest, Sir, is that (a) be just the ship's register and that (b) be the ship's papers including the cargo manifest, and then you renumber what is now (b) and (c) (d). (a) the ship's register, (b) the ship's papers including the cargo manifest and then renumber (b) (c) (d) and (e).

MR. G. HAIG BODDEN: That's a very good suggestion, Mr. Chairman.

MR. CHAIRMAN: If that meets the approval of the House I'll put the question without further delay. That is that clause 26 be amended by deleting the words "and the ship's papers" after "register" in 26(a). Substituting a new 26(b) "the ship's papers including the cargo manifest;" and relettering (b) (c) (d) and (e) as (c) (d) (e) and (f).'

MR. CRAWFORD EBANKS: Mr. Chairman, did I get the Chief Official Number right. Did he include Bills of Lading as well?

HON. V.G. JOHNSON: No, because all we can get from the Master is a copy of the Bill of Lading.

MR. G. HAIG BODDEN: I think at the present time, Mr. Chairman, the Customs Officers are insisting on Bills of Lading as well as a manifest.

HON. V.G. JOHNSON: That would come into the ship's papers, Mr. Chairman. I think a cargo manifest should be the only specific item mentioned there.

CAPT. CHARLES KIRKCONNELL: Mr. Chairman, I think that would cover it, Sir. The cargo manifest is the most important document, the Bills of Lading as has been stated before most of the originals, if it is coming through a bank go to the bank and you only have copies of them.

HON. A.B. BUSH: Mr. Chairman, let me get the amendment straight, Sir.

MR. CHAIRMAN: The amendment is in 26 (a) to delete the words "and the ship's papers" and a ";" after "register" . A new (b) "the ship's papers including the cargo manifest;". And re-lettering (b) (c) (d) and (e) as (c) (d) (e) and (f).

QUESTION PUT: AMENDMENT PASSED.

QUESTION PUT: AGREED. CLAUSE 26 AS AMENDED PASSED.

CLERK: CLAUSE 27. LIMITATION.

QUESTION PUT; AGREED. CLAUSE 27 PASSED.

CLERK: CLAUSE 28. OFFICERS MAY REPRESENT THE AUTHORITY IN THE SUMMARY COURT.

QUESTION PUT: AGREED. CLAUSE 28 PASSED.

CLERK: CLAUSE 29 PRESUMPTION OF VENUE.

QUESTION PROPOSED:

HON. G.D. HADDINGTON: May I just suggest that "Port Area" be spelt with common "p" and "a";

MR. CHAIRMAN: Is there any objection to that small "p" and small "a".

QUESTION PUT: AGREED. CLAUSE 29 AS AMENDED PASSED.

CLERK: CLAUSE 30. DETAILS.

QUESTION PROPOSED:

MR. CRADDOCK BANKS: Mr. Chairman, why (e) The North Sound Pier and Shelter Low being discarded? Why can't it continue to be used for the purpose that it has been used for over the many years?

HON. V.C. JOHNSON: It will continue to be used, Mr. Chairman, but under the control of the Port Authority.

QUESTION PUT: CLAUSE 30 PASSED.

CLERK: CLAUSE 31. SAVING.

QUESTION PUT: AGREED. CLAUSE 31 PASSED.

CLERK: THE SCHEDULE.

HON. A.B. ROSE: Mr. Chairman, the Schedule is to be deleted, this Schedule we have in the law, and we have two Schedules Part I and II which I would like to introduce. After section 5 as in the Schedule.

MR. JOHN B. MCLEAN: Mr. Chairman, it's after 6 o'clock and .....

HON. V.C. JOHNSON: We can finish this, Mr. Chairman.

HON. W.W. CONOLLY: We got to finish this, anybody that wants to pull out can pull out.

MR. CHAIRMAN: When the Member's duties officially complicated amendments .....

HON. A.B. ROSE: Not so very much, Sir. Not such a complicated one. If you would like I would read it out.

HON. BENSON O. EBANKS: Not as complicated as the manifest.

HON. A. A. BUSH: No, I don't think so, it shouldn't be.

HON. V.G. JOHNSON: It shouldn't take half an hour.

HON. A. A. BUSH: "The consideration to which reference is made in section 5 shall consist of two sums made up as follows –

(a) the total cost to the Government of the works carried out in the Port of George Town from the 29th day of May, 1975 until such amount is crystallized and ascertained upon the completion of the said works on or before the 31st day of May, 1977;

(b) the present evaluation of the plant, equipment and tools as set forth in the inventory thereof.

The above amounts (a) and (b) shall be calculated by the Financial Secretary and approved by the Government Auditor and by the Authority.",

And the other Schedule which sets out the Port. It is one Schedule, Sir, but it has Part I and II.

"PART II

All that parcel of land situated in the George Town Commercial Registration Section and being Block & Parcel No. 12E 143 having an area of approximately 3.3 Acres as shown on Boundary Plan No. 17 which may be inspected at the office of the Registrar of Lands, George Town, Grand Cayman together with all buildings and marine works and wharfs thereon situate.

Mr. Chairman, could we take this in the morning when the Clerk has copies of it.

MR. CHAIRMAN: I think this would be fairer to the Members because they look fairly complicated. I think at this time it is probably asking a little too much of Members.

MR. G. HAIG BODDEN: Of course, Mr. Chairman, I would have no objection to that, I don't know about the other Members here. If you want to finish it like that it is o.k. with me. I only intend to raise objections when I have valid grounds, not just a matter of being petty.

HON. V.G.JOHNSON: Well that's a change of heart.

MR. CHAIRMAN: We might take the Adjournment at this stage. I'll suspend proceedings in committee on examination of this Bill and the Assembly will resume .

Proceedings are resumed.

ADJOURNMENT

MOVED BY: HON. T.H. FOSTER

SECONDED BY: HON. G.H. WASHINGTON.

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 6.15 P.M. UNTIL TUESDAY MORNING THE 7TH SEPTEMBER, 1976 at 10 A.M.

MINUTES

FOURTH DAY

TUESDAY 7 th SEPTEMBER, 1976, 10 a.m.

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.
HON. G.K. WADDINGTON, C.B.E.,Q.C.	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL.
HON. V.G. JOHNSON, O.B.E.	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY.
HON. A.A. BUSH, J.P.	FIRST ELECTED MEMBER AND MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	SECOND ELECTED MEMBER AND MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION.
HON. BENSON J. EBANKS, JNR.	THIRD ELECTED MEMBER AND MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES, LABOUR.
HON. W.N. CONOLLY, O.B.E., J.P.	FOURTH ELECTED MEMBER AND MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, AGRIC.

OTHER ELECTED MEMBERS

MR. T.W. FARRINGTON, C.B.E., J.P.	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY.
MR. JOHN D. JEFFERSON	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY.
MISS ANNIE H. BODDEN, O.B.E.	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN.
MR. CLAUDE M. HILL	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN.
CAPT. CHARLES L. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.
MR. JAMES M. BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN.
MR. G. CRAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN.
MR. CRAWFORD EBANKS	FIFTH ELECTORAL DISTRICT OF NORTH SIDE.

ORDERS OF THE DAY

TUESDAY, 7TH SEPTEMBER, 1976

10 A.M.

1. PRIVATE MEMBERS' QUESTIONS:

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FOURTH ELECTED MEMBER, RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

(i) Who is the Director of Cayman Turtle Farms that will represent Government's interest?

(ii) How many people are employed at Mariculture and how many local and how many from abroad?

2. MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN, TO ASK THE HONOURABLE FOURTH ELECTED MEMBER, RESPONSIBLE FOR LANDS TOURISM, AGRICULTURE, ETC.

(i) Is the Department of Tourism advertising in newspapers and billboards as well as magazines, and if so in what areas?

(ii) Has the Agricultural Department proceeded to plant any crops on the experimental farm area at Lower Valley and if so what crops and what amounts?

3. MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN, TO ASK THE HONOURABLE FOURTH ELECTED MEMBER, RESPONSIBLE FOR LANDS, TOURISM, ETC.

(i) What is the reason (if any) why the Department of Tourism does not advertise in the Northwestern Magazine, when this publication is distributed almost world wide?

(ii) Will the Department of Tourism in future make this magazine one of the publications in which the Cayman Islands is advertised?

(iii) What is the reason why in some of the advertisements for the Department of Tourism only the 'Tortuga Club' and 'Southern Airlines' are named?

(iv) Why are not all the hotels named, and most important why is Cayman Airways not named, when the CAL is our own airline, and the Government is voting funds to the Department of Tourism for advertisement, and CAL and not SOUTHERN should be our main concern?

(v) What use (if any) is being made of the house trailer imported allegedly for agricultural purposes and located at West Bay?

(vi) Do any person or persons reside in the trailer?

(vii) Is Government satisfied that since the trailer was supposed to be imported for agricultural purposes that it should stand idle, if so use is now being made of it?

4. GOVERNMENT BUSINESS:

BILLS:-

(i) THE FRIENDLY SOCIETIES (AMENDMENT) LAW - COMMITTEE THEREON TO CONSIDER NEW SCHEDULE AND THIRD READING.

(ii) THE LAND HOLDINGS COMPANIES SHARE TRANSFER TAX LAW - THIRD READING

(iii) THE PORT AUTHORITY LAW - THIRD READING

(iv) THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW - INTRODUCTION AND SECOND READING

(v) THE JUDICATURE (AMENDMENT LAW, 1976 - INTRODUCTION AND SECOND READING

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
THE FRIENDLY SOCIETIES (AMENDMENT) LAW, REPORT THEREON AND THIRD READING	18
THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW, REPORT THEREON	18
THIRD READING	19
THE PORT AUTHORITY LAW, COMMITTEE THEREON	19
REPORT THEREON	19
THIRD READING	20
THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW, FIRST AND SECOND READINGS	20
THE JUDICATURE (AMENDMENT) LAW, 1976, FIRST AND SECOND READINGS	37
ADJOURNMENT	41

TUESDAY, 7TH SEPTEMBER, 1976

10:00 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Before we begin questions I'd like to remark that there are one or two errors under the Government Business on the Order of the Day, and the Clerk will be circulating a revised version during question time. Proceed next to Private Members' questions.

QUESTIONS

MR. G. HAIG BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

WHO IS THE DIRECTOR OF CAYMAN TURTLE FARM THAT WILL REPRESENT GOVERNMENT'S INTEREST?

ANSWER.

THE CAYMAN ISLANDS GOVERNMENT REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE CAYMAN TURTLE FARM LIMITED IS THE FINANCIAL SECRETARY, THE HONOURABLE V.G. JOHNSON, ORF.

MR. PRESIDENT: No supplementaries, we'll go on to the next question.

HOW MANY PEOPLE ARE EMPLOYED AT MARICULTURE AND HOW MANY LOCAL AND HOW MANY FROM ABROAD?

ANSWER

THERE ARE EIGHTY-THREE PERSONS CURRENTLY EMPLOYED AT CAYMAN TURTLE FARMS LIMITED OF WHICH SEVENTY-TWO ARE CAYMANIANS AND ELEVEN FROM ABROAD.

MR. PRESIDENT: If there are no supplementaries, we'll proceed to the next question.

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

IS THE DEPARTMENT OF TOURISM ADVERTISING IN NEWSPAPERS AND BILLBOARDS AS WELL AS MAGAZINES, AND IF SO IN WHAT AREAS?

ANSWER:

THE DEPARTMENT OF TOURISM ONLY ADVERTISES IN THE NEW YORK TIMES, THE MIAMI HERALD AND THE MIAMI NEWS AND ONLY WHEN THESE NEWSPAPERS PUBLISH SPECIAL TRAVEL SECTIONS ON THE CARIBBEAN AND THE CAYMAN ISLANDS. THE DEPARTMENT OF TOURISM HAS NEVER MADE USE OF BILLBOARD ADVERTISING.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary. Who decided against the billboard type of advertising?

HON. W.W. CONOLLY: The decision against billboard advertising was not a matter of who did it, but it was a matter of finances. I took the final responsibility not to do it because of the cost.

MR. JAMES M. BODDEN: Would the cost have been any more than advertising in the newspapers?

HON. W.W. CONOLLY: I couldn't say that it would be, but the fact remain that billboard advertising is too wide a shot, it's like shooting in the dark. The money that the Department of Tourism has at its disposal for advertising is considered better spent to be directed in a special way around rather than on billboard advertising which is, as I have said before, rather wide, it's a shot in the dark.

MR. JAMES M. BODDEN: Could you define "wide" and "shot in the dark"?

HON. W.W. CONOLLY: Yes, Mr. President, I think I can explain that. Putting up a billboard, if I understand what the Member is talking about, would be probably a big sign leading out of some large city in the United States, like out of New York or out of Philadelphia or something, a big billboard on the side of the high-way. Well, there you have probably millions of people travelling and people who couldn't careless and probably don't have one bit of interest in travel out-side of United States; and as such we take this money and advertise in special sections of the travel trade, certain sections of travel magazines which are directed to people who are interested in travel; and this is what I mean when I said, a shot in the dark. There could be some people who could see the billboard and who come as a result, but it is felt that the money would be better spent in a more direct form of advertising.

MR. JAMES M. BODDEN: Have you had any experience in this field, or have you been advised by the experts as to whether any study was ever run on this type of advertising to determine whether it is worth-while or not?

HON. W.W. CONOLLY: Personally, we haven't had any experience. I think the question I answered before said, we have never advertised on billboards, but I believe it is true to say that falling examples made by other territories and like circumstances of ours, it is a proven fact that it is rather expensive so to do.

MR. JAMES M. BODDEN: What type of sales promotion is being done from the Miami Office now?

HON. W.W. CONOLLY: Mr. President, that's a completely new question and I don't know in what area the person wants it. If he was specific I probably would answer his question, of course it's a new question, but it's rather wide. I don't know if the Member would care to direct his question in a more - rather than a shot in the dark, to be specific.

MR. JAMES M. BODDEN: It's not a new question, it is inter-related with the other one, Mr. President, because it deals with advertising. Who is your sales promotion manager in Miami now, and what type of effort is he expending to promote the sale of Tourism for the Cayman Islands?

HON. W.W. CONOLLY: Mr. President, that's a completely new question, it does not elucidate the question that was asked. What I was asked in the first instance, is advertising in billboards and newspapers; this is a completely new question.

MR. JAMES M. BODDEN: Mr. President, I submit that it isn't and it's real nice to hide under privilege, because .....

MR. PRESIDENT: I think it's taken advantage of Standing Order 27 rather than privilege.

MR. JAMES M. BODDEN: Mr. President, I am going to read from the answer to my question and the answer to my question which was dealing with advertising mentioned the Miami Herald and the Miami News. So, if the Member did

MR. JAMES M. BODDEN: (CONT'D): not want to be questioned about the Miami operations he should not have put this in his answer. But, I will stop because as usual it's no use of trying to get anything out of this House.

HON. W.W. CONOLLY: Mr. President, the only reason why I used the Miami Herald, the Miami news and the New York times, they are the only news papers in which the department of Tourism advertises, and the question was directly put, "Is the Department of Tourism advertising in newspapers?" and I gave the answer. Secondly, he asked about billboards, and I said no, we don't advertise in billboards.

MR. G. HAIG BODDEN: A supplementary question, Mr. President. Will the department use the local newspaper for advertisements since they have found other newspapers giving good results?

HON. W.W. CONOLLY: Mr. President, this is more than a new question, Sir, but nevertheless, do we advertise in Cayman for people in Cayman to come to Cayman? I would have thought that the advertising that the Department of Tourism does is to advertise to bring people from outside to the Cayman Islands, and if one checks the circulation of our local newspaper one would see that that same money can be spent more profitably in other National newspapers in the United States. So, as far as I'm concerned from an economic point of view we would not advertise in our local newspaper to bring people to Cayman.

MR. G. HAIG BODDEN: A supplementary, Mr. President. My question about the Compass was not a new question since the original question asked about advertising in newspapers and the Compass is a newspaper. Is the Member aware that the Compass reaches more different countries than any of these other newspapers mentioned, it may not have the volume in circulation but it goes to the ends of the earth?

HON. W.W. CONOLLY: I am not aware exactly what ends of the earth that the Compass goes to, but I would not disagree if the Member is stating as a fact that this paper goes all over the world, but I think he answered the question by saying, that the volume is the most important thing in all of this, and people who have probably already been and people who know about Cayman. I think the overseas subscription to the Compass primarily done by people who already have known of Cayman or who have some connection here, relationship or something.

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

MR. JAMES M. BODDEN, CONSTITUENCY OF BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

HAS THE AGRICULTURAL DEPARTMENT PROCEEDED TO PLANT ANY CROPS ON THE EXPERIMENTAL FARM AREA AT LOWER VALLEY AND IF SO WHAT CROPS AND WHAT AMOUNT?

ANSWER:
APPROXIMATELY ONE ACRE OF CITRUS AND ANOTHER HALF ACRE OF AVOCADO PLANTS HAVE BEEN IMPORTED AND PLANTED ON THE FARM AT LOWER VALLEY.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: How many acres of land do we have in the farm area at Lower Valley?

HON. W.W. CONOLLY: I think we have something in the region of twenty-

HON. W.W. CONOLLY:[CONT'D): eight acres of land.

MR. JAMES M. BODDEN: How long since we have taken possession of it?

HON. W.W. CONOLLY: We took possession of this land in January of this year.

MR. JAMES M. BODDEN: Is there any plan to utilize the other twenty-six and a Half acres.

HON. W.W. CONOLLY: Yes, I think I answered that question here not too long ago in the House. There are plans to utilize all of this land, but at one particular time,but it is hoped that when this demonstration farm progresses that the most of this land will be utilized.

MR. JAMES M. BODDEN: How long do you foresee it before it will be utilized?

HON. W.W. CONOLLY: Mr. President, that's a matter of opinion. I would only say that people are working, I have no contract with anybody and I don't know exactly, I couldn't say, but I would hope in due course.

MR. JAMES M. BODDEN: Have you found maiden plum to be a profitable crop?

HON. W.W. CONOLLY: It could be, but I know one thing it's a crop that will grow in dry weather.

MR. JAMES M. BODDEN: How many people do you have employed on the experimental farm?

HON. W.W. CONOLLY: The Department of Agriculture has no one specifically employed on this. The Department has labourers and these labourers do certain ordinary work such as maintaining the cemeteries, doing work on the demonstration farm, cleaning around areas in Town and what not; they are employed as the Director of the Department see fit.

MR. JAMES M. BODDEN: I am afraid I didn't get that answer because they may be labourers but they're still human beings, and they're still employed. My question was, how many is employed, not the category of them? Could you answer that to me?

HON. W.W. CONOLLY: The question was, how many was employed on this farm? And, what I tried to say was this, that there were no number specifically designed for work on this farm. I went on to say that the Department of Agriculture has certain day labourers who are employed on the farm at times; they work in the cemetaries at times and they work all over here; there are three or four men somewhere thereabout. But, this is at the discretion of the Director of Agriculture.

MR. JAMES M. BODDEN: Well, you as Member of Agriculture, do you have any idea when was the last time that these labourers were employed on the Lower Valley site?

HON. W.W. CONOLLY: According to my information they should be there now, but I'm sure they worked there last week.

MR. JAMES M. BODDEN: When was the last time you checked it as the member responsible?

HON. W.W. CONOLLY: I checked with the Head of Department this morning.

MR. JAMES M. BODDEN: Checked the facility at Lower Valley?

HON. W.W. CONOLLY: What facility are you talking about?

MR. JAMES M. BODDEN: This farm.

HON. W.W. CONOLLY: The farm?

MR. JAMES M. BODDEN: This farm you got there.

HON. W.W. CONOLLY: I haven't checked it.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Could the Member say whether any other quick crops have ever been attempted to be grown on this farm, such as green peas, green beans, watermelons, pumpkins and what not?

HON. W.W. CONOLLY: Mr. President, I believe that in the last meeting I answered this question, and I think my answer here today indicates that there were no other crops grown on this particular site. I went on last time to explain that the site Crewe Road - Smith Road I think it is joining Crewe Road there is being occupied by the Department of Agriculture, and certain crops are growing there. And, the site at Lower Valley would be run and the site in Smith Road would gradually fade away as the site out in Lower Valley increases in its progression. This is what I explained the last time, but there has been no other crops put in at Lower Valley other than those that I have stated this morning.

MR. CRADDOCK EBANKS: Then, Mr. President, would it mean then to say that we have to wait five to seven years to find out then whether there will be any return from these demonstration plants that have been put in there?

HON. W.W. CONOLLY: I have answered that question. I don't know how long it would wait, but I would like Members to realize that this is a demonstration farm. The citrus and the avocados that are being planted on this site have been specially selected, the Deputy Head of that Department selected these in Miami himself and also at the station in Smith Road there are presently been propogated certain seedlings to be put out there. This is a demonstration farm, and I take it that those who are versed in Agriculture are making special selections of the crops and the plants that they put in there. I don't know how long it will take before the thing gets properly organized or not, I am only saying that it is being worked.

MR. CRADDOCK EBANKS: Mr. President, can the Member say whether they've got any type of irrigation or water system of watering the plants or they're just left there to the mercies as others?

HON. W.W. CONOLLY: There is a well, and there is a pump to the well which will be used for irrigation purposes.

MR. JAMES M. BODDEN: If this is going to be an experimental area, do we have any type of planned development for the next twenty-six and a half acres?

HON. W.W. CONOLLY: When the Member say, "planned" what do you mean by "planned"? / you mean a drawing or a - what do you mean by "planned"?

MR. JAMES M. BODDEN: Well, I'm certain it must be some type of discussion or some type of written plan or something as to what you're going to do with this other twenty-six and a half acres. you certainly not planning to leave it there / the maiden plum, are you? Well, what you're going to use it for, and when?

HON. W.W. CONOLLY: Mr. President, this "when" comes up again, I said in due course, that the nearest I can get to an answer to that one. The plan is, and as I have said, I believe I repeated this same question last time. The plan for this demonstration farm at Lower Valley would be to raise certain livestocks, certain pigs, and certain cattle , and probably goats or sheep or

HON. W.W. CONOLLY:(CONT'D): something. It is also planned to put out as is being done now, citrus, avocados and other profitable plants, and the growing of vegetables. this is the plan for this. The plan for this is to demonstrate what plants, what types of plants can strive best and it will also be to provide seedlings and cuttings for farmers.

MR. JAMES M. BODDEN: Do you have a plan of Tourism for the next year?

MR. PRESIDENT: I think I must rule that out of order.

MR. JAMES M. BODDEN: Well, I was just trying to find out if he knew what "plan" was, Sir. The citrus and avocados that have been planted at Lower Valley, could you tell this House how many of each was planted? How many Avocado trees, six, eight, ten, a hundred; how many citrus, six, eight, ten or a hundred?

HON. W.W. CONOLLY: I think it takes about seventy-five plants to do an acre. I think that is reasonable to assume, that's what I'm told; of course the budding for these plants and all this, I'm not saying that all of them probably is in the ground but the preparation there; most of them are in, and this is the idea. It's about seventy-five plants to an acre.

MR. JAMES M. BODDEN: Do you know how many of those have survived since planting?

HON. W.W. CONOLLY: I haven't had any information that any had died, I presume all have lived.

MR. JAMES M. BODDEN: Have those all been planted or are they just still in your experimental plots?

HON. W.W. CONOLLY: I think the most of the citrus have been planted, I shouldn't doubt but what to date most of them might have been.

MR. JAMES M. BODDEN: Well, if that is correct then, we don't have a half of an acre of avocado plants planted, right?

HON. W.W. CONOLLY: Seventy-five citrus to an acre, it takes about half of that, about twenty-five to thirty of those.

MR. JAMES M. BODDEN: But, Mr. President, you see the irrelevancy of the answer. I'll digress like the Members on the other side does. Because, if it takes twenty for half of an acre and if - what did you say, thirty? Thirty, and he tells us it is half an acre planted in avocados but it only takes thirty trees to plant an acre or half an acre .....

MR. PRESIDENT: I understood the Member to say,it took seventy-five citrus plants and they have grown about thirty avocado plants.

MR. JAMES M. BODDEN: Well, I wonder what's the difference I'm saying, Sir? I'm saying thirty, the same as him, which would mean that for half of an acre it would only be fifteen.

HON. W.W. CONOLLY: Mr. President, could I - you could find half an acre in Lower Valley that you might only get ten, I said approximate; you know the terrain in Lower Valley, you live there. And, I am saying that under normal circumstances there are about seventy-five plants of citrus to one acre, approximately.

MR. JAMES M. BODDEN: Mr. President, with all due respect I will not pursue my line of questions, because I see the Member really doesn't know anything about it. I'll only put one final question. If the farm area is not

MR. JAMES M. BODDEN(CONT'D): being used, why was it necessary to spray it with poisonous spray when there was a cattle right-a-way through these lands? Now, bear in mind before you get up and answer it, I don't have any cattle . I can tell you I don't.

HON. W.W. CONOLLY: Mr. President, this question came up last time about this spraying and these cattles and what not, and I don't know what is the inference, I don't know where the personal input is. The Member has said that he doesn't have any cattle , maybe a relationship of his had cattle., but the trouble is this, I think the few .....

MR. JAMES M. BODDEN: Mr. President, what's going on here?

HON. W.W. CONOLLY: What's going on here, you .....

MR. PRESIDENT: Could I have one Member on his feet at one time please. Will the Members please sit down.
I'll take the objection that was raised.

MR. JAMES M. BODDEN: I raised an objection. I know that when I mention things in this House I hear about I have a personal interest, when I do, Sir. I am about the only one in here nearly that will declare it, and which I have done repeatedly. My family may own cattle , my cousins, my father, I have none, so that why I wanted to make it plain. My question was why did they have to use this poisonous spray into this when there has been from time immemorial our cattle right-a-way through these lands. So, if the spray was used and people had to move cattle from one pasture to the next the cattle could easily have been killed. I have no interest in it, Sir, and I resent say this, that when I come in here as a Member like any other Member I don't represent Jim Bodden I represent the country as a whole, so I don't like that inference.

MR. PRESIDENT: I think we'll take the point strictly on the question that was asked about the cattle and the spraying.

HON. W.W. CONOLLY: The spray was used to kill maiden plum, I don't know whether his cattle ate maiden plum or not.

MR. PRESIDENT: Next question.

MISS ANNIE R. BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC:

WHAT IS THE REASON (IF ANY) WHY THE CAYMAN ISLANDS TOURIST BOARD (DEPARTMENT OF TOURISM) DOES NOT ADVERTISE IN THE NORTHWESTER MAGAZINE, WHEN THIS PUBLICATION IS DISTRIBUTED ALMOST WORLDWIDE?

ANSWER:

THE DEPARTMENT OF TOURISM DOES ADVERTISE IN THE NORTHWESTER MAGAZINE FROM TIME TO TIME, AND IN FACT THERE IS PROVISION IN THIS YEAR'S BUDGET FOR AN AD IN THAT MAGAZINE FOR THE NOVEMBER ISSUE. WITH THE LIMITED FUNDS AT OUR DISPOSAL WE ARE OBLIGED TO ADVERTISE IN THE MAGAZINES WHERE WE GET THE 'MOST MILEAGE FOR OUR DOLLAR'. THE MAGAZINES IN WHICH WE PLACE THE BULK OF OUR CONSUMER ADVERTISING HAVE A CIRCULATION OF BETWEEN 97,399 TO 1,800,000. WHEREAS IT IS OUR UNDERSTANDING THAT THE OVERSEAS CIRCULATION OF THE NORTHWESTER AT THE PRESENT TIME IS LESS THAN 2,000 COPIES, AND IT IS FAIR TO SAY THAT SUBSTANTIAL NUMBER OF THESE GO TO CAYMANIANS LIVING ABROAD.

IN ADDITION TO THE OCCASIONAL AD IN THE NORTHWESTER, THE DEPARTMENT OF TOURISM REGULARLY ADVERTISES IN THE HOLIDAY GUIDE AND THE BUSINESSMAN'S HAND BOOK, BOTH OF WHICH ARE NORTHWESTER PUBLICATIONS.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, with your approval I should like to ask a supplementary question. The answer says, "The Department of Tourism does advertise in the Northwester magazine from time to time", I would like to know what is meant by "from time to time?"

HON. W.W. CONOLLY: Well, we usually put in an AD in the Northwester magazine, I would say, about once a year.

MISS ANNIE H. BODDEN: When was the last time that an advertisement was put in the Northwester magazine, was it this year, last year, the year before or when?

HON. W.W. CONOLLY: I believe the last Ad that went into the Northwester was in the December issue of the '74 and as I've said before in the bottom part of this question, that the Budget was that an Ad should have gone into the Northwester in May of this year, but owing to them having their anniversary in November it was decided to keep that ad until November issue, so it goes in the November of this year.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask the Member, is it not advisable that our own publication should carry such an advertisement and not these foreign magazines etc., when we have our own paper here that goes abroad even to the Library of Congress; why is it not advertised?

HON. W.W. CONOLLY: Mr. President, I tried to explain why we advertise in the outside publications. The Northwester has about, as I have said under - this I'm saying,which stands correction, but I believe that it has an overseas circulation about 2,000 copies. Now, putting an Ad in that would not be as advantageous to us advertising Cayman as putting that in the New Yorker or any other magazine that has a hundred thousand or five hundred thousand or a million in circulation. The point is this, that most of the Northwester publications, those that - quite a number are given away on Cayman Airways or a number locally, but people when they see that Ad have already had contact with this Island, we try to reach people who do not know anything about Cayman to bring people here. If we had unlimited funds we would advertise everywhere and anywhere.

MISS ANNIE H. BODDEN: Mr. President, again if I may be permitted to ask. I cannot agree that our publication, 'the Northwester" is not circulated wide enough to be advertised by this tourist board or department of tourism or whatever the name of it is. Why is it not done?

MR. PRESIDENT: Move on to the next question. Sorry, if there's another supplementary.

MR. JAMES M. BODDEN: I thought it was a question, that's why I was waiting for an answer. Well, we have limited funds for advertising. Who determines where this advertising money will be spent?

HON. W.W. CONOLLY: I think you would hold me responsible. I am the last person to be responsible for it.

MR. JAMES M. BODDEN: What survey have you run to determine the mileage in regards to the answer to your question,that you get most mileage for your dollar?

HON. W.W. CONOLLY: We checks the number of enquiries that we get from these ADs, because in most of our ADS there is always a coupon attached. And, Mr. President, if Members don't mind, I would probably like to bring out one of our ADS and people will see that here, it says, "please send me your

HON. W.W. CONOLLY:(CONT'D): brochure that talking about the Cayman's", we judge whether this Ad is pulling by the number of enquiries that come into the offices in respect of this particular Ad. That is the only way that we can judge or that anyone can judge whether an Ad is pulling or not.. When we put this Ad and when that coupon comes back to us we know the number of people who seek it.

MR. JAMES M. BODDEN: How many coupons do you have to get back from each AD to determine whether it was worthwhile advertising there or not?

HON. W.W. CONOLLY: Mr. President, I don't know how many, but I'll tell you this, it's like in Election the one that gets the most votes gets the seat and the one that draws the most coupons is the one we select .

MR. JAMES M. BODDEN: Let's take this magazine, our newspaper that has the circulation of 1,800,000 dollars, the last time we advertise from that how many coupons did we get?

HON. W.W. CONOLLY: Mr. President, this is going into statistics, I don't have that statistic at hand, I could probably check and let you know, but I would have to check the offices, it goes into probably all the offices.

MR. JAMES M. BODDEN: I am prepared to give you a lee-way of a hundred one way or the other on this next answer then. How many coupons have we received back from our advertising in these newspapers up until September, 1st 1976 from January, 1st 1976?

HON. W.W. CONOLLY: Mr. President, this is the question that has to have research, needs research, I mean it statistical and I would not answer that question now. If the Member had asked it I would've check the figures and given to him, surly .....

MR. JAMES M. BODDEN: Surly, Mr. President, if that is the yard-stick by which we measure how this money is spent, it seems like these answers' then should be at the Member's finger tips. I am just asking it because you raised it. You spoke in your answer that a lot of these Northwester magazines go to Caymanians living abroad, that may be so, but haven't you decided that the Caymanians living abroad could actually be the best advertisers to this country?

HON. W.W. CONOLLY: I wouldn't like to say the best advertisers, but I would say, they could advertise you, that's possible.

MR. JAMES M. BODDEN: I understand that the Northwester publication which most people considers to be a worthwhile publication and a very good one is put on the planes which would probably give us a circulation of say be ten thousand a year, and a magazine such as that I don't think it's easily thrown away by anybody, it's not like the New Yorker where a person may just glance through it and throw it away, because it has no real meaning to it. Wouldn't it be worthwhile to try to get an Ad into this, may be to promote the Island, where these people could pick it up off the planes and give it from one person to the other?

HON. W.W. CONOLLY: Mr. President, I explained that the whole reasoning behind advertising where it is put, how often it is put, is based on finance. And it is true that somebody could take a Northwester magazine off a plane and pass it on to somebody else, but in determining where to put limited Budget one would have to put it where one is almost certain that it draws the most. And as I see it, putting it on Cayman Airways, I don't know if it's on any other plane, I have never seen it on any other plane besides Cayman Airways and if it goes on Cayman Airways the people who come directly in contact with Northwester magazines are people who have either on their way to Cayman -(lost leg of it) or who have just left Cayman.

MISS ANNETTE H. BODDEN: Mr. President, if I may be permitted to ask a supplementary question, would it surprise the Member for Tourism to know that the Northwester Magazine has been read by people who never seem to notice these New Yorkers etc., would it surprise him to know that on the 13th of this month there will be a NAVY man coming here who seen the advertisements of the Cayman Islands by a letter that I wrote to him plus reading the Northwester?

HON. W.W. CONOLLY: Mr. President, having been in tourism as long as I have been I wouldn't be surprised as to how people come here. I ask people, and they come in all kind of odd ways, they find it out through all kind of stuff. It is surprising to know the ways that people do hear about us, and I wouldn't be surprised at all, but that's one person, remember we are talking about getting across to millions of people who are travelling. Let me say today that there are about between two and nine million Americans who are travelling overseas annually and these are the people that I'm trying to reach, not the single man; of course we reach him first, but I would prefer reaching as many as possible with limited funds.

MISS ANNIE H. BODDEN: Mr. President, I'd like to state this is not a single man, he is a married man with a family so he's no attraction for me if that's what he is insinuating. I would like him to know that if I want a husband it wouldn't be any problem. (MEMBERS LAUGHTER)

HON.W.W. CONOLLY: When I said, "single" I meant individual regardless of sex.

MISS ANNIE H. BODDEN: No, you didn't mean that, you didn't mean that.

MR. PRESIDENT: We'll move on to the next question.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

WILL THE DEPARTMENT OF TOURISM IN FUTURE MAKE THIS MAGAZINE ONE OF THE PUBLICATIONS IN WHICH THE CAYMAN ISLANDS IS ADVERTISED?

ANSWER:

THE DEPARTMENT OF TOURISM IN FUTURE WILL CONTINUE TO DO ADVERTISING IN THIS MAGAZINE.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Will it continue to do advertising in this magazine once every two years or will it be a regular advertisement?

HON. W.W. CONOLLY: Mr. President, as I have said so many times that the Budget is made up and everyone in this House knows that the Budget is subject to cuts and what not, and I cannot at this particular time commit or give any commitment of the Department of Tourism in next year's Budget, what will happen I can't say, we might not have any money to advertise in any magazine, I don't know. (Miss Annie H. Bodden - I hope not.)

MR. G. HAIG BODDEN: Supplementary, Mr. President, will the Member say if the Department will continue to advertise in the Northwester on the same scale as which they have advertised in the past?

HON. W.W. CONOLLY: Mr. President, I don't know, this is a kind of a pointed question (rather not answer questions that are so pointed, because when you're dealing here with certain individual or local companies or as it is or whether not) I cannot commit myself. After some of these questions I was nearly inclined to cancel the AD in November. (Miss Annie H. Bodden - you'is frightened nuh) - yes, because I don't think

HON. W.W. CONOLLY:(CONT'D): today that we can be lobbied into subsidizing any particular firm, and we do. You take the Cayman Islands guide, the guide of the Cayman Islands here, this has probably - it's a Holiday Guide with fifty thousand circulation and the Department of Tourism advertises the whole back cover of fifteen hundred dollars, nearly eighteen hundred dollars, that today is by the Northwester Company, it's put out by them, and we are doing this as a subsidy.

I go on here to the Businessman Handbook, so the Department of Tourism does as I have mentioned before, subsidize and support this magazine. I cannot say what will happen in the future.

MISS ANNIE H. BODDEN: Mr. President, I resent being these terms, "lobbied into" "lobbied to", who is lobbying anybody to do anything that is right, who is? I dare say there is being lobbied into when - my next question will prove that only the Tortuga Club is advertised, that's what you call lobbied into, not Annie Huldah Bodden, who would lobby into me to get any information?

MR. T. RAIG BODDEN: I have a supplementary, Mr. President, but I would like to help the Member out of his dilemma. Following on the question about the scale of future advertisements, the Member told us that his last AD in the Northwester was in 1974, which means they are running one AD in every two years. My question is, will they continue to advertise on this biennial scale?

HON. W.W. CONOLLY: Mr. President, as the Member knows a Budget is made up for 1976. I am the individual who is responsible for this particular Budget, I don't know what is going to happen in 1977, I can't say. I am not in any dilemma now. I may be but I'm not now, I just don't know it may be somebody else standing in my shoes, and I don't know what their decision will be. I can't say.

MR. PRESIDENT: Next question.

MISS ANNIE H. BODDEN CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR TOURISM, LANDS, AGRICULTURE, ETC.

WHAT IS THE REASON WHY IN SOME OF THE ADVERTISEMENTS FOR THE TOURIST BOARD ONLY THE "TORTUGA CLUB" AND "SOUTHERN AIRLINES" ARE NAMED?

ANSWER:

NO ADVERTISEMENT EVER PAID FOR BY THE DEPARTMENT OF TOURISM HAS EVER INCLUDED THE NAMES OF "TORTUGA CLUB" AND "SOUTHERN AIRWAYS".

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask, I would like to know who paid for the advertisement in Woman's Own Magazine when those two names alone were mentioned?

HON. W.W. CONOLLY: I haven't seen the AD, Mr. President, but probably if the Lady Member would produce me a copy of the AD it might help me. I don't know who paid for it. I would assume that Southern had an AD in Woman's Own or if Tortuga Club had an AD in Woman's Own that they paid their bill.

MR. JOHN D. JEFFERSON: Has any advertisement by the Cayman Island Tourist Department gave any advertisement at all to CAL?

MR. PRESIDENT: I think that is dealt with in the next question.

MR. JAMES M. BODDEN: On the same question that we have tabled now, Mr. President, I would ask the Member responsible for Tourism if he's happen to have seen this advertising? I think it suppose to be a green one but I couldn't get it copied green it only came out in black and white. I will circulate this to you, Mr. President. Don't tear it up now.

While it's being circulated, Mr. President, I would ask the Member why is it that just a few minutes ago he was very rude in answering the question in regards to bringing about lobbying and its special interest groups and so forth, when certainly this must be a special interest group the way this advertising is made up. Could you tell me why?

HON. W.W. CONOLLY: In what way, could you say in what way?

MR. PRESIDENT: Could I interject at this stage, I think Members beginning to ask questions directly to each other, and questions should be asked to the Chair and answered to the Chair, I think this gets us into a tangle sometimes.

CAPT. C.L. KIRKCONNELL: Mr. President, seeing the advertisement that has just been handed around, is that paid for by the Cayman Islands Government or the Tortuga Club. I am not quite sure. I see the Cayman Islands and then the Tortuga Club underneath, who has paid for this advertisement, is it the Cayman Islands or Tortuga Club?

HON. W.W. CONOLLY: Mr. President, the answer is, the Tortuga Club paid for that, the Department of Tourism pays no private advertising.

MR. JAMES M. BODDEN: Mr. President, on the back of this brochure it says, "Prices are subject to change without notice, imprinted in USA for the Cayman Islands Department of Tourism". Now, I do a lot of advertising, Sir, and I would not presume to put on my advertising "Printed in USA for the Cayman Islands Department of Tourism" unless the Cayman Islands Department of Tourism was paying for it or had given me special permission to do so. Has special permission been given for this or did we pay for it?

HON. W.W. CONOLLY: Mr. President, I said before that we did not pay, and if the Member - he has cited a question now and I'll answer him. We have under the Department of Tourism three packages, one is the divers, one is the ordinary vacation and one is a honeymoon package. But, we distribute these in Canada because we have two wholesalers, we have two tour operators in Canada who are wholesalers appointed by the Hotel Association in this Island to package groups for this Island, that's Holiday Hosts and W.T.L. At our last sales meeting or at our sales meeting in January or it might have been the one before we were informed, and all the representation of the Hotel Association was there, and we were told that in order to have them distributed or imported into Canada without duty, the words, "Printed in the United States for the Department of Tourism" should be put on it. As far as this is concerned the Tortuga Club was the only hotel in this Island who put up a package. This was done in corporation with the Eastern Airlines, because you cannot put up a package without you have an I.T. number, no travel agent will sell it for you without it has an I.T. number, this was done, and they used this in order to sell this package in Canada, that's the only reason what it was used for.

Since the point was made I went to a lot of trouble about it, this is not even our printing, this was printed for the Tortuga Club by All Graphics of Miami, fifteen thousand brochures, eight by nine, and a cost of six hundred and twenty-two dollars, and I don't mind showing you the cheque from Tortuga Club for it. Anyone who believes the Department of Tourism paid for it will just look at it and see.

MR. JAMES M. BODDEN: Well, you're telling us then to get around certain restrictions in Canada and the United States .....

HON.W.W. CONOLLY: Not in the United States, I said Canada.

MR. JAMES M. DOBDEN: ..... Canada, that any of us who wish to advertise can without permission from you or anyone else, Mr. President, have printed on our brochures then from now on."Printed in the USA for the Cayman Islands Department of Tourism" and that will be OK?

HON. W.W. CONOLLY: Mr. President, what I said was a package. remember this is a package, what the Tortuga Club has is a package it's not a general advertising. First of all you have to get an Airline to go in with you to get an I.T. number because your travel agent will not sell that package in the United States without it has an I.T. number on it. So, it's not ordinary advertising as such, these are packages, and when I say packages if you open these here you'll see here that not all hotels participate, there are certain hotels who participate, these are groups some more than others, there are different packages.

MR. CLAUDE M. HILL: Mr. President, if I am permitted I would like to ask the Honourable Member a question, and that is, did the Department of Tourism in the Cayman Islands make any request for this to be done?

HON. W.W. CONOLLY: For what to be done?

MR. CLAUDE M. HILL: For these brochures to be made?

HON. W.W. CONOLLY: No, we made none. What I said was this, that at our last sale's meeting or the one before we were advised by our Canadian tour operators, who is as I have said before, T.T.I. and Holiday House, that if packages were being put up to be distributed in Canada that if they carried "For the Department of Tourism" it would waive custom duty on it. This is known to all the hoteliers, it is known to the President of the Hotels Association. We didn't give any special permission for anybody to do anything.

MR. CLAUDE M. HILL: Mr. President, with your permission, Sir, he has just opened question in mentioning that the Chairman of the Hotel Association; well, did that request come from them?

HON. W.W. CONOLLY: Mr. President, may I explain? The Department of Tourism usually or in the past has convened two sale's meeting a year, one of these sale's meeting is usually held in North America, that's somewhere in Miami or Orlando area, the other meeting is held in Grand Cayman. All of the hotels in Grand Cayman are invited, the Airlines are invited, all the people dealing with Tourism in the Cayman Islands are invited to participate in this sales meeting. At this sale's meeting in January, usually after the Budget has been approved by this House we have the meeting, there we explain to the private sector how much money Government has budgeted for the year, what is our AD programme and all this; this meeting is usually attended by any hotel manager, any airline operator or employee that so wishes to go, this is public knowledge to those people in the trade.

The setting up of a package is the individual ambition of a property, and as far as I know outside of the package that is put up with the Holiday Inn, which is in their usual and normal overall package, I think Cayman Airways has one package with the Airport Lakes, and outside of that Tortuga Club is the only Hotel who has this package.

MR. CLAUDE M. HILL: Mr. President, one last question, Sir. I would like to find out from the Honourable Member through what medium the public is aware that this exists?

HON. W.W. CONOLLY: The public is aware of this medium I would think through my expressions here in the House.

MR. JAMES M. DOBDEN: Mr. President, could I through you ask the Member responsible whether in the past few years / he has been associated as Member responsible for tourism, whether he has obtained a good knowledge of the cost

MR. JAMES M. BODDEN:(CONT'D): of advertising brochures?

HON. W.W. CONOLLY: It all depends, Mr. President, on the brochures what brochures - or whether they are just a shell or what, there are different costs depending on the printing, depending on what is put on them and all this type of thing - well, I had experience with it, sure.

MR. JAMES M. BODDEN: Do you consider five hundred and ninety-eight dollars for a two colour fifteen thousand production brochures, to be about correct?

HON. W.W. CONOLLY: As I have said before, it all depends on what it is: somebody got a brochure printed, it depends on what the cost was, I don't know.

MR. JAMES M. BODDEN: I don't know if I have that address, would you mind giving it to me?

MR. G. HAIG BODDEN: Mr. President, a supplementary question. Who gave the authorization to use the Cayman Islands Government's name on these brochures?

HON.W.W. CONOLLY: Is the Government's name on that?

MR. G. HAIG BODDEN: Mr. President, the brochure says, "The Cayman Islands Department of Tourism" which is .....

HON. W.W. CONOLLY: I don't think there was any special authorization. This was a known fact and it was something that we were advised and anyone could use it; this was a known fact on the package. Remember it's not an ordinary brochure now, I think you're getting mixed up with the brochures, you know. Let me say this, this is not just advertising Turtuga Club into there, this is a special package, as you see there it has a number up here on it and it has Eastern Airlines. In consideration for getting this tour put together you have to use the name of Eastern, that's what they're getting out of it; this is package put together by an airline and by the Tortuga Club. Now, what pays what and who pays what, I don't know. As I have said, the cost between us we had nothing to pay, I explained that one hundred times; it's not just an ordinary AD, it is a package.

MR. G. HAIG BODDEN: Mr. President, can the Member say if the power to give this authorization came under the Tourist Law or where did it come from?

HON. W.W. CONOLLY: Mr. President, any private sector hotel or any private sector transport here in Cayman receives the blessings and support of the Department of Tourism and anything that can help any property in Cayman of that nature we tend to do. I mean, it's not a matter of fighting anybody, so if the hotels who put up a package can use this and save custom duty into some place by so doing, naturally it's just normal to expect that it is given. And, as I am saying this was discussed in our sale's meeting and it was agreed that any property in Cayman who was putting up a package could use this which would waive the custom duty in Canada.

CAPT. C.L. KIRKCONNELL: Mr. President, there is also a danger, Sir, of getting an unscrupulous operator to use or have on the back of his brochure the Cayman Islands tourist board", this as I see it is a real danger to us, and one would think that under the circumstances before the name of the Cayman Islands Tourist Association or Tourist Board is used permission must be sought and granted before this is allowed.

MR. PRESIDENT: Proceed to the next question.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

(A) WHY ARE NOT ALL THE HOTELS NAMED. AND MOST IMPORTANT, WHY IS CAYMAN AIRLINES NOT NAMED WHEN THE CAL. IS OUR OWN AIRLINE, AND THE GOVERNMENT IS VOTING FUNDS TO THE DEPARTMENT OF TOURISM FOR ADVERTISEMENT, AND CAL. AND NOT SOUTHERN SHOULD BE OUR MAIN CONCERN?

ANSWER:

CAYMAN AIRWAYS IS THE ONLY PRIVATE SECTOR COMPANY MENTIONED IN ANY AND ALL ADVERTISEMENTS PAID FOR BY THE DEPARTMENT OF TOURISM.

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

(B) WHAT USE (IF ANY) IS BEING MADE OF THE HOME TRAILER IMPORTED ALLEGEDLY FOR AGRICULTURAL PURPOSES AND LOCATED AT WEST BAY?

ANSWER:

THE TRAILER IS USED WHENEVER THE OWNER IS CULTIVATING ON THE PROPERTY ON WHICH THE TRAILER STANDS.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: What type of cultivating of crops are being done, please?

HON. W.W. CONOLLY: To the best of my knowledge, I think he grows the normal crops that are grown around here, pumpkins, watermelons and other stuff like that.

MR. JAMES M. BODDEN: Mr. President, have you or the Member responsible for agriculture, and being this was such a sweeping step to allow this in the country have you taken any steps to determine whether it is being used for agriculture?

HON. W.W. CONOLLY: I haven't taken any steps, I don't know what steps I could take, either it's used for that purpose or not.

MR. JAMES M. BODDEN: Well, how do you know than that it is being used for agricultural purposes?

HON. W.W. CONOLLY: My answer was, Mr. President, that the trailer is used whenever the owner is cultivating on the property on which the trailer stands. The owner uses the trailer when he is on that specific piece of property when he is working there.

MR. JAMES M. BODDEN: Mr. President, I'd like to ask the Member, then how does he know this that he can state it to the House; have you checked it?

MR. PRESIDENT: I think it's equally left to the Honourable Member to rebut what is stated to be a fact. The Member has stated something, I think it's equally opened to Members to disprove this.

MR. JAMES M. BODDEN: Mr. President, he told us the normal crops to be cultivated is pumpkins, I believe he said cassava and so forth. Have you determined whether any pumpkins, cassava and so forth is being grown on this spot?

HON. W.W. CONOLLY: That is not for me to determine, this is a private enterprise. Not for me to determined.

MR. JAMES M. BODDEN: Mr. President, in other words then, anyone can bring in a trailer for agricultural purposes and it's not checked to find out whether it's being used for that?

HON. W.W. CONOLLY: Mr. President, let me try to get this in its true perspective. If someone brings in a trailer allegedly for agricultural purposes and somebody does something different from that, it is not the Member responsible for agriculture, it falls in the hands of the Police or somebody else who implements the Law. If someone is doing something contrary to what the Law says, then they are the persons, not the Member responsible.

MR. JAMES M. BODDEN: Mr. President, where does responsibility really lie then in determining things of this nature?

HON. W.W. CONOLLY: Responsibility as far as the agricultural development was concerned, the applicant made an application to this Government to import a trailor to be used for agricultural purposes. The Department of Agriculture checked out, the person had lands, it was reasonable, as I have said, request and permission was granted for this purpose. If that trailor is not being used for anything else, then I don't see where that any miscarriage of justice has been. What I am saying, my responsibility was to investigate through the Department of Agriculture as to the feasibility of this particular applicant in doing agricultural pursuits on the lands named, and whether or not that this trailer would have been, I would say, a necessary or a reasonable support to the development, beyond that, my responsibility ceases.

MR. JAMES M. BODDEN: Mr. President, would the Member care to state whether in the future consideration will be given to further applications of this nature?

HON. W.W. CONOLLY: Mr. President, the only how I could answer this question is if I could look in the crystal ball, I don't know, I don't know whether any application are coming. If applications comes and applications are based and grounded on reasonable and feasible statements as checked, there is, there could be a possibility, I am not saying. But until such time as applications are made, the circumstances gone into and all this, it would be beyond me to give an answer.

MR. CLAUDE M. HILL: Mr. President, if I am permitted, I have one question to ask the Honourable Member, and that is, is the person that is using the trailer affiliated with the Agricultural Department?

HON. W.W. CONOLLY: You mean if he is an employee of the department? Because when you say, he is affiliated, I don't know how affiliation goes around here. He might be a good friend or something, I don't know. But, the person who made the application is not an employee of the Department of Agricultural of these Islands.

MR. CLAUDE M. HILL: Mr. President, I asked the use, Sir, not the person who ordered it, I have nothing to do about the order: no question on the order. The matter that arises, is the person affiliated that is using it associated with the Agricultural Department?

HON. W.W. CONOLLY: No, this is private sector, the person has no association to my knowledge with the Department?

MR. CRADDOCK EBANKS: Mr. President, the answer given in the first instance "is used whenever, on the land that the trailer stands", then if the owner don't cultivate that land for every two three years, then this trailer just stands there in idleness, I wonder if the Member could give any.....

HON. W.W. CONOLLY: Mr. President, there's a question if the Member look, the third question here is in relationship to that, if you would care to wait 'Lil I come to that I'll answer it.

MR. CRAWFORD FRANKS: Alright, Mr. President. I'll wait.

MR. JAMES M. BODDEN: Mr. President, the Member said that before this trailer was allowed to come in he had checked the feasibility - I think that was your reply, I apologize if it's wrong - that you had checked the feasibility of an agricultural pursuit in this area. Could the Member tell us then what type of land this is and what type of crops can be grown there, because if he had to determine the feasibility study he must have visited/and he must be able to answer this question?

HON. W.W. CONOLLY: Mr. President, it's not necessary for me to have visited it. I think this is the reason why you have an Agricultural Department and you have the Director of Agriculture and Agricultural Officers, and naturally as a layman I would have to take the advice of those people who are trained and in their professional capacity. But, I would like to remind the Member that, when this application was made there were two plots of lands in question, one in West Bay and the other one in North Side, the house was put on the property in West Bay and it is as far as I am aware land similar to that found in West Bay. It's a kind of shallow land that can produce crops of, as I have said before, pumpkins, watermelons, cassava, it's that type of land. I have flown over it in a helicopter, I haven't touched down there to see it, but I have seen all of the property in a helicopter.

MR. JAMES M. BODDEN: Evidently then you did not visit the site, but you did take advice; could you tell us who advised you as to the type of land and what could be grown there?

HON. W.W. CONOLLY: I took my advice from the Agricultural Department.

MR. PRESIDENT: Go on to the next question.

MISS ANNIE H. BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR LANDS, TOURISM, AGRICULTURE, ETC.

(C). DO ANY PERSON OR PERSONS RESIDE IN THE TRAILER?

ANSWER:

NO ONE RESIDES IN THE TRAILER PERMANENTLY.

MR. PRESIDENT: If there are no supplementaries, we'll go on to the next one.

(D). IS GOVERNMENT SATISFIED THAT SINCE THE TRAILER WAS SUPPOSED TO BE IMPORTED FOR AGRICULTURAL PURPOSES THAT IT SHOULD STAND IDLE, IF NO USE IS NOW BEING MADE OF IT?

ANSWER:

GOVERNMENT IS SATISFIED THAT NO USE OTHER THAN THAT FOR WHICH THE TRAILER WAS IMPORTED, IS MADE OF IT, AND THEREFORE IT IS THE IMPORTER'S BUSINESS TO BE CAN AFFORD TO LET IT REMAIN UNUSED FOR ANY LENGTHY PERIOD

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, could the Member tell us whether there were any agricultural implements in the trailer when it was imported into the island?

HON. W.W. CONOLLY: Mr. President, I could not say, probably the Customs might be able to give that information, I wouldn't know.

MR. JAMES A. RODGERS: Mr. President, could the Member state then whether the Customs checked the contents of the trailer to see if it also had agricultural implements?

HON. W.W. CONOLLY: Mr. President, I would hope that the Customs checks all imports brought into the island, I have no control over the Customs, and I don't know what the Customs Department does or doesn't do, I would think so, that they do make their checks.

MR. CRADDOCK EVANS: Mr. President, I wonder if the Member has any knowledge of it being used as a warehouse on some occasions?

HON. W.W. CONOLLY: I have no knowledge of that, Mr. President.

MR. PRESIDENT: If there're no supplementaries, we'll bring question time to a close, and I shall suspend proceedings for fifteen minutes.

GOVERNMENT BUSINESS

THE FRIENDLY SOCIETIES (AMENDMENT) LAW

CLERK: THE FRIENDLY SOCIETIES (AMENDMENT) LAW, THIRD READING

REPORT THEREON

HON. G.A. WADDINGTON: Mr. President, I have to report that a Bill entitled "The Friendly Societies (Amendment) Law" was considered clause by clause by a committee of the whole House and passed with the following amendments:- In Clause 2 paragraph (b) was deleted and the following was substituted therefore: (b) throughout by substituting for the words "public recorder" the word "registrar". Two new paragraphs were added as follows:- (C) by substituting the words "Clerk of the Courts" where ever appear in the proviso to sub-section 6 of section 36, the words "Attorney-General"; and (D) by substituting for the words "Clerk of the Court " where ever else they appear save in sub-section 2 of section 46 the word "registrar".

MR. PRESIDENT: The bill is accordingly set down for Third reading.

THIRD READING

MOVED BY HON. G.A. WADDINGTON,

SECONDED BY HON. D. H. FOSTER.

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

MR. PRESIDENT: Proceed with the next Bill, the Land Holding Companies Share Transfer Tax Law.

THE LAND HOLDING COMPANIES SHARE TRANSFER TAX LAW

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a Bill entitled "The Land Holding Companies Share Transfer Tax Law" was carefully clause by clause by a committee of the whole House and passed with the following amendment:- In section 2 at the end inserted a definition for "transfer" which reads:- "transfer" includes, in addition to a transfer of shares, every dealing or transaction, whether by the issue of shares, the

HON. V.G. JOHNSON:(CONT'D): placement of shares, the grant or take up of any rights, the exchange of shares, the conversion of shares, the grant or exercise of an option or other means however whereby equity capital undergoes a change of beneficial ownership or proportion of ownership or/change occurs in the entitlement or potential entitlement of any person to a share in the distribution of a Corporation's profit or capital". This was all of the amendment, Mr. President.

THIRD READING

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON. D.H. FOSTER

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

MR. PRESIDENT: We'll now ~~Excuse~~ proceedings in committee on the Port Authority Law. The Assembly is in committee to consider a Bill entitled "THE PORT AUTHORITY LAW" and we had reached the end of the clauses of this Bill, and we are still to deal with the schedule.

THE PORT AUTHORITY LAW

COMMITTEE THEREON

CLERK: THE SCHEDULE.

QUESTION PUT:

HON. A.B. BUSH: Mr. Chairman, the schedule as in the Bill is being deleted and a new schedule in two parts is the amendment to it. I believe all of these have been circulated to Members.

MR. PRESIDENT: If there's no debate I shall put the question that the Schedule be amended as set out in papers circulated to Members.

QUESTION PUT: AGREED.

MR. PRESIDENT: I'll now put the question that the amended Schedule do stand part of the Bill.

QUESTION PUT: AGREED. THE SCHEDULE AS AMENDED PASSED.

CLERK: A LAW TO ESTABLISH A PORT AUTHORITY IN THE ISLANDS AND FOR THE MANAGEMENT OF MARITIME AFFAIRS.

QUESTION PUT: AGREED. TITLE PASSED.

MR. PRESIDENT: That concludes proceedings on a Bill entitled "The Port Authority Law" in committee. The Assembly will resume.

HOUSE RESUMED

REPORT THEREON

HON. A.B. BUSH: Mr. President, I beg to report that a Bill entitled "The Port Authority Law" was examined by a committee of the whole House and the following amendments were made:- In Section 3 the "Director of Public Works" was deleted and "Chief Engineer" inserted instead. In Section 4 sub-section 2 a new sub-section (D) was added and renumbered to (j) which reads as follows:- The sub-section was "Payment with interest to the Government of the consideration provided by section 5"; and the renumbering of the letters (c), (f), (g), (h), (i), (j). In Section 5 "Vesting of property", insert After Section 5 "For the consideration provided for in the schedule there is hereby vested in the Authority" and a common (t) for "there, there" starts with a

HON. A.B. BUSH (CONT'D): amount (t). In Section 7 in the third line after "Public Service" to insert "and subject to the general supervision of the Authority". In Section 13 delete "vesting thereof in the Authority" and an (a) goes on to "port" in sub-section (a), which will read, "the Governor in Council may make Regulations prescribing ports". In Section 24 sub-section 2 after "published in the Gazette" insert "and in a local newspaper". Section 26, by inserting a new sub-section (b) "the ship's papers, including a cargo manifest" and renumbering the letters. In Section 29 "Port Area" instead of capital letters for "port" and "area" use common letters.

The Schedule, Section 5, delete the Schedule and substitute the New Schedule in two parts which reads:- "

PART 1

The consideration to which reference is made in section 5 shall consist of two sums made up as follows:-

(a) the total cost to the Government of the works carried out in the port area of George Town from the 20th day of May, 1975 until such amount is crystallized and ascertained upon the completion of the said works on or before the 31st day of May, 1977;

(b) the present valuation of the plant equipment and tools as set forth in the inventory thereof.

The above amounts (a) and (b) shall be calculated by the Financial Secretary and approved by the Government Auditor and by the Authority.

PART 2

All that piece) of land situated in the George Town Commercial Registration Section and being Block and Parcel No. OPY 113 having an area of approximately 3.5 Acres as shown on Boundary Plan No. 17 which may be inspected at the office of the Registrar of Lands, George Town, Grand Cayman together with all buildings and marine works and wharfs thereon situate".

Mr. President, that was all the amendments to the Bill. I beg to move that the Bill entitled "The Port Authority Law" be given a Third Reading and passed.

SECONDED BY HON. D.H. FOSTER.

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

MR. PRESIDENT: We'll proceed next with the Confidential Relationships (Preservation) Law.

THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW

CLERK: THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW, INTRODUCTION AND FIRST READING.

MOVED BY HON. V.G. JOHNSON

SECONDED BY HON D.H. FOSTER

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

CLERK: THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW, SECOND READING.

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

Mr. President and Honourable Members, this Bill is being recommended as a result of long thought. From representations made by the local financial community and from the fact that the sort of financial operation which is at present being supported by this Government that there should be confidentiality in the operation, and this should not only exist in certain areas, but I think the time has come when the umbrella should be drawn over the greater part of the area of the financial operation. Now, the Bill in the Memorandum of Objects and

HON. V.G. JOHNSON: (CONT'D): Mr. Speaker says, that Section 10 of the Banks And Trust Companies Regulation Law has not proved an adequate vehicle for the purpose for which it was formulated, and unresolved doubts exists as to its proper interpretation. Now, Mr. President, this has always been and especially within the last two years a very doubtful point in the mind of the legal fraternity as to the exact interpretation of section 10 of the Banks and Trust Companies Regualtion Law, which deals with the preservation of secrecy and preservation of secrecy pertaining to the operation of customers as found in Banks and Trust Companies. The section starts off by saying, "Except for the purpose of the performance of his duties" and then it goes on to say, "no person shall". Now, one would normally take it that when the section leads off in the words, "Except for the purpose of the performance of his duties" that was pertaining directly to the Inspector of Banks, because the section before this dealt with the duties of the Inspector of Banks and his functions, and so it was the thought that the interpretation here was that Section 10 came on by saying that, "Except for the purpose of the performance of his duties" which meant the Inspector of Banks and so the preservation of secrecy under the Banks and Trust Companies Law would pertain only to the Inspector of Banks.

Now, this was a doubtful point, it was never tested here in a Court of Law, but it was the opinion of the Legal Department that this could have been the interpretation. But what created some doubt was later on in Section when it said, "no person shall" and in some other area it was thought that this would cover everybody, employees of Banks and others. Anyhow, it was Government's thought as well that the time had come when some definite action should be taken to either amend section 10 of the Banks and Trust Companies Regualtion Law or alternatively to produce a new piece of Legislation which would provide a greater measure of confidentiality in the financial operation in the Cayman Islands, and as I have said before, the financial operation is something that is fully supported by Government because it is today a big part of the economy and as such it should be safeguarded. But in the same token the Government is also very concerned in trust in trying to preserve secrecy in the operation that we do not perserve criminals in the operation and there should always be the mechanics in whatever system of confidentiality provided to deal with dishonest operations. The thought at this stage was that because we operated similar economies to the Bahamas, the Bahamian Government was very concerned about their position as well, that is the preservation of secrecy in the operation, and I need not spell it out in simple language the reason for this fear in recent time. I am sure that Members are quite aware themselves that there was a good bit of foreign interference in the local operations; while Governments, including this Government must assist and assist in the detection of crime; and when I said, "assist" here, I meant assist other Governments as well to detect crime and bring people to justice.

There was the sort of interference which in our opinion would not be considered crime committed within the jurisdiction of the Cayman Islands, while it could be considered a breach of tax laws in other countries, there were not breaches within our jurisdiction. And that presented the main difference between other forms of crime which we are quite prepared to assist foreign Governments in detecting at anytime. The Government therefore, as in the case of the Bahamian Government, they introduced a law, they had the same provision under their Banks and Trust Companies Regulation Law as in our Section 10, They in their Law was an exact copy of the Bahamian Law when it was introduced, but they saw the need as well to introduce a new piece of legislation for this particular purpose. Well, we went ahead, the Legal Department, to prepare what we thought was something suitable for the Cayman Islands, and I think, if I have to say so, it's a great improvement over what the Bahamians introduced. This Law was prepared, "The Confidential Relationships (Preservation) Law" but before this Government attempted to move on with the legislation of the Bill it was referred to London. We thought it had fairly far reaching effects in its application, and as such should be presented to the British Government for examination and for their comments before it was even presented to Executive Council and to this Legislative Assembly. It remained with the British Government for a good long time, and

HON. V.O. JOHNSON(CONT'D) the reply said, that it was examined and they saw nothing objectionable about it and if we wished / could go forward for legislation.

We were in some haste to get it before this sitting because the matter had become very urgent in recent time and the Financial Community requested that it be dealt with expeditiously in order to become effected as early as possible. Well, the Bill was discussed with the local banking community, unfortunately we were not able to discuss it with everybody who became interested in the Bill, this is unfortunately not possible all the time, we can only discuss it with certain groups, and we thought it should be the group that would be more connected with the implication of the Law than anyone else, and that was the banking fraternity. We had them along with the Attorney-General and the Legal Draftsman and we went through the Bill, and they were satisfied with the presentation except for a few areas in the Bill. One of the main areas was in sub-section 5 of section 4 which placed certain restrictions on bankers to give a credit reference.

Now, on the local scene in the Inter Bank transactions and dealings, bankers are at present free to exchange information on people who are doubtful, people who should be referred to other banks and people who are involved in dishonest transactions and the bankers saw that it was important for them to continue to have this facility. One fair example is, perhaps somebody would come on a morning flight from one of the neighbouring countries, he could move around town during the morning, transact business and transact what would be known as fraud in banking, he would perhaps get ready to leave by the mid-day plane. Now, if bankers are not able to exchange information with the bankers, if they are not able to pass on information to the police or to other authorities in Government and if they are not able to effectively apprehend that individual would be committing banking fraud throughout the morning before he leaves on the plane at mid-day, then we can see the danger, it's an inherent danger which should be protected and safeguarded against. So, it was accepted that the bankers should have that privilege and so certain amendments were made to sub-section 5 of section 4, certain amendments were made to sub-section 2 of section 3 and certain amendments were made to sub-section 2 of the interpretation which I will explain in greater detail when we come to deal with the Bill in committee stage. But there is no need for pulling the umbrella down tightly over the operation of the financial community if there is not the latitude as well to detect crime, prevent it and to apprehend people when this is necessary.

On the other hand the Law provides substantial sanctions and it spreads over a good many areas. You will see from the interpretation of professional persons that it does includes Government Officials, Banks, Trust Companies,-(Trust Companies is inserted as an amendment) - Attorneys-at-Law, Accountants, Estate Agents, Insurance Brokers and so on. Now, these are people who are considered part of the financial community and who are involved in the financial operation of the country. The Attorneys for instance, claimed that under their own code of profession they have certain obligations to clients which would place them in a different position from bankers and other people, but it is the belief of Government that if the Law is to be truly meaningful and for it to have its effect that it should include Attorneys and everybody. Here, they are dealing with confidential information and the interpretation of confidential information again is not everything that happens in the office, it sets out here what it means "information concerning any property which the recipient thereof is not otherwise than in the normal course of business, authorized by the principal to divulge". So, it's not everything in the office that's considered confidential information and this here is pertaining more to the principal client operation. You have a client, his business should be confidential, people should not be able to walk in the office and demand information about John Brown's affair, and it is given to him. I think there is a responsibility between principal and client and it should be maintained not only by the Banks and Trust Companies, it should be maintained by the Attorneys, by the Accountants and by all concerned in the financial community.

The Law is not a very lengthy Law, it's short, but

HON. V.G. JOHNSON:(CONT'D): it embraces all the ingredients which are necessary to provide substantial sanction in the confidentiality of operation within the financial community. Section 3 is somewhat important, it grants certain exemptions to certain people, it says here in sub-section 4 that "this Law has no application unless otherwise provided", there is an amendment coming up which makes it read, "This Law has no application unless otherwise herein provided to confidential information received or given"; and they list the professional persons, constables, the Financial Secretary or the Inspector of Banks. And the reason for this is that if information is received by any of these persons it's inevitable that this information must be passed on. If I have information from the banks, it's very likely it is an investigation I am taking on behalf of Executive Council and so the information must be passed on to Members of Executive Council. If the Police received information it's very likely it is for the investigation of a case, this information will have to be passed on eventually given in evidence in Court. This section doesn't mean that a Constable can walk into a bank and demand information, but it means that a Constable can walk into a bank and a Constable can advise the bank of a case in question which is under investigation and if the banker wishes to pass on any information to the Constable, well, the banker would not commit an offence under the Law. If the Constable receives the information and passes it on the Constable would not commit an offence under the Law either.

Now, if the banker said to the Police, "Well, I am sympathetic with you, but I am sorry I cannot divulge my customer's account to you", well, the Police would have no alternative than to proceed with an application to the Court for the authority of the Court to extract this information as is now the case. So the section here is not saying to every banker that you must release information, it is saying that if the banker releases the information he is not committing an offence; the banker is not force by the provision in any section of this Law to grant this information. But, as I have said earlier, there had to be a method of extracting information at very short notice in certain cases if there was to be effective control within the community and so the Law provides for it in section 3. Section 4 deals with offences and penalties.

Another important section that is added in the amendment is to say that a new section 7 which reads that, "No prosecution shall be instituted under this Law without the consent of the Attorney-General". Now, the reason for that is because we have seen in a recent case a person could proceed out of the jurisdiction of the Cayman Islands and give information which would be contrary to the provisions of the Law of the Cayman Islands and it was the opinion that that person could have committed an offence against this Law and would be subject to prosecution on return to the jurisdiction of these Islands. Well, these matters must be examined and it depends on the circumstances surrounding a particular case, it's not every case that one would immediately file legal proceedings against, it's perhaps a case like the recent one we heard about, the banker who was served a subpoena at the Miami International Airport and was forced by the Court to give evidence which he refused to do and he was cited for contempt. Well, had that banker given evidence, it was thought that he might have committed an offence against section 10 of the Banks and Trust Companies Regulation Law, which would mean that on return to the Cayman Islands he would have been prosecuted under the provisions of that Law. Well, normally the Government would not have filed legal proceedings against that banker because of the fact that he was forced by the Judiciary of another country to give evidence against the provisions which would render it an offence against provisions of the local Law. And, for that reason I'm sure the Government would not wish to proceed with that case. So, the reason for this section here is for the Attorney-General to examine each individual case and to decide whether it is a case for prosecution or a case in which the Government would exonerate the individual concerned, which was thought to be very important.

I recommend the Bill to Members. I think as it stands it will serve an important role in the continuing or in the continuation of the preservation of secrecy not only in the Banking and Trust operations but in all other areas where doubt existed before. I don't think it's going

HON. V.G. JOHNSON:(CONT'D): to be embarrassing to anyone or it's going to create any difficulty or hardship, because according to the interpretation of "confidential information" and "professional persons" there are specific individuals and specific information which are in the subject of the Law.

Mr. President and Honourable Members, I recommend this Bill and I hope Members will give it their due consideration. The Financial Community as I have said, has supported it; I also said that the Attorneys felt that they should be excluded but if the Law is to be meaningful and to embrace the entire financial operation then I doubt - I cannot see how Attorneys can be excluded. I recommend the Bill as it is presented and with the amendments which were circulated by the Clerk a short while ago.

SECONDED BY HON.D.H. FOSTER.

MR. PRESIDENT: The question is that a Bill entitled, "The Confidential Relationships (Preservation) Law"read the second. The motion is now opened for debate, but I shall suspend proceedings at this stage until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 12:55 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. We'll resume debate on the Second Reading of the Confidential Relationships (Preservation) Law.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I rise to speak on the Confidential Relationships (Preservation) Law. I realize this is a most delicate issue which we are here dealing with today. And I realize that even more delicate is the issue that brings about this Bill being presented to this Legislature in this session. This Bill demonstrates, Mr. President, the determination of this Legislature that whether confidential or otherwise, whatever must be done will be done by this Legislature for the betterment of this territory. For the past eight years I have been privileged to serve the people of these Islands in my own constituency and I intend to demonstrate the same spirit in relation to this Bill this afternoon that I have demonstrated to tackling any problem that has confronted us in the last eight years. I feel with God's help we have tackled any problem regardless of what or how tremendous the importance might have been, concerned only with one purpose and that is to help to make laws in this Island that will benefit this territory and will prove to the outside world that we intend to do our job irrespective of what anyone else chooses to say or do.

I am more concerned about the stability of this Government than I am about any other issue involved today. I am interested in any issue that is of paramount importance to the people of this territory. In the Bill that we have before us today, Mr. President, we realize today that when we make laws that affects the secrecy of the Banks here in these Islands that we have to make legislation that is going to be tested, no doubt, throughout the entire world. I feel that the incident that has proved that we still need something further in the way of confidential legislation, I feel that that today proves to us the fact that not only are others outside watching the laws that govern this territory, but it also tells me that people are looking for every loop-hole, every possible opportunity to do anything possible to ruin a territory that is one of our own that we must better be careful what we say and do. I cite an incident, Mr. President, a few years, may be a year or two ago, when one of the High Officials of one of our neighbouring countries came into these Islands in my opinion and instances leads to that conclusion, that they came in with no other purpose than to crack our secrecy code and be able to go back to their own countries an initiate proceedings against citizens in their own county. I expressed myself then and I repeat myself now that as I have been within my scope and with the greatest of respect, Mr. President, as far as I am concerned I feel that this Government should have

MR. JOHN D. JEFFERSON: (CONT'D) moved and in that instance to make him and anyone any part of the world to know that while we do not, as the Honourable Member said this morning "use our umbrella to cover criminals" we are prepared to do whatever is necessary to preserve the confidentiality of the secrecy / banking laws of the Cayman Islands. I submit with the greatest of respect that individual should have been locked up and his own country notified that this Government had started to initiate a course of law that would reckon with the reckless attitude that he displayed here in this country.

Mr. President, in a conference which the second / Member from Bodden Town and myself attended on the subject of destabilization which was a subject that was new to me and it is now to a lot of other people. But the incident that makes this law here to-day or this Bill presented before this Legislature a necessity. That particular instance was quoted in the proceedings in that conference. I believe that the time has come that we need to do everything possible to make sure that people from the neighbouring countries; its Government is aware that we do not in anyway want to harbour or to give the impression that we want to harbour or cover up for any criminal. yet I think that they in turn ought to respect the laws that governs the Cayman Islands.

I would like to, with your permission, Mr. President, quote from an article in one of our well known or I should say, our only magazine, I think something that is worth repeating in this Chamber and the comment was made by Mr. Charles Adams on the Field case and entitled, "Field case warns world bankers to stay out of the U.S.". And I would read from the third paragraph of the second page at the bottom of the paragraph a few things that I believe need to be repeated.

"Mr. Field is not alone in having to avoid the U.S. With this decision on the books in the federal courts, there is now a warning to the bankers of the world to stay out of the U.S. if they intend to protect the confidences of their customers. This is what the Field case is all about". And the question that he poses is: "Where do we go from here? First, we do not go to Miami, where there is now an "open season" on Cayman bankers. Our laws will not be respected. We should learn to live with that fact of life.

Second, I think our law should be clarified and defined to conform to the more traditional patterns of banking privacy laws in Europe. It is the revealing of confidential matters that should be prohibited, like the attorney-client, doctor-lawyer, or minister-parishioner privilege. A U.S. court would be able to understand and appreciate that kind of a banking privilege

Third, it is time we curbed the free-wheeling investigations of foreign agents on our soil. In the past U.S. revenue agents have received a lot of friendly help on this island and they have been able to come and go and ask questions as they pleased. It is time we required them to register with the government and get advance permission to come here.

The behaviour of some undercover Jamaican investigators should fill us with a resolve to protect encroachments on our sovereignty and the liberties of our society. Of all the areas of difference between British and American Law the principle of extra-territoriality is most pronounced. Long ago the British learned to limit the application of British law to the British Isles. As an almost universal proposition, British law does not operate outside of British soil. The U.S., on the other hand, has frequently sought to enforce its law on the world, especially its commercial and revenue laws. The Field case is just another monument to American extra-territoriality. Since the U.S. does not respect banking privacy, then neither should anyone else, and foreign laws that don't conform to the U.S. view of banking will be disregarded. In this respect, the Cayman Islands is not alone. Canada is constantly being caught up in brawls with the U.S. "commercial Laws".

...And he goes on to speak about the latest incident where "A subpoena was served to compel two Canadian citizens of that country and residents to appear and testify before a grand jury on a special case". I feel, Mr. President,

MR. JOHN D. JEFFERSON: (CONT'D): that this Law here today is a Law of necessity. The economy of the Cayman Islands today depends heavily upon the secrecy of our banks. Secrecy in respect as I have said before, is not in covering up, it's not in condoning criminals which I believe this Government has no intentions of doing. I believe that past history these last few years have proved that the Cayman Islands respect the Laws of other countries, that we believe in co-operation. I believe that there is no people on the earth today that have a greater respect for the Law and for the good neighbours that we have [illegible] the North. But, on the other hand, I believe that our Government or the United Government should be asked, and I understand efforts have been made already, but I am still saying this again, I believe the United Kingdom Government should be asked to pressure the bear on our neighbours on the North to make them aware that we do not condone any criminal act, or that we will not cover up for criminals. But by the other same act we expect them to respect the Laws that we have in this territory.

The case went on to cite, the famous case before the Court where a petition was filed under that of privilege, where the former President of the United States filed for privilege. And, of course had the former President of the United States case been compared to that of Field's they would not have been able - and I submit with the greatest of respect, they would have not been able to get anything done, because in the Field's case it was only a fishing expedition that they were on. They could prove that there was nothing that led to any criminal act, and therefore I submit that pressure was brought, and is brought to bear, that I respectfully believe should not have otherwise. I believe that everybody dealing with any matter that would be in anyway dealing with banks and what have you, that everybody should be placed under this same umbrella of the Confidential Law. I don't believe anybody should be excluded.

I believe, Mr. President, and I have the greatest respect for Law and Order. That when people in responsible positions are aware that much is required of them, we can expect that they will understand the language to which we speak. As I have said, I believe that we should adhere in the strictest sense to the Banking Laws of the Cayman Islands. On the other hand, I am aware that the Bank Inspectors from Britain are permitted, the Bank Inspectors from Canada are permitted into these Islands and I believe by the same sense that Inspectors from the United States should be permitted also, but not in the sense where they will be able to get details on various accounts. I believe to be able to come in like others will no doubt lessen the tension that, no doubt, exists or will continue to exist if we ignore or try to avoid giving them an opportunity. I do not believe, and I hope it's not true, that the attempt was an attempt to interfere definitely in the affairs of another country, I trust it was not done merely for that. But, I do believe that the United Kingdom's Government should be absolutely aware that every Member in this Chamber, I believe I could say today, I'm speaking for myself, that every effort should be made and every pressure should be borne to bear on our neighbouring country to remind her certainly that we are not in anyway trying to deprive them or trying to cover up for any criminal act that has been done in their country. I believe that there must be a certain amount of latitude in respect of the Legislation of Banks and I believe that there should be a great adherence to the secrecy Laws of the Cayman Islands.

Mr. President, as I go through this Bill in perusing it I have only one hope, and that is that it will stand up and do what we hope that it will do. And on the other hand that people responsible will realize that we mean business as far as our banking laws are concerned. An application - Section 3 (1), this Law has application to all confidential information with respect to business of a professional nature which arises in or is brought into the Islands and to all persons coming into possession of such information at any time thereafter whether they be within the jurisdiction or they're out this Law has no application, unless otherwise herein provided. Section 4 (1) Subject to the provisions of sub-section (2) of section 3, whoever - (a) being in possession of confidential information however obtained, (i) divulges it; or (ii) attempts, offers or threatens to

MR. JOHN D. JEFFERSON:(CONT'D): divulge it to any person not entitled to possession thereof; (b) wilfully obtains or attempts to obtain confidential information ... is guilty of an offence and liable on summary conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding two years or both. I am not sure that I wouldn't like to see that $5,000 ten thousand dollars and I am not sure that I wouldn't like to see that exceeding from two years I would see that five years or both.

And, then Section 4 (2) Whoever commits and offence under sub-section (1) and receives or solicits on behalf of himself or another any reward for so doing is liable to double the penalty therein prescribed and to a further fine equal to the reward received and also to forfeiture of the reward. I think, Mr. President, what it does this Law seeks, as I have said before, to make the world know that we're not fooling around we are dead serious when we come to the Banking Laws that governs the secrecy of the Banks in the Cayman Islands. We are a country with very little and a most limited Natural Resources. We have Baked our economy on off shore Tax haven and Tourism. It is a very competitive field. it is a field where there is a tremendous amount of risk, but we have been prepared and we are prepared to take that risk and we are prepared to do whatever is necessary to ensure the confidentiality of anybody's information in these Islands that is being sought by any Government or by any people.

I commend this Bill. I can only say that since a bill of this magnitude will have to stand up under the strictest terms in foreign courts no doubt, we can only hope that an umbrella has been provided to give cover to the people that it's intended to give cover to. And, as I have said before, by the other same token to make the world aware of the fact that the people and the Government of the Cayman Islands does not in anyway adhere to or want to cover up for any criminal act that might be committed in the future. I believe we are responsible enough to answer any challenge and trust with God's help we will do just that. I thank you very much.

CAPT. C.L. KIRKCONNELL: Mr. President, without being lengthy and delaying the passing of this Bill, I must say that I'm indeed grateful to the Third Official Member for his lengthy and very lucid explanation of this Bill. There are a few things I would like to comment on. We must make this Bill into a Law that will achieve the objects and purposes. We are dealing with a fickle industry, but with a stable Government we will be able to keep what we have and increase our lead. as one of the best tax haven in the hemisphere and in the world. We must at the same time try to avoid passing any legislation that will offend other countries who could at the stroke of pen eventually put us out of business. I am satisfied to know that this matter has already been referred to London, and I could only ask at this stage that we go one step further when this Bill becomes law and that is, that we request the British Ambassador in Washington to have an interview with the proper authorities in the United States and advise us just what they would like to see us do and if so, in Regulations we could make amendments to conform to their wishes and not run away U.S. business, we want to attract more, not to run it away.

I have discussed this Bill with several knowledgeable Bankers and other concerned citizens and I am convinced that this Law is a necessity. I am not a party to upholding any tax evasion or anything which is legal like tax avoidance, I see no reason why we should not participate. As I have said, I would be very brief and I will give this Bill my support. I am not a Lawyer, I am not knowledgeable enough to go any further into this Bill, but I will give this Bill my support.

MR. JAMES M. BODDEN: Mr. President and fellow Members, I too will probably be quite brief what I have to say. I think that this Bill in amended, it's probably a shame that it took so long in coming and I too would support what the Member from the Sister Islands has just said, I am not saying that we should bow to their wishes, but as the greater part of the livelihood of this country does come from the United States it might be a good idea if we sort of got some Official feelings as to how this Bill once it's enacted

HON. JAMES M. DOBLEW: (CONT'D): will be accepted. What I'm going to say now will probably be misconstrued because I happen to be a Real Estate Broker, but as I see it, and this is subject to interpretation from the Second Official Member, maybe we're casting the net a little far. Because in making sales in the Real Estate field it sometimes becomes necessary to tell a prospective client who his next door neighbour would probably be, who owns the land and so forth and so on and should I be interpreting this bill correctly I think that it would be construed to be an offence under the Law that should be done.

The next thing that I think that we will have to consider is this, that in the Real Estate Market, and this is so in Cayman as well as many other countries, it is necessary to sell on time. That means that the Company is holding the paper on the time contracts and sometimes although he would like to hold that paper it becomes necessary to discount that paper, and in discounting that paper the people you're dealing with is going to be wanting to know a little bit about the back ground of the people who have bought it, their names, addresses and so forth, balances that are out standing and this would hold true also with the Real Estate Company, that is, a Company that has holdings in Real Estate, should you decide to sell that Company your hands may be tied a little bit in regards to negotiating for the sale of the Company. I am only bringing these points out to make it plain, I am not trying to keep the Real Estate people out of this Law, I am only trying to bring up some of the dangers that can affect this business; God knows it's been affected enough as it is now.

I would have another question, and that would be: whether a person who contravenes this Bill or this Law could also be prosecuted under section 10 of the old Law? Under Section 3 (2) I would make a comment, (that is the new bill that is before us) that we probably should give consideration to in some how protecting the informant, a person who would give information to the Police or to the Financial Secretary in a case of this nature that it would exempt him or her from any criminal charges because they co-operated and gave this information: maybe it's into the bill and I'm not reading it correctly, but I think that that should be incorporated in the Bill. The next thing that I would comment on would be Section 4, I think it's Sub-section (b), and I would suggest that again we enlarge that a little, in this respect, that an I.R.S. Agent could come into the Island tonight, could approach any person under this Law who would be termed a professional person and try to obtain information. And, I think we should have that in such a way that if the person he approched did not report that matter within a very reasonable time to the appropriate authority that that person would be as guilty as the person who is seeking the information. By the same token to keep from having probably an international incident the person who is consulted could say, I am bound by Law to report this to the proper authorities in a written form within so many hours, so you have that many hours to get out of the country or be subject to arrest; that way it may mean that the person would heed the warning you've given them, get on the next plane and get out of the country.

Under Section 5, I think that we should've had a little bit more information given to us, because none of us being professional Lawyers very few of us would have any idea what this case really was about, and I think it would have helped each and everyone of us in deliberating this as well as trying to understand the Bill if we had known what this particular case in Court was about. Another comment I would have would be this, we speak in this Law about the breaking of this Law on the Island as well as offshore, and I wonder whether the Second Official Member could tell us whether the breaking of this Law by someone would be serious enough to allow our Government to negotiate with any foreign Government for extradition for the person who is then abroad. I do not know the Rules and Regulations governing that whether it has to be a certain type of offence as far as the particulars of it, or whether it's a case that involves so much money or what not. But I would like that when the Second Official Member speaks on this Bill if he could give us some advice on this.

MR. JAMES M. BODDEN: (CONT'D) : One of the Members who spoke before-hand said something I think about trying to get the U.K. Government to give us some support pleading our case on this Law, and frankly I would submit that with all due respect to the U.K. Government they would probably be as happy as anyone else to see the tax haven business close down. So, I don't think we're going to get any support from that side. I think this is one time that we're in the pond and each and everyone of us is going to have to link arms and swim together. So, Mr. President, with those few words I will close my debate on this Bill. And I will support it subject to, Maybe, bringing up a few amendments here and there.

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

MR. G. HAIG BODDEN: Mr. President, somebody ought to say that this Bill is not all good. In fact since I have been a Member of this House, only two occasions have arisen with regard to Bills that have caused the Law Society to get up in arms. One occasion was at the last Session of this House, when the Law Society wrote a Memorandum which in my opinion caused Government to withdraw the bill which they had put forward: I am of course referring to the Motor Idemnity Bill which was hidden from that moment onward. And the second occasion on which a Bill was so obnoxious as to bring down the wrath of the Law Society, is the Bill which is now before the House.

In the Memorandum circulated by the Law Society several suggestions were made, a few of them, one in particular was acting upon, in fact a new Section has been added to this Bill to take care of their recommendations. But the major points raised in that Memorandum have not been considered at all, so we shall have to look into this Bill in great detail. And, although I have a very small measure of support for it, I will have to come out in a real fighting mood in order to get Members to their feet and either explain the inexplicable in this Bill or make attempts to amend it. The Bill deals with a subject which is of paramount importance to these Islands and as such must be given grave consideration. However, the matter of the tax haven industry is not a domestic problem, because it touches upon the shores of other countries and other Governments and their Laws. And because of the fact that the tax haven business is dependant upon other countries for its support for its very survival, we must at some stage in the game look upon this business through the eyes of other Governments. About two years ago I had occasion to talk to several MP's from the United Kingdom and they were not at all happy about the Cayman Islands being a tax haven, of course, these Members may have been in the minority so the Member who spoke just before me was quite right in saying that we cannot look to the Mother Country to really put forward our case. The Bahamas which have been in this business for many years have taken recently a new look upon their Tax Laws, and I do not for once even remotely suggest that we should copy a single Law from any other Caribbean Island because I pride myself on the fact that we in the Cayman Islands are doing a far better job than any other Caribbean Government in the running of our country.

And I would make special reference to the major countries in the Caribbean, and it seems to me that the bigger the Government there the more stupid legislation the Government enters upon. But the Bahamas have realized that they must now enter into a new tax treaty with the United States who is the major supplier of the tax clients, with a treaty that would shut down - at least keep out some of the illegal tax dodgers. We know that a tax haven does not look at money coming in to their country as a tax crime, because the people who are puting it are not really evading taxes they're only avoiding paying taxes. But I believe that with the Bahamas we have to make sure that the funds which comes in here and which are sheltered are funds that have at least been obtained legally in the countries from which the money comes. Because they have, particularly in the United States, a big opportunity for exporting money which has come from dubious sources, such as gambling, dope, prostitution, this money is put into trust abroad and then filtered back to the United States having undergone a change similar to that

MR. G. HAIG BODDEN: (CONT'D): which a sinner undergoes when he kneels at the altar of repentance or a transformation similar to that which dirty clothes undergo when they pass through the laundry. And this is what the United States Government wants to avoid. This is what they are afraid of. They do not mind if a U.S. citizen has money and invest it abroad, they do not mind this at all, they want to make sure that their citizens are not using the tax havens to wash dirty money , and to bring it back clean, free from sin, free from tax and to bring back their ill-gotten gains as legitimate business.

In a recent article in a prominent magazine, I believe it was "News-Week" one very prominent tax authority said, that the tax havens can postpone the inevitable only if they de-emphasize secrecy and screen out all business which isn't legal where it comes from. What this tax expert is saying, that if the tax havens want to remain in business they must join hands with the richer countries which are really supplying the capital to ensure that the money which comes to a tax haven has come from a legal source in the country of origin. In other words, the inevitable or the inevitability which he speaks about would be the shutting down altogether of tax havens, which could be done if drastic Laws were passed in the United States so that there would be no benefit at all in exporting money. And this same expert goes on to say, otherwise, United States and the Common Market, which now includes the United Kingdom may eventually succeed in putting all of us out of business or all of the tax havens out of business. So this subject/secrecy is as the Member from West Bay said, "a delicate subject" and it is fraught with difficulties, and the mere fact that we increase the penalties under the Law will not be sufficient to stop the investigations or to prevent the divulgence of secrecy act committed in regard with banking.

The Memorandum to this Bill is very ambitious and seeks to cast its net wider, seeks to leave less room for doubt as to its interpretation and seeks to render the trading in and misuse of confidential information now prevalent throughout the world a criminal offence, if committed in the Islands and even if committed outside of the Islands in relation to Caymanian subject matter. Now, I don't see how this Law will remove that doubt at all. In fact the only difference I see between this Law and section 10 of the old Law is that the penalties under the new Bill are much more severe . In fact I can't see the need for the introduction of this new Bill at all; why did we not simply amend section 10 of the old Law. The Law Society seems to feel the same way, because they say in their Memorandum, if I can quote from it, the Bill - speaking about the Bill which is before the House, "The Bill neither repeals section 10 nor removes the profound / doubts which exist as to its interpretation. Further-more the Bill does not appear to provide any clearer exposition of the principles desired to be achieved", and I agree with this Memorandum. What does the Bill really try to achieve? Does it want the U.S. or other countries to stop from prying into the transactions of its citizens? Does the Bill want merely to increase the penalties? In which case, why not merely amend section 10? What does the Bill want to do? Does it want to prevent people who have worked in the Cayman Islands / from testifying before Courts in foreign countries? How could it stop such a thing?

The Member from West Bay mentioned the Conference in Guyana, and it would be amusing if you were to read the minutes from that Conference. Because, perhaps with the usual exemption of the two Members who went from here the entire Conference believed that the mere appearance of a Banker from here before the Grand Jury was an attempt by the United States Government to destroy the Government of the Cayman Islands. I have never heard such nonsense talked, and I have never had to be so rude in a speech particularly abroad, as I had to be, and to let them know full well that we here did not consider the Field's case as an attempt at the destabilization of our Government. Our case was classed by a delegate from the Bahamas in the same light as a recent instance in the Bahamas where the I.R.S. is purported to have used the wiles of a prostitute to extract information from the Bahamas with regard to their tax haven operation in that country. So, in this Bill today we are dealing with a subject that is vast, with a subject that touches upon the territoriality of

MR. G. HAIG BODDEN:(CONT'D): of other countries, with a subject that goes far beyond the confines of our own shores. The Law Society points out in the Memorandum which they sent to the Members of the Assembly on this Bill, that extra territorial legislation is fraught with difficulties and in any event it is extremely difficult to see what difference the Bill would have made to the Field case if it had been in force at the time of that case. And they may have gone on to say, what different will this amendment make to any similar case in the future, it won't.

They also point out that this Bill, if it is intended to protect the tax haven industry should confine its application to the people directly involved in the tax haven business. Now, I don't agree with one part of their Memorandum in which they tried to exclude themselves from any responsibility. They asked in the Memorandum that Attorneys-at-Law should be excluded from the definition of professional persons who would be subject to the penalties of this Law. And I am glad that the Financial Secretary and the Executive Council and the Legal Department did not bow to such nonsense. Because if anybody needs to come under the umbrella of this Law it would have to be the Attorneys-at-Law. And it has been my experience that while there are many dedicated Lawyers that a few Attorneys-at-Law in this Island have not operated in truly a professional manner, and so they should not be excluded from this Bill. And I must support the definition of 'professional persons" in this interpretation to the bill; "professional person" includes a public or Government official, a bank, trust company, an attorney-at-law, an accountant, and estate agent, an insurer, a broker and every kind of commercial agent and adviser whether or not answering to the above descriptions and whether or not licensed or authorized to act in that capacity and every person subordinate to or in the employ or control of such person for the purpose of his professional activities". The Memorandum also goes on to point out that although under section 4 (1) (b) that a professional person can be prosecuted for merely making an inquiry under this Law.

Section 4(1) (a) says, "whoever wilfully obtains or attempts to obtain confidential information to which he is not entitled, is guilty of an offence". In other words, if a Lawyer merely inquired who were the Directors of an exempted company, then such professional person could be prosecuted purely upon the strength of making such an inquiry. And this noble body of the Law goes on to say, that in their opinion it is doubted that the Bill was intended to cast its net wide. In fact, although that is intimated in the Memorandum I don't believe that the casters of the net intended to let go the net altogether.

Another point raised in the Memorandum is, that although certain people would be exempted, persons such as Constables making inquires, the person answering the inquiries would have no exemption. And the Member from Bodden Town also raised this point, in fact he suggested that the people giving information should be given certain immunities which could be written into the Law. And, so that while this is one of only two times in my memory that a Bill has been so obnoxious, so badly drafted with so many inconsistencies that it has brought down the wrath of the entire legal minds of this country, with the exception perhaps of one or two, that our Government has not sought to put into this Bill the proper amendment which would have satisfied the people who will have to work with this Law, the people who are keenly interested to see that the tax haven business continues. Now, remember that the Attorneys-at-Law in particular have a special interest in this Law in that the major part of their earnings today come from tax haven transactions and so they would not recommend to Government changes in the Bill that would hurt the tax haven industry. Because, while Government might be the father to this industry the legal part of the community is inland and depend upon the revenue or their earnings from this industry just the same as our Government is dependent upon it for certain revenue.

Now, it has been a common practice in this Legislature to push aside suggestions coming from certain areas without really making an effort to put those suggestions into force. And I am glad that most of the criticisms which I am making are criticisms that have not come

MR. G. HAIG BODDEN:(CONT'D): from me but criticisms which have come from a body which really has the authority and the knowledge to make those criticisms. And I am hoping that when we get to committee stage that Government will see itself able to entertain some of these criticisms which could well be for the better working of this Law or this Bill, because of the important of the tax haven industry to these Islands.

A Member earlier on in the debate said that he wished to see the penalties doubled from five thousand dollars to ten thousand dollars. I can't agree with that, Mr. President, because if that Member had read the whole of section 4 he would've seen that the penalties are doubled. In section 4 among other things, "whoever wilfully obtains or attempts to obtain confidential information to which he is not entitled, is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or both". But, that is not the extent of the penalties under this Bill, because sub-section 2 goes on to state that, "Whoever commits an offence under sub-section (1) and receives or solicits on behalf of himself or another any reward for so doing is liable to double the penalty therein prescribed and to a further fine equal to the reward received and also to forfeiture of the reward", so that the penalties can be more than double under section 2, but the Bill does not stop there and it goes on to increase it again. Under sub-section 4, "Whoever being a professional person, entrusted as such with confidential information, the subject of the offence, commits an offence under sub-sections (1), (2) or (3) is liable to double the penalty therein prescribed"; so that with all these doubling it could be a hundred fold it appears to me. Because, every subsection of a bill or the penalty clause seems to double the proceeding or the penalties and the fines under the foregoing sections. So this is not a light Law, this is a Law wherein if the penalties that are suggested in this Bill goes into effect and if these penalties are accepted by the court the person who is found guilty of an offence here would be damned for life. In fact, all but the very rich would be financially crippled forever. And this is not a light matter. In fact it is a most unusual and perhaps the only Bill of its kind in existence in these Islands. Because, in most of the other Laws which we have passed the penalty clause normally reads, "He shall pay a fine not exceeding X'amount of dollars" and here we have a Bill which if interpreted in the wrong light has no ceiling whatsoever, because it can be doubled and redoubled and if you're vulnerable the penalties would be four times as much.

Mr. President, in my copy of the Bill I had marked many sections, I had marked many phrases, but I am glad to see that an amendment has been attached to this Bill. Now, earlier on last week I referred to the case of the house that Jack built, where before the ink was dry an amendment came along to amend the Law and then after that an amendment came along to amend the amendment that amended the Law but this bill has taken a new twist in that amendments have come attached to the Bill, the first time that Jack built a house. And it seems to me that either this was drafted in a hurry or like I said last week, like the midwife's dream of a good birth, is that it was either conceived quickly or is intended to be delivered swiftly. So I don't think we are attaching the importance to this Bill which we should, because the substantial amendments which are attached to the initial Bill were only circulated to this House this morning I believe and certainly lay - Members cannot be expected to digest this most complicated legal Bill. And I am prepared to vote "No" against every section of this Bill; but I know I would find myself in a minority and so the best course of action would be to try and persuade Government to make some changes when we go into the committee stage. But I must say I think that coming down to the close of the life of this Legislature that it has produced on its dying bed the worst piece of legislation to come before this House.

HON. G.R. RADDINGTON: Mr. President and Members, having regard to the excellent exposition on the merits of this Bill which was given by the Honourable

HON. G.E. WADDINGTON: (CONT'D): Third Official Member in moving the Second Reading, I had not intended to speak in the debate, but as the First Elected Member for Bodden Town canvassed my opinion on certain features of the Bill I think it is only right that I should do so, and in so doing, touch also on one or two matters which were dealt with by the last speaker.

The First Elected Member for Bodden Town expressed some apprehension at the question which he raised or the apprehension which he felt in connection with his special or profession as a broker and in respect of the business procedures of such a profession. And one of the matters in respect to which he expressed apprehension was that in the business as a broker it might become necessary to tell a customer for instance who his neighbour was and so on and so forth. Well I think I can calm the fears of the Member in that respect, because this Bill seeks to prevent the divulgence or disclosure of confidential information with in the meaning of that term in the Bill. And confidential information includes information concerning any property which the recipient thereof is not otherwise than in the normal course of business authorised by the principal to divulge. And the term "normal course of business" is also defined in the law as meaning "the ordinary and necessary routine involved in the efficient carrying out of the instructions of a principal". So, it would seem to me that the matters mentioned by the Member would come within the ordinary normal course of business of a broker and I don't think that he need have any fears of a prosecution in respect of such matters.

Another point raised by the Member was with regard to whether a person could be prosecuted both under this Law and under section 10 of the Banks and Trust Companies Law which has not been repeal. Well, the answer to that is to be found in the Interpretation Law which provides that where a person commits an act or an omission which is an offence under two or more Laws, then he can be prosecuted and punished under either of those Laws but not under both. In other words a person cannot be punished twice for one offence, so there is no question there either of a person being prosecuted and punished under both Laws. And then, the Member also was concerned about section 5, and the reference in section to the rule in Tournier v. National Provincial and Union Bank of England, well if he read on a little further he would see that that deals with the civil duty of banks to preserve the confidentiality of the business of their customer's. Without this Law there is a civil duty at common Law of a Banker to preserve the confidentiality of the business of his customer. And what section 5 is doing is to make it quite clear that nothing in this Law which creates criminal sanctions for such a breach, it must be held by implication to in anyway derogate from the civil duty which is set out in Tournier v. National Provincial Bank. That case concerned an action which was brought by Mr. Tournier against the National Provincial Bank for having disclosed certain matters relating to his business as a result of which he suffered damage. And the judgement of the court laid it down quite clearly that the bank had a civil duty to preserve the secrecy of a customer and that he would be entitled to damages in the event of that breach. And, as I have said, all that this section is doing is to preserve that principle so far as the civil liability is concerned.

And the final query by the Member was as to whether extradition proceedings would apply for a breach of this Law by an offender who had left the jurisdiction and gone to another. Well, extradition proceedings depend, of course, on the terms of the treaty between the respective Governments. And it is clear that this being a new Law that this Law would not be within the list of Laws which are usually placed in the Schedule to the extradition treaty, but most of such treaties have an omnibus provision at the end which takes in any criminal offence in the country which in making the extradition for which a sentence of imprisonment of a certain length of time is provided. And it may well be, I can't say with any certainty, that with the punishments provided in this Law that this could conceivable come within that omnibus provision but I'm not giving any assurance at this stage without studying any particular treaty on that point.

Now, I think it is also incumbent upon me to say something briefly on the Memorandum from the Law Society which was referred to by the last speaker. The last speaker categorised a certain paragraph of

HON. C.F. WARDINGTON: (CONT'D): that Memorandum which sought to exclude the Attorneys-at-Law from the provision of the Law, he categorised that as being nonsense. And having regard to the fact that it is clear that the Law Society is seeking by this Memorandum to exclude itself from the criminal sanctions of this Law, one has to look at the entire Memorandum with a great deal of caution because/people who have their own interest to serve put up propositions then invariably one has to treat it with much caution. And having read the Memorandum, it is my view that with the exception the entire Memorandum can be categorised in the same manner. The proposition for instance, that was mentioned by the Member as regard to section 4(1)(b) of the Bill, which the Memorandum raises the proposition , that if any professional person inquires for instance who are the directors of an exempted company, then such professional person can be prosecuted purely upon the strength of making such and inquiry", more utter nonsense I have never heard.

An exempted Company under the Companies Law has to file a return of its directors, and the Register of Companies is a public document open to the inspection of anyone and quite apart from that, if the pundits in the Law Society had taken the trouble to really read this Law carefully and to digest it, it would be seen that confidential information as defined in the Law could never be deemed to be an inquiry of the nature referred to in the paragraph. And, so, as the last Member who spoke to the Bill appears either to have swallowed or is in the process of swallowing the contents of this Memorandum I think my best advice would be that he should now that he helps himself to a good helping of salt in an defog, and so hasten the digestive process.

HON. B.O. EBANKS: Mr. President, as has been said by previous speakers, this is a delicate subject and I had intended to treat it as such and let this Bill slip delicately and quietly in to Law. But, arising the Memorandum from the Law Society which has been given so much prominence and listening to some other contributions I am constrained to make a few remarks generally on the Bill. And, the first thing that I would like to say is this, that no where in the Memorandum of Objects and Reasons do I see that this Bill is designed to have altered the case of Mr. Field had it been in effect at that time. I think Government and its legal advisers are very much aware of the difficulties of application extra territorially of legislation. The reference to this Bill seeking to prevent the traffic in confidential information of information gained in the Cayman Islands outside the Cayman Islands an offence. Rarely it's only to plug the loop hole whereby a professional person coming into information in the Cayman Islands could conceivably under the old Law leave Cayman Territorial waters and divulge as much information as he likes and was not responsible or could not be criminally prosecuted under the Law.

Now, this Law seeks to make it abundantly clear that that type of behaviour will not be condoned if, or unless the person is acting under the jurisdiction of a court. But it certainly will prevent a normal disclosure of information. Mention was made about another territory having gone the route of entering into a tax, or considering entering into a tax treaty with the United States. This is nothing new, it is new for the territory that is mentioned but other tax haven jurisdictions have had these arrangements for sometime. And the advantages and disadvantages of this route have been expounded by persons much more competent than I am to do so. But I am sure that anyone engaged in tax haven operation will agree that there are certain advantages to be had from not having any tax treaties with the metropolitan countries.

What I think this Law seeks to do, Mr. President, is to put the onus of proving any commission of an offence squarely where it belongs and that is, in the hands of the metropolitan country in which it is alleged to have been committed. The Law seeks to prevent persons from metropolitan countries coming to the Cayman Islands on a fishing expedition, and I don't mean chartered boat fishing. I mean going fishing in our banks and other professional institutions. I think, Mr. President, that the Law with the proposed amendments and here I must say that I am surprised that some

HON. B.O. EBANKS:(CONT'D) Members regard these amendments as so far reaching and in fact I think the amendments cover most of the objections which were raised by previous speakers; some were not raised but many of them were raised, and there are very simple amendments which will be proposed in the committee stage.

As regards to the Memorandum from the Law Society which seeks to remove Attorneys-at-Law from the provisions of this Law, I would have to say that if Attorneys were sticking strictly to the work of Attorneys they might have a case. But Attorneys-at-Law are in many instances carrying on the business that Trust Companies do, that is, they maintain the registered offices of offshore Companies, they provide officers for such Companies, hold the meetings and all the rest of it, so that there is no way by any stretch of the imagination that they should be excluded from this Bill. And as the Second Official Member has said, the fear of being penalized for things like asking questions about companies which is a matter of public record, the same can be said to be true about land. The Land Register is a public record and one can apply to see who is one's neighbour, so I don't see this hampering anyone.

The other thing is, Mr. President, many National Banks of the United States are carrying on business here and, to the best of my knowledge, it is a requirement that when such permission is granted to open a branch here, not by this Government but by the U.S. Government, it is a consideration of the approval that the branch must be subject to inspection; this does not mean that individuals accounts become public knowledge, but they inspect the banks as regards to the balance sheets and securities held and so on in respect of advances. So, that not all of this business is done without the blessing of countries like the United States. And as I said in opening, I have a very simple theory about this question of tax haven operations. I feel that if any countries are aggrieved at its citizens using services offered in tax havens like the Cayman Islands, well, then it is the duty of that country to impose its own domestic legislation to take care of those situations. And until and unless the Metropolitan countries are prepared to do that persons are going to continue to use tax haven facilities. And they are not illegal, they are provisions which are in the laws of the metropolitan countries. And while not a lawyer I seem to remember a principle of law which says, that it is not only the privilege of a lawyer to steer his clients through any loop-holes in the Law, but it is indeed his duty to do so. So as long as there are provisions for minimising taxation in any foreign country by using legislation provided in countries like the Cayman Islands I think the business of tax haven operations will continue.

And the Law before us as I have said, Mr. President, certainly goes further than section 10 of the old Law went, and in my opinion it certainly does what it says in the Memorandum of Objects and Reasons, it does it not much wider and I think that this is a desirable thing and that this Law can only help the tax haven industry in the Cayman Islands. I thank you.

HON. G.E. WADDINGTON: Mr. President and Members, on a point of correction, I mentioned that with one exception, referring to the Memorandum, I should have said with two exceptions.

MR. PRESIDENT: Any other Members wish to speak? I'll ask the Honourable Mover if he wishes to reply.

HON. V.C. JOHNSON: Mr. President and Honourable Members, I am grateful for the debate that ensued on this Bill and I thought it would carry a majority support of the Legislative Assembly and there was only one opposing voice. But, nevertheless, it is good to know that all matters being discussed in this Chamber are voiced both with support and with opposition.

Much was made of the Memorandum that was submitted by the Law Society, and I did not mention very much of it in my presentation

HON. V.G. JOHNSON: (CONT'D): or in presenting the Bill because I thought on the basis of a gentlemen's agreement the President of the Law Society and myself in my office had discussed the matter and we had come to the decision that there was only one matter which we could not decide on contained in the Memorandum, and that was the question that the Law Society felt that Attorneys should not be embraced in the umbrella of the provisions of this Law, and I made it quite clear to the President and I told him that he could take it back to his Society and say to them that it was Government's intention to include all the persons and offices mentioned in 'professional person' and it was the opinion of other areas of the financial community that this Law should spread its wing to embrace many other areas other than Banks and Trust Companies and we made no bones of it, I told him that I was not prepared to support that particular view and that I would be presenting it to the Legislative Assembly in this form. He asked me whether he should circulate the Memorandum to Members of the Legislative Assembly, and I said to him, that it was a matter for his decision and the Society's decision, not for me to say. And, then he asked me, how would Government feel if he circulated it to Members of the Legislative Assembly? And, I said to him, "it would appear to be lobbying something which Government detest and something which we would not feel very pleased about". He said to me then, "you're telling me that I should not circulate it", I said, "I did not tell you that, it is entirely up to you to do whatever you pleased to do about the Memorandum", and he said, "well, I read you clearly" and he left.

Well, I think that this sort of lobbying is not a very good thing especially when a body like the Law Society having discussed this matter with Government and we got our wires cleared and they knew what the position was, I didn't see the need really for the Memorandum such as it is to be distributed to Members of the Legislative Assembly especially when most of the grounds were covered in the amendments, and I handed him a copy of the amendments on a confidential basis and told him that he could look at it and see for himself that many of the points in his Memorandum were already covered. To me, Mr. President, this is a bad taste, but I think the Attorney-General has said enough about this particular matter already, so I will not pursue it any further.

The first speaker on debating this matter mentioned an article by Charles Adam on the Field's case published in the local Northwester Magazine. I will say this, Mr. President, that since the Field's case has been mentioned that it is a very special case as far as the United States Government is concerned, it's not an ordinary case. The Field's case has been under investigation for some four, five years by the Security and Exchange Commission on the Internal Revenue Service to the United States. It is believed that they were committing banking breaches within the United States and not a matter of American or United States citizens doing business in the Cayman Islands be the institution, it's a matter that the American Government accused them of committing banking breaches within the jurisdiction of the United States and this is what the case is all about. This Government has been assured by the Internal Revenue Service to the United States, although we may not be able to accept this in any guaranteed form, that anything which touches on the avoidance of tax that they would not be interested in pursuing the matter outside of the jurisdiction of the United States into the Cayman Islands. The I.R.S. said that they were here or they came to the Cayman Islands in the first instance to investigate a certain case involving a large theft. The details of that case were handed to this Government and from them the I.R.S. was very helpful to the Cayman Islands Government in providing references and other information required to process applications under the Banks and Trust Companies Regulation Law. And, that was a general understanding that they would not interfere with American citizens merely because they were doing business in the Cayman Islands to avoid taxes.

So, here we have the Field's case, but the Field's case is not an ordinary case, it is something special about it as far as the American authorities are concerned. A Member said that we should request the British Government to discuss the matter of our secrecy legislation with the American authorities to see what they would require. Well, this is taking place now, Mr. President, the British Government through the Bank of England has been

HON. W.G. JOHNSON (CONT'D): discussing this matter with the American authorities because the American authorities requested or is requesting the permission of this Government to examine on the local scene branches of American Banks. And so the Bank of England discussed the matter with the British Government and asked how they felt about it? And the Bank of England advised at the same time that it is a reasonable request, it happens in every country and that if we attempt to avoid the American authorities coming here to do the on the spot inspection of the branches of American banks it might affect our relationship with the United States Government, and they would advise that we grant permission. However, we requested that for the safety of the Financial Industry that we would ask that the American authorities in carrying out the on the spot inspection would avoid as far as possible the detailed examination of individual customer's account. this is now being discussed between the British Government and the American Government and a decision will be reached I hope early.

But I am saying this, Mr. President, to let Members know that all these matters are the subject of discussion at the present time between the British Government and the American Government, we have been pursuing them for sometime.

The Law, someone said took a long time in coming, it did take a long time in coming, because it's not a simple matter to draft a piece of legislation like this and once it has become an acceptable piece of legislation I think we can boast that it is an original legislation as well. The Legal Department has created a few original Laws which has no precedent anywhere, and I think it's very well of them that they are able to do this; it took a lot of efforts, a lot of thought, a lot of work, as small as this Law may be to put it together in this form. Concerning the amendments that went alone with it, I think it should be explained that these amendments were as a result of long discussion with other members of the financial community who thought that these amendments would improve the law to a great extent, Government went along with it and we promised that it would be presented to the Legislative Assembly. Outside of that, I also mentioned that the Law was in the hands of the British Government for some three months and they examined it and they sent it back and said they had no objections to it. So it's not that the original wording of the Law was not suitable either, but as I have said, the amendment makes it that much better - put it in a much better form. It gives the financial community the sort of facility which they need and at the same time the safeguard which is also required.

Mr. President, I will go into the Amendment in more detail when we go into committee to study this Law clause by clause and I now formally move the Second reading of the Bill.

MR. PRESIDENT: The question is, that a Bill entitled "The Confidential Relationships (Preservation) Law" be read the Second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: (CONT'D): I think that we should now move on to the Introduction and Second Reading of the next Bill so that we can take the two committee stages at the one time.

THE JUDICATURE (AMENDMENT) LAW, 1976

CLERK: THE JUDICATURE (AMENDMENT) LAW, 1976, INTRODUCTION AND FIRST READING

MOVED BY HON. G.E. WADDINGTON

SECONDED BY HON. D.H. FOSTER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE JUDICATURE (AMENDMENT) LAW, 1976, SECOND READING

HON. G.E. WADDINGTON: Mr. President, I beg leave to move the Second Reading of a bill entitled "The Judicature (Amendment) Law, 1976".

HON. G.A. GRAHAM: (CONT'D): Mr. President and Members, Members might have been struck by the manner in which this Bill was sent to them with a notation "in strict confidence". Members will no doubt know that at the time when this Bill was circulated that there was then a case which was actually being tried in the Grand Court in which the principles which this Bill is seeking to codify were then being tested in the Grand Court, and it was thought that in the interest of justice and in order not to create the slightest possibility of interference within those proceedings that the Bill should be circulated "In confidence" and not in the usual manner of being made public. And I hope that Members will respect the motives that caused this to be done in that manner.

Now this Bill, Mr. President and Members, seeks to do three things. First of all it seeks to confer upon the Judge of the Grand Court all the administrative powers which have been conferred upon our Magistrate by the Summary Jurisdiction Law. And I must admit here and now, Mr. President and Members, that these powers ought to have been included in the Judicature Law, 1975 when that Law was passed by this House. Members will remember that that Law was one of a considerable body of Judicature Laws which were passed by the House and by inadvertance this particular provision was omitted and it was not until the Rules of Court under that Law and other of the Laws were being settled that the omission was brought to light. And so it is thought that by the addition of a new section 62, that by giving the Grand Court these powers that much repetition in publishing of Court forms and matters of the kind will be avoided, because it will then be possible for the Judge of the Grand Court to adopt most of the summary court forms where practicable.

The second object of the Bill is to supply an omission of something which has always been absent from the Grand Court's jurisdiction from its origin. Something which appears in the jurisdiction of most other High Courts and that is a power for the Court to order the payment of interest on judgement debts. And I am sure that Members will agree that that is a very good provision and is long overdue. The new section 63 will allow judgement debts to carry interest automatically at the rate of seven and a half percent, and as I have said, that is a provision to be found in almost every other High Court's jurisdiction. But, section 63 goes a little further and provides that if the Judge is of the opinion that there was no serious defence to an action or that the defendant was guilty of using delaying tactics then the court can order payment of compound interest up to ten percent. And Members may no doubt agree with me that this provision will tend to reduce litigation and prevent the courts from being used as a means of delaying the payments of debts.

The third thing which the Bill seeks to do is, as I briefly referred to before, to codify in the bill the existing Common law powers of the Court with respect to two things:- (a) The power to exclude witnesses from the Court, except the parties and expert witnesses until they have been called on to give evidence. Now that practice is at present observed by the Court and most other Courts, but it is considered that it would be better for it to be expressly stated in the Law. And the second power which is sought to include in the Law and to codify in the power to maintain order and decorum in the Court by ordering the removal from the Court of any person, including Counsel or an Attorney-at-Law, who misconducts himself in a manner that is calculated to prejudice the just and fair trial of a cause or matter. Now this power as I have said exists at the present by the Common Law, but in order to ascertained exactly what the power is, it is necessary whenever the question arises to go to the judicial decisions over the years and to interpret these powers from those decisions, which is always a tedious time consuming procedure, and so it is thought that if those powers were codified in the Law that the ordinary person and indeed even Attorneys-at-law who seem to be unaware of them would become fully cognizant of them and hopefully that this would make the law certain and would tend also to prevent cases such as the one which has just been heard in the Grand Court. And as Members will no doubt be aware, the judgement of that court confirmed and has vindicated this power, and perhaps I would be pardoned if I should refer to the judgement of the Judge, Mr. Justice Parnell, who was specially assigned to hear this case as Judge of the High Court in Jamaica, and he had this to say, "After dealing with the present statutory

HON. G.E. MADDINGTON(CONT'D): powers which gives the court the power to fine a person who misbehaves in court";he goes on to say,"that he may impose a sentence of imprisonment not exceeding seven days or a fine not exceeding ten pounds, or the present equivalent in Cayman Dollars". And these are the words that he used,"but the Magistrate is not thereby emasculated, he is still able to deal with a situation in a reasonable and less severe manner and having an offender removed from the court so that the business of the court may proceed in a calm and agreeable atmosphere is in my view a reasonable and less severe method than proceeding to impose a fine or inflict a term of incarceration".

And then he goes on to say further on, " to deal with interpretation and misbehaviour in court is a right which the Stipendiary Magistrate has, and in exercising that right the Stipendiary Magistrate may in good faith adopt an erroneous course of procedure which may afford a ground for an appeal, but it cannot afford a ground for instituting a civil action against it . It is impossible to secure perfection in the administration of justice, the reasonable room is afforded for human error and well intentioned misjudgement. An individual being a part of the community, it is better that he should sustain some harm occasionally than that those who administer justice should be inhibited and regulated by threat of civil action at the instance of a peeved Attorney or a disgruntled litigant".

And so,Mr. President and Members, I commend this Bill to the Members of this House And I hope that it will be received with approval.

RECOUNTED BY HON. D.H. FOSTER.

MR. PRESIDENT: The question is, that a Bill entitled "The Judicature (Amendment) Law, 1976" be read the second time. The motion is open for debate.

CAPT. C.L. KIRKCONNELL: Mr. President, I do not think that it is very much here to debate. I think the Second Official Member has made it quite clear that this is necessary and having in mind the recent case which has just closed I don't think it is any Legislator here who could have any doubt in his mind that this is not a necessary Law. I therefore give this my support.

MR. V. HAIG BODDEN: Mr. President, I am sorry the hour is running so late that I do not have sufficient time to give praise where praise is due, because I intend to support this Bill. And it seems to me that, even for me there is very little left to say, the Honourable Second Official Member has well presented his case and well out-lined the three functions which the Bill will carry out.

The first object of the Bill appears to give to the Grand Court certain administrative functions and this is as it should be, I am all in favour of that. The second function seems to be to give the Court the power to add interest wherever a sum is ordered and this seems to be a reasonable thing for us to do since in the normal practice of business when money remains unpaid interest must be added to it, and it could well be a deterrent for those who were able to pay and will not pay. But even without the two former reasons for presenting this Bill, the Bill would have been of sufficient importance to bring before the House, in that it gives to the Judge of the Grand Court powers which,though already inherent had not been set out by statute , and that is,the power for the Judge to discipline his court. And I must say, Mr. President, that I have been in the Court several times in recent years and our Court's had begun to fall into disrepute, in that particularly two Members of the Law had more or less taken over the Court and behaved in a fashion that didn't become a gentleman or a Member of the Law. And I think it is right for this Legislative Assembly to make it crystal clear that we will not tolerate this behaviour in the Courts regardless of who the person may be. And I commend this Bill, and I must say that I am happy to be able to close on such a note as this will be the final debate for this Assembly. And not only am I glad that the Bill has been presented in this fashion, but also that it has given me the opportunity to show that I will render unto Caesar the things that are Caesar's.

MISS ANNIE H. SAUNDERS: Mr. President, while I agree with certain parts of this Law, I must say like the Bible says, "It is a fearful thing to fall into the hands of a living God"; it's a fearful thing sometimes to fall in the hands of the Judges of the Court House. I remember on one occasion when the cardboard houses were talked about and I objected very strenuously. I went to Court on a matter with the proper application asking the then Honourable Judge to hear this application to reopen a case; my client had not been properly served, he was not in Court and there was a default judgement given. In a most humble way I arose and ask His Honour, the Judge if he could hear my application now? Because I had opposed this Government with the cardboard houses you should have heard him, "Sit down, sit down, get out you are disturbing this Court". A man was there, a Jamaican Attorney-at-Law who said to me, "I don't know why you don't curse him out and done", I said, "Oh no, that is what he wants"he wants to deprive me the right to practice before him. I sat down like a dog, I cried about it; so this Law should work both ways, the Judge must preserve the dignity of his Court, and not because he doesn't like Annie Sudden or he don't like this one or he don't like the other one. I don't agree with any Law being made personally to attack anybody.

I will cite another case. A Jamaican,little short Lawyer, the best behaved man I have ever seen in the Court House yet, because he opposed a certain Judge he was disqualified from practising in that Court, a Barrister he was, a Q.C. at that, had to sue this Government as a Judge and it was patched up between them. So if a Judge gets in his head that he doesn't like you or you are opposing him in any manner he can be very malicious. I have proven it on myself. I went to court not too long ago and because the Judge didn't like me I would say, a boy had a scar that size where he had opened a gate and cut my dog with him or possibly my dog, and you know how much I had to pay for that, one thousand dollars. So I hope that this Bill will be made to work both ways. I went to Court the 17th of August, and as they are termed now "Black White Lawyers" he was on the other side in a Land Adjudication Bill. He got up with a long rig-ma-row which lasted about an hour and a half, and when I got up to present my case I had to show him the folly of what he was talking, he was so dumb that he did not even know that the recording of a Will prior to 1907 it automatically became probated. This Will was a hundred years old and recorded in 1902, and he rugged on me, rugged on me, and the Judge never said a word, but had it been Annie Sudden Sodden it would have been a different story.

So while I Agree that there should be proper conduct in our Courts, and I must tell you, Mr. President, the behaviour in Court now to me is appalling. You go there, there is hardly a policeman anywhere to command respect, they yell and they laugh and they clap and they holla, it couldn't happen in olden days, you dare not go into the Court House unless you were properly clad; there's nothing like that these days; chewing, chewing gum, laughing, going about in their shorts, anything can happen in the Courts now. So while I agree with a Bill to have order in our Court, I certainly don't agree with a Law being made on personality and I am afraid that's what happened in this instance. That Law is there now to have good behaviour in the Court but it's not there, and I hope and pray and trust that when this Bill becomes Law that the onus will go on both sides. The Judge must behave properly as well as the Attorneys-at-law. Thank you.

MR. PRESIDENT: Does any other Member wish to speak on this Bill? I'll ask the Honourable Mover if he wishes to reply?

HON. G.E. HAGGINSTON: Not really anything to say in replying, Mr. President, the Bill apparently has been accepted by the House. I regret the incidents to which the Elected Lady Member for George Town has -(I think perhaps you ought to live in Boulder Town)- I regret the incident, but no doubt that was in the long distance past and hopefully the Judges and Judges, and hopefully

HON. G.E. WADDINGTON:(CONT'D) that the discipline in the present Grand Court, particularly with the recent passage of the Judicature Laws which show a great of improvement and that the Court will occupy a position amongst the High Courts of the world.

MR. PRESIDENT: The question is, that the Judicature (Amendment) Law, 1976 be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT.(CONT'D): We're left with two committee stages of two Bills and the reporting out of committee or passage a recommittal to a committee of the Legislative Assembly Standing Orders. So I don't think we are going to get through this but tonight and it might be a good time to take the adjournment.

ADJOURNMENT

MOVED BY HON. D.E. FOSTER

SECONDED BY HON. G.E. WADDINGTON

QUESTION PUT: AGREED. AT 5:20 P.M. THE HOUSE ADJOURNED UNTIL WEDNESDAY, 8th SEPTEMBER, 1976.

MINUTES

FIFTH DAY

WEDNESDAY, 8th SEPTEMBER, 1976, 10 a.m.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS ROSSER, CBE, PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.
HON. G.E. HADDINGTON, C.B.E., Q.C.	SECOND OFFICIAL MEMBER, ATTORNEY-GENERAL.
HON. V.G. JOHNSON, O.B.E.	THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY.
HON. A.R. HUGH, J.P.	FIRST ELECTED MEMBER AND MEMBER RESPONSIBLE FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	SECOND ELECTED MEMBER AND MEMBER RESPONSIBLE FOR CO-ORDINATION AND INFORMATION.
HON. LEMUEL O. EBANKS, JNR.	THIRD ELECTED MEMBER AND MEMBER RESPONSIBLE FOR HEALTH, EDUCATION, SOCIAL SERVICES, LABOUR.
HON. M.W. CONOLLY, O.B.E., J.P.	FOURTH ELECTED MEMBER AND MEMBER RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, MEMBER.

OTHER ELECTED MEMBERS

MR. T.W. FARRINGTON, C.B.E, J.P.	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY.
MR. JOHN D. JEFFERSON	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY.
MISS ANNIE H. BODDEN, O.B.E.,	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN.
MR. CLAUDE M. HILL	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN.
CAPT. CHARLES L. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.
MR. JAMES M. BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN.
MR. G. HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN.

ORDERS OF THE DAY

WEDNESDAY, 8TH SEPTEMBER, 1976

10 A.M.

1. GOVERNMENT BUSINESS:

BILLS:

(i) THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW

COMMITTEE THEREON

REPORT THEREON

THIRD READING

(ii) THE JUDICATURE (AMENDMENT) LAW, 1976

COMMITTEE THEREON

REPORT THEREON

THIRD READING

2. THE DRAFT LEGISLATIVE ASSEMBLY STANDING ORDERS 1976

TABLE OF CONTENTS

	PAGE
THE CONFIDENTIAL RELATIONSHIP (PRESERVATION) LAW, COMMITTEE THEREON	1
THE JUDICATURE (AMENDMENT) LAW, 1976, COMMITTEE THEREON	5
THE CONFIDENTIAL RELATIONSHIP (PRESERVATION) LAW, REPORT THEREON	11
THE JUDICATURE (AMENDMENT) LAW, 1976, REPORT THEREON	12
THE DRAFT LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976	13
HOUSE IN COMMITTEE	18
REPORT THEREON	23
ADJOURNMENT	36
DEBATE THEREON	36

WEDNESDAY, 8TH SEPTEMBER, 1976
10:00 A.M.

MR. PRESIDENT: Proceedings are resumed.

THE CONFIDENTIAL RELATIONSHIP (PRESERVATION) LAW

COMMITTEE THEREON

HON. V.G. JOHNSON: Mr. President, Honourable Members, I beg to move that this House resolve itself into committee of the whole House to consider The Confidential Relationship (Preservation) Law clause by clause and amended as maybe being necessary.

SECONDED BY HON. D.H. FOSTER.

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

MR. PRESIDENT: I think we might put the motion on the second Bill and then we can deal with both of them in committee.

THE JUDICATURE (AMENDMENT) LAW, 1976

COMMITTEE THEREON

HON. V.E. WAUDINGTON: Mr. President, I beg to move Sir, that this House resolve itself into a committee of the whole House to consider The Judicature (Amendment) Law, as it appears on the bill clause by clause, and to amend as may be necessary.

SECONDED BY HON. D.H. FOSTER.

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE.

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

HOUSE IN COMMITTEE

(a) THE CONFIDENTIAL RELATIONSHIP (PRESERVATION) LAW

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 INTERPRETATION

QUESTION PROPOSED:

HON. V.G. JOHNSON: Mr. Chairman, there are amendments suggested, and these were circulated to Members a few days ago. The clerk has retyped the Bill in the amended form and also circulated that. We will deal with the amendments as were originally circulated and the first is to insert in the first line an interpretation for Bank Licensee and Trust Company, and the amendment is to insert after the first line,"bank", "licensee" and "trust company" have the meanings ascribed to them in the Banks and Trust Companies regulation Law, 1966".

The second amendment is in the definition of "normal course of business" which is amended by deleting the semi-colon at the end of the definition and add the words and semi-colon - "and the routine exchange of information between licensees;",

The third amendment to section 2 is in the definition of "professional person".At the end of the first line insert the words and comma "trust company,".

HON. W.W. CONOLLY: Mr. Chairman, could I just ask one question? In the amendment of the interpretation of Bank Licensee and Trust Company , should they have the inverted commas on each of these because I stand open to correction, but the word "licensee" isn't used in the law and I was wondering whether that the bank would include the Licensee and Trust Company as well. As it is written now I would interpret it to have that there are three different terminologies, or three different terms. I don't know if the Honourable Financial Secretary could enlighten me on this particular point,Sir.

HON. V.G. JOHNSON: I don't know. Who do you want to reply to that?

HON. W.W. CONOLLY: Pardon. I was just asking a question in the interpretation, it has here bank, licensee and trust company, but each of these are in inverted commas. I don't see the term "licensee" used in the law. And I was wondering why are these terms defined as such in the interpretation.

HON. G.E. WADDINGTON: The word "licensee" is used in the definition of"normal court of business" in the amendment that has just been proposed.

HON. V.G. JOHNSON: That's the only place in which Mr. Chairman.

HON. W.W. CONOLLY: It is taken then to be separate; each one of these are separate? Yes that's good, I see, o.k. then.

QUESTION PUT: AGREED.

MR. CHAIRMAN: I'll now put the question that clause 2 as amended do stand part of the Bill.

MR. JOHN D. JEFFERSON: Mr. Chairman, I apologise for being late. Could you give me the amendment for it.

MR. CHAIRMAN: The amendment if the Honourable Member has a white piece of paper which sets out the Bill, included are the amendment which moved by the Honourable Financial Secretary today. The amendments are underlined in each There are three amendments to this clause, one is to insert a new definition of"banks", "licensee" and "trust company". The other two amendments/some minor corrections were made to the definitions of "normal course of business", and "professional person".

MR. JOHN D. JEFFERSON: Thank you very much,Mr. Chairman.

QUESTION PUT: AGREED: CLAUSE 2 PASSED AS AMENDED.

CLERK: CLAUSE 3. APPLICATION AND SCOPE

QUESTION PROPOSED:

HON. V.G. JOHNSON: Mr. Chairman, there are also amendments recommended to section 3. The first one is in the first line of sub-section 2 after the word "provided", add the words "to confidential information received or given". The second amendment is to delete the semi-colon at the

HON. G.E. WADDINGTON: INAUDIBLE.

HON. V.G. JOHNSON: Yes. This was not in the circulating revised copy of the law.

HON. V.G. JOHNSON [CONT'D]: ... To delete the semi-colon at the end and substitute a full stop (then that is down at the word "inspector". I have another amendment Mr. Chairman which was not circulated to Members but it was an amendment thought to be of significance and which I want to propose now. In "(c) of sub-section 2 of section 3 it reads "to Constables, specifically authorized by the Governor in that behalf investigating criminal offences committed or alleged to have been committed outside the jurisdiction". Now the Attorney General has recommended an amendment to that which would read "to Constables, specifically authorized by the Governor in that behalf investigating an offence committed or alleged to have been committed outside the jurisdiction which, if committed in the Islands, would be a criminal offence". I'll just read that timely again. It reads the same right on until we get to the word "investigating" in the second line - "investigating an offence", and then the rest of it reads on the same until we get to the word "jurisdiction" - "committed or alleged to have been committed outside the jurisdiction", remove the semi-colon and add these words "which, if committed in the Island, would be a criminal offence:"

QUESTION PUT: AGREED. CLAUSE 3 AMENDED.

QUESTION PUT: AGREED. CLAUSE 3 PASSED AS AMENDED.

CLERK: CLAUSE 4. OFFENCES AND PENALTIES.

QUESTION PROPOSED:

HON. V.G. JOHNSON: Mr. Chairman, there are also amendments offered or suggested to section 4. The first one is in sub-section (1) insert between the figure 3 and the dash (-) in the first line the word "whoever"; and the second amendment is that in sub-section (1) of sub-paragraph (a) delete the word "whoever", in other words "whoever" was just in the wrong place. The third amendment is in sub-section (3). Between the words "that" and (a) in the first line insert "subject to sub-section (2) of section 3".

MR. JOHN D. JEFFERSON: I wonder, Mr. Chairman, if the penalties for five thousand dollars or not exceeding two years or both, if the penalties are strong enough.

HON. V.G. JOHNSON: Mr. Chairman, I thought in the debate on the Bill yesterday it was pointed out by another Member that the penalty under that section was very severe because it doubled under other sub-sections as the same section before. If it was read throughout it will be seen that the law carries very severe penalties. I think that that is substantial enough.

MR. JOHN D. JEFFERSON: It ought to shouldn't it?, if that is the purpose for which it is designed. But if the penalty was ten thousand then the second would be twenty thousand, wouldn't it?, or four years. I think the whole idea is to make people know that it must not be pushed. It is sort of like the Capital Punishment law as far as I am concerned.

HON. V.G. JOHNSON: Mr. Chairman, professional people committing a breach of the law is not merely what the fine or imprisonment may be but if the future career of the individual that counts a great deal as well.

MR. G. HAIG BODDEN: Mr. Chairman, if I can ask the Honourable Second Official Member a question? I believe that there is same law, or some code that sets out the maximum penalties that can be set for any offence And I believe the penalties set out in this law must be pretty near the maximum now, for example, say something like kidnapping, there is a limit to the penalties that can be set.

MR. G. HAIG BODDEN (CONT'D): And I believe offences like this, there is a certain limit to which a person can go to be put in jail, or a limit to/fine, and I believe this law must be pretty near to the maximum now.

HON. G.E. WADDINGTON: There is no general law setting out the maximum punishment, Mr. Chairman. Each law provides for a penalty and the maximum set by that law will be the maximum for that particular law, and the Legislature can fix any amount that it think adequate. As a matter of fact for common law offences there is no maximum and the court for breach of a common law offence can impose any penalty which the court deems the crime.

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

CLERK: CLAUSE 5. SAVINGS.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. REGULATIONS.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

HON. V.G. JOHNSON: Mr. Chairman, a new section 7 is recommended and it reads "No prosecution shall be instituted under this Law without the consent of the Attorney General". And in the marginal note "the Attorney General's Fiat".

MISS ANNIE H. BODDEN: Mr. Chairman, if I may inquire.

MR. CHAIRMAN: Just a moment, please.

MISS ANNIE H. BODDEN: Sorry Sir.

CLERK: NEW CLAUSE 7. ATTORNEY GENERAL'S FIAT.

MR. CHAIRMAN: We inserted a new clause, the procedure not set out in Standing Order 50 (6). And with the reading of the marginal note the clause is being to have been read the first time. The question is then/that the clause be read a second time. If that is passed then the clause is open to amendment, so I'll put the question that the new clause 6 be now read the second time.

QUESTION PUT: AGREED. CLAUSE 7 READ A SECOND TIME.

MR. CHAIRMAN: The motion is now open for debate.

MISS ANNIE H. BODDEN: I was just inquiring Sir, for information, of course, that it says "no prosecution shall be instituted under this Law without the consent of the Attorney General". Now would that mean, Sir, that if the police are investigating they could not as ordinary just go ahead and file a suit, they would have to get the consent of the Attorney General before. He would look into the merits and demerits I suppose of the investigation before he would pass on it. I was inquiring for information Sir.

HON. G.E. WADDINGTON: Yes, that's correct, Mr. Chairman.

MR. JOHN D. JEFFERSON: Mr. Chairman, this is humorous, but why does not the Attorney General drive a Cadillac instead of a Fiat?

HON. G.E. WADDINGTON: I think a Fiat gives much better mileage, Sir.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: A LAW TO GIVE SANCTION TO THE DUTY OF NON-DIVULGENCE OF INFORMATION IMPARTED UNDER CONDITIONS OF PROFESSIONAL CONFIDENCE EXPRESSED OR IMPLIED.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: Well that concludes examination in committee of a Bill intituled The Confidential Relationship (Preservation) Law. We will turn now to The Judicature (Amendment) Law, 1976.

THE JUDICATURE (AMENDMENT) LAW, 1976.

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 LAW 11 of 1975 AMENDED.

QUESTION PROPOSED:

HON. G.E. WADDINGTON: May I make a suggestion for some typographical corrections Mr. Chairman? In the new clause 64 the word "court" is spelt with a common "c" instead of a capital "c".

MR. CHAIRMAN: If it is no objection there the amendment may be noted replacing a common "c" for a capital "c" in the word "court" in the third line of 64 (1).

MISS ANNIE H. DOBDEN: Number 2 also has a capital "c".

HON. G.E. WADDINGTON: Which is that?

MISS ANNIE H. DOBDEN: INAUDIBLE.

HON. G.E. WADDINGTON: The entire 63.

MR. CHAIRMAN: The entire 63.

HON. G.E. WADDINGTON: The entire 63, common "c" right through.

MR. CHAIRMAN: So that's in three places.

MR. G. HAIG DOBDEN: Mr. Chairman, although I have supported this Bill in principal yesterday, under 64 (1) it would seem that in this instance the client could be precluded from obtaining the Council of his original choice, this was a strong point mentioned in the judgment - it's the Honourable Second Official/referred to. In that judgment the Judge handing it down said that if Mr. Shaw refused to refer/ certain cases to the Justices of Peace, and also he himself refused to try those cases/ he would preclude the client from having the Counsel of his choice and he went on to s that this had been, not in the same words but it had been one of the inherent right of the people of the Cayman Islands and this right would be taken away if a judge adop] such/attitude.

MR. G. MAYO DODSON (CONT'D): Now this sub-section 3 here says that where a court exercises the powers set forth in paragraph (2) of sub-section (1) and gives reasonable time to the client of an Attorney at law involved to obtain other representation, the exercise of its power by the court shall not be a ground of appeal by or on behalf of such client. So this sub-section (3) seems to intimate that a counsel would be not only moved from the court but precluded from coming back, maybe tomorrow morning when his temper is cooled and continuing the case, and it does in this section exactly what Judge Powell said we should try to avoid. And I think sub-section (3) should be stricken from the clause, but I'm in favour of the first two sections which gives the court inherent power to remove an Attorney at law, or any other witness for his behaviour, but I think it has gone a little bit too far when it says the fact that sufficient reasonable time has been given to obtain other representation that the exercise of its power by the court shall not be a ground of appeal by or on behalf of such client. And I think that we are destroying the very essence of this Bill because in its introduction the Honourable Second Official Member used this very judgement to emphasize the importance of this Bill and the very important section of that judgement, I'm sorry I do not have a copy but the Judge made it/ crystal clear that the attitude of the court should not run on to such an extent that it precluded a person from obtaining the counsel of his choice and this here would mean that the court could say to a client "well I have put out your unruly attorney , I give you five days or I give you ten day or I give you a reasonable time to get another attorney and if you don't find another attorney within that specified time your case will/tried and you cannot appeal on the ground that you had no counsel. So sub-section (3) is a dangerous section and would definately destroy the principle set out in that ruling which as, the Second Official Member mentioned was, he did not say that it was one of the reasons but it was definately a substantial example as to why certain powers need to be put in the statute to allow the court to control the conduct of attorneys-at-law. And I would suggest that sub-section (3) be striken from this Bill.

HON. C.E. MADDINGTON: I think Mr. Chairman, that the last speaker has completely misread, or misunderstood the judgement of the court. The comment on the court that the court made/regards to Mr. Shaw, but because Mr. Shaw in his evidence said that whatever the outcome of the case he would not be bearing any cases in which Mr. Brandon appeared so that is an entirely matter to the powers which the court had/ indicated in the right of the magistrate to to exclude an attorney from court. All sub-section (3) is saying is that when the court exercises the power of putting counsel out of court that if the court affords/a reasonable time to get another attorney that the client will not have a right of appeal, but in practice what happens when a court exercises its inherent powers of putting an attorney out of court for misbehaviour it is just to afford a cooling down period so to speak - what happens is this, that the court says to/attorney "you are misbehaving yourself and unless you apologise I must order/so be removed from the court. normally, the counsel is removed from the court, he has time to cool off and to reconsider usually he applies to come back into the Judges chamber after lunch, or later on and he apologizes and the court proceeds, this is just to the court from being disturbed. If Counsel is adamant and refuses to apologise and continues to interrupt the court, then of course the court has no alternative but to adjourn the case and the case is not called on again until the client has a reasonable time to employ other counsel if his counsel still considers that he should continue in the conduct which caused his removal. And so, sub-section (3) is a very necessary section as to provide that the court must give the client reasonable time if his attorney is still adamant to get another attorney.

HON. W.E. WADDINGTON: And as the Judge pointed out in his judgement it is necessary that the powers of the court should not be inhibited merely because of a peeved attorney, or a disgruntled client.

MR. G. MAIG RODDEN: Mr. Chairman, I want the Second Official to know that I fully understood the judgement. I understood that what the Judge/ was that if Mr. Shaw refused to hear cases from a particular attorney, or refused to send them to another court he would be precluding a member of the society from the right to employ a Counsel of his choice - I fully understand that and I don't know where he gets the idea that I didn't understand that, in fact I must say I'm becoming disgusted with hearing these inferances that I fully understand; that's why I'm raising this point. The point/ making is that if an attorney is ousted, or removed from the court and if a client is given reasonable time and does not obtain other representation he is denied here the right of appeal on that ground, and I'm saying that this should be stricken from it, but I fully understand the judgement.

HON. BENSON O. EDANES: Mr. Chairman, I agree that section 3 is a necessary section and I would submit that when section 2 is read as it does refer to paragraph (b) of sub-section (1) one will understand why it is a necessary section because it says that the power is to procure the removal from court of any person including counsel or any attorney at law who in the opinion of the court is guilty of misconduct calculated to prejudice the just and fair trial of any cause or matter and for this purpose misconduct includes any improper words, jester, or action having regard to all the circumstances and also any improper disclosure, drass, or admonition to the court or any witness, juryman or other person present in court and any address or appeal to the public present in the court, to the exclusion of the court itself, or jury. So that the action of the attorney, as I see it could have completely prejudiced the fair trial of the case - it goes beyond the exclusion of the attorney on the basis of his behaviour or unruly behaviour,

This section refers specifically to the fact when the court exercises the power under the section which I have read, which is an act/ calculated to prevent the fair and just trial of an action, and I see this is being very necessary because the Attorney could completely prejudice the outcome of a case and/or attorney, for example, was found to have been tampering with the jury there is every ground that he should be excluded from the trial.

MR. JAMES M. MODDEN: Mr. Chairman, I too join with my colleague on this section because I feel like the right of appeal should not be denied a person just because it's some action of his representative who he would be paying. If the attorney did something which meant that he would have to be put out of court and it was unable for the client to find another lawyer, then if he had to go in there and plead his own, and if he lost it - now mind in this law we're not to find out what it could be, it could be a very serious matter that he is being tried for, and if he lost that case to say that because his attorney took action so and so I don't think it would be fair to preclude him from having the right of a retrial or an appeal.

Now we must remember that in this country it is a lot different than some of the other countries of the world. We have a lot of lawyers here who are in on work permits and so forth, and for other reasons they a very very scared of Government. And I have had it happen to me personally in the past where I have had a case against Government and I actually just about begged every attorney in the island and could not get one of them to take the case because Government we. involved; although most of them said that they thought I had a good case. So don't tell me it can't happen, because it does happen.

MR. JAMES M. BODDEN: If we had attorneys here that was attorneys like we find in other countries that had backbones of steel I would say yes, maybe we could do this because we might not be precluding the right of the client but certainly in this country, the way it is today I could never stand here and agree to this section going in because I don't think the man is going to prejudice the case by his action in the court room, because you should have another attorney that would be appearing for you - to put that argument forward would be just as well as saying that the Judge would be more prejudice against the client because he is appearing by himself. So if the Judge has his mind made up that the case is prejudice by the action of the attorney it is going to affect his thinking with the man pleading his own case just as much as it would if it is some other lawyer pleading it for him. So I could not agree with this.

MISS ANNIE K. BODDEN: Mr. Chairman, I have gone to court and heard Judges who need not have proceed with your cases. It was just before even the evidence was heard. A lot of things can happen to go wrong. I am sure I would not be put out of/ court for misbehaviour and quite unless it was for malice because I am a woman. But I am very sure that this thing is quite serious and the unfortunate thing is, we believe there is only one attorney at law who misconducts himself in court, it's a variety of them and they'll pressurise me because they think I'm a woman I suppose. They'll pressurise me and if I didn't have the backbone as I have I would have to sit down. So I mean it is something that work both ways.

I have seen Judges in court who were very prejudicial to certain people, I have seen it. And I have been in court house for many years, long time before I even became a Lawyer Agent. I've been in court and I've seen Judges who are very prejudicial. They might not like their colour, their class, or their sex, or whatever it might be but they are prejudicial. I have seen Judges in court - I would not say in the last very recent years I've seen it, but I have seen Judges in court who were very very prejudicial towards attorneys at law, I've seen it. If people would listen to me they would not go to court because you never can tell what the outcome of the case may be. But I feel that we should not do anything to hamper the client if the attorney behaves himself disorderly. I must tell you Sir, that we have some pretty rude ones.

HON. BENSON O. EBANKS: Mr. Chairman, I would bow to the superior knowledge of the Second Official Member. But I don't think that the clause says that right of appeal will be denied to the client; what is being denied is an appeal against the action of the Judge in not allowing the particular attorney to practice. That is what I understand the section to say. If he had other grounds of appeal against the deficient handed down in this case he could procure with his appeal. It is only that the action of the court, the exercise of the power of the Judge in excluding the particular attorney could not be the ground of an appeal, but if there were other defaults in the judgement one could proceed with the appeal, it is not excluding the right of appeal as I see it. But I bow to the superior ruling of the Second Official Member.

MR. JAMES M. BODDEN: Mr. Chairman, I interpreted it a bit different. I'm not saying that he would be precluded from appeal on any other matter that might be an appeal under this law, but he would certainly be not granted an appeal on the basis of saying that he had to fight his case himself and he was bombarded by superior knowledge, he definitely could not use that as a point of appeal. And I think our judicial system should be set up in the way that every man should have a fair trial and should have every chance to prove his innocence.

MR. JAMES M. BODDEN (CONT'D): And this could be a case Sir, of a man being tried for his life, and naturally if a layman is presenting his case against some of the learned Q.C's that we occasionally get here then he would not have much of a chance of defending himself. So I don't think that we should take that right away from the person that is charged, whoever it is. I think he should have a fair trial in every respect, he should have every chance to prove his innocence because many times here, even in the last four years since I have been in here this House has voted quite a bit of money from time to time to bring in very experience council to give to people to defend themselves and if we go that far on one hand I don't see why we should stop on the other hand. I just can't agree that this is fair.

HON. W.W. CONOLLY: Mr. Chairman, in most criminal cases, particular if a person is charged for life as a Member suggested it would not be for him to prove his innocence, it would be the reverse, it would be for the prosecution to prove his guilt. As I see it I have to agree with the Member from West Bay who says that the respective client would have every opportunity of appealing on other grounds.

This sub-section (3) makes it quite clear, as I see it, that the fact that the court exercises its power of putting an attorney out of court would not be a ground of appeal, but it would not in my estimation deny the client the right of appeal if there were other grounds. And I think another thing that we have to look after is the word "reasonable"; "and gives reasonable time to the client of an attorney-at-law involved to obtain other representation". Well the court would decide what is reasonable time. If the person argued that he didn't have reasonable time to have his representation that could be another point, this I'm sure the court would hear his application that there was not reasonable time, because it is possible that the court might have thought there was reasonable time if a client can prove that certain circumstances prevail where he could not, in that/specific time obtain the services of a representation: like a lawyer was off the island or something where he would need more time, I'm sure the court would be reasonable in these requests. As I see it I think it is very necessary to have this sub-section (3) in this particular law to protect the court in its action.

MR. JAMES M. BODDEN: Mr. Chairman, I know some reasonable like I do discretion And it is true, maybe it could be to the benefit of the client as well as it could be very much to the detriment of him because the Judge, in his opinion - bear in mind now that we are dealing here on human frailty , we are dealing on the opinion of an individual and the opinion of one individual as to reasonable time might be one hour, the next man might say well I would think reasonable would seven days, and I can look at it this way Mr. Chairman, the Member who just spoke, as far as I'm aware of is admitted to practice law in the Cayman Islands and I could be a client of his which God forbid it happens , but I mean it could be and he could go before the Judge in a very rude manner and then my case would be completely lost. So I just can't see how this is right to do this to a person.

MISS ANNIE D. BODDEN: Mr. Chairman, it's a great pity that we have ever had to present such a Bill to this Assembly. It's really a great pity because it shows, I would say, sort of weakness on the part of the officers of the court that we have to bring such a law before the Assembly. I mean after all a Judge should be in such control of his court that his word is taken cognisance of, And it is very unfortunate that we have to bring such a law. But I do not think that any client should be deprived any right that would hinder him.

MISS ANNIE M. BODDEN (CONT'D): As I said before, ten, fifteen years ago I saw a man in court, his behaviour was superb/ defending/ client and he was excluded for no reason, just because the Judge didn't happen to like this Attorney, that was all it was, because he was the most behaved man that I have ever seen in the court house, his voice was like a whisper almost, but he was precluded from conducting that case to the detriment of the client. And what really brought this thing to a head he had to force that he be admitted to practice and this thing can happen again.

HON. W.W. CONOLLY: Mr. Chairman, referring to what the Member said about reasonable time, I would think that if a client considered he didn't have reasonable time to get another representation would be a very good ground of an appeal.

MR. JAMES M. BODDEN: If the client considered the time is not reasonable, is that what you're saying?

HON. W.W. CONOLLY: Mr. Chairman, I am saying that if a client made a representation to the court that he did not have sufficient time to procure the services of another Attorney and he had good evidences, you know, to prove that this was the case and if the court ruled against him I should think that this could be a ground of appeal to a higher court. What this section is saying here is that the action of the court in the instance of putting the attorney out of court could not be a ground of appeal.

MR. JAMES M. BODDEN: What you're talking about is whether the client is thinking is reasonable or not? It depends on what the Judge is going to think is reasonable.

MR. JOHN D. JEFFERSON: Mr. Chairman, a question was asked while ruling by the Second Official Member that has not been done yet, I would like to hear the ruling of the Second Official Member on that aspect of appeal.

HON. G.B. WOODDINGTON: I think the Fourth Elected Member was perfectly correct when he said that if a client was not afforded a reasonable time to get another attorney then that would be a ground of appeal. The court granting the time might think that a certain time was reasonable, but in fact having regard to the particular circumstances it might not be a reasonable time and the body to determine whether the time was reasonable or not would be an appliate body. So far as the denial of the ground of appeal is concerned that only applies to the action of the court in removing the attorney from the court, that cannot be made a ground of appeal. But if a client has any other grounds of appeal this section would not be precluded him from relying on such grounds of appeal. And as I have said Mr. Chairman, that this section this clause is designed to protect the client who has the misfortune to be represented by an attorney who cannot behave himself in court.

MISS ANNIE M. BODDEN: Mr. Chairman, if I may be permitted to ask the Second Official Member what actually would be the process of having any attorney-at-law disbarred, other than misbehaviour in court? Is there anything that he could conduct himself in such a way that he could be struck off the practicing legal professional?

HON. G.B. WOODDINGTON: Oh, that is governed by the present Legal Practitioners' Law. This section does not empower the court to disbarr an attorney. That would come under The Legal Practitioners' Law, and it may be that the misconduct envisaged under this law might be sufficient to cause an application to be made under The Legal Practitioners' Law to have the attorney disenrolled.

HON. G.E. WADDINGTON (CONT'D): But the court could not of its own motion or the disenrollment of an attorney under this amendment.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I would like to ask the Second Official Member to clarify this in my mind, Sir, suppose, and this has happened, as a matter of fact I know of a case right now where the attorney demanded from his client a sum of money to represent him and this particular person was the denied the privilege of defending him, this is a very poor man and he cannot find sufficient funds to employ another Attorney, what would be the position ther,Sir?

HON. G.E. WADDINGTON: Well, we have a law that was passed along with these Judicature Law, called the The Poor Persons (Legal Aid) Law, and a person who can't afford to employ an Attorney can get assistance to enable him to employ an Attorney, providing he complied with certain of the conditions laid down in that law.

CAPT. C.L. KIRKCONNELL: Thank you.

MR. CHAIRMAN: I think we should accept that there has been a motion to delete clause 64 (3) of clause 2 of this Bill, perhaps to avoid the possibility of the clause as a whole being negatived, we should vote first of all that clause of the Bill be amended by deleting 64 (3) as set out in the clause. Having taken a vote on that we can then consider the balance of clause 2.

QUESTION PUT: AGREED. THE AYES HAVE IT.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE JUDICATURE LAW, 1976.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on The Judicature Amendment Law, 1976, and the assembly will now resume.

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a bill entitled The Confidential Relationships (Preservation) Law was considered clause by clause by a committee of the whole House and amended as follows: - In section 2 the definition clause was amended first by inserting after the first line the definition of "bank" "licensee" and "trust company" which read "bank" "licensee" and "trust company" have the meanings ascribed to them in the Banks and Trust Companies Regulation Law, 1966".

The second amendment is that the definition "normal course of business" was amended at the end of the definition, the dash was removed and the following words inserted; after the semi-colon was removed and the following words inserted "and the routine exchange of information between licensees;".

HON. V.C. JOHNSON (CONT'D): The other amendment was to the definition of "professional person" at the end of the first line after the word "bank", the words "trust company" inserted, and the comma.

Section 3 was amended. In the first line of sub-section (2) after the word "provided" add the words "no confidential information received or given - ". Clause (c) of sub-section (2) of section 3 was also amended; the words "after investigating" were deleted and the following words inserted "an offence committed or alleged to have been committed outside the jurisdiction which if committed in the Islands would be a criminal offence)". The clause, reads in the amended form "to Constables, specifically authorized by the Governor in that behalf, investigating an offence committed or alleged to have been committed outside the jurisdiction which if committed in the Islands would be a criminal offence,". Paragraph (d), sub-section (2) of section 3, at the end of the line after the word "inspector" the semi-colon is replaced by a full stop.

Section 4 was amended to remove the dash at the end of sub-section (1) and to add the word "whoever" followed by a comma. In sub-section (1) (a) to delete the first word "whoever". Sub-section (5) of section 4 was amended, between the words "that" and "a" to insert the words ", subject to subsection (2) of section 3,"

The last amendment was the addition of a new paragraph 7 to the Bill; the marginal note "the Attorney General's Fiat", and the section reads "no prosecution shall be instituted under this law without the consent of the Attorney General". Those were all the amendments, Mr. President.

MR. PRESIDENT: The Bill is accordingly deemed to to have been set down for a Third Reading.

CLERK: THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) LAW. THIRD READING.

HON. V.C. JOHNSON: Mr. President, I beg to move Sir, that a Bill entitled The Confidential Relationships (Preservation) Law be given a Third Reading and pass.

SECONDED BY HON. D.H. FOSTER.

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

THE JUDICATURE (AMENDMENT) LAW, 1976

REPORT THEREON

HON. G.E. WADDINGTON: Mr. President, I have to report that the Bill entitled The Judicature (Amendment) Law, 1976 was considered clause by clause by a committee of the whole House, but for certain typographical corrections passed without amendment and

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

CLERK: THE JUDICATURE (AMENDMENT) LAW, 1976. THIRD READING.

HON. G.E. WADDINGTON: Mr. President, I beg to move Sir, that a Bill entitled The Judicature (Amendment) Law, 1976 be given a third reading and passed.

SECONDED BY HON. D.H. FOSTER.

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

MR. PRESIDENT: I shall suspend proceedings for fifteen minutes.

Proceedings are resumed.

THE DRAFT LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976

PRESENTATION BY HON. D.H. FOSTER, WHO MADE THE FOLLOWING STATEMENT:

HON. D.H. FOSTER: Mr. President, At the last sitting of the Legislative Assembly on Tuesday the 29th of June, 1976 The Draft Legislative Assembly Standing Orders, 1976 was considered by this House in committee and was presented by the then leader of Government business.

During the committee stage, various amendments were made and Standing Order 12 - ADJOURNMENT ON DEFINITE MATTER OF URGENCY/IMPORTANCE, after much debate and by majority vote was withdrawn.

At the resumption of the House after the luncheon break a Member raised the question of the deletion of this Standing Order, as it was felt that if more detailed explanation had been given, there was a possibility of the matter being re-considered. The matter, however, having been voted on could not at that stage be re-opened.

When the Standing Orders were reported thereon another Member moved that Standing Order 12 be re-considered and re-instated. Another Member moved that the Draft Standing Orders might be referred to the Legislature at this sitting and be re-committed. The President proposed that the report of the committee might be withdrawn and made again at the next sitting of the Legislative Assembly, and this proposal Sir, was accepted.

I would now like therefore, Sir, to move that the House go into committee to re-consider Standing Order 12, and in so moving I'd like to make a few comments thereon. The present draft of this particular Standing Order is almost identical to what it at present in the 1969 Standing Orders under which the Legislative Assembly has been operating for the past 16 years. The only difference Sir, is that in conformity with the constitutional change which took place in 1972 the first part was re-drafted to read as follows:-

"A motion for the adjournment of the House may not be made until Other Business has been entered upon, unless it is made by a Member of the Government," and the present Standing Order which is Standing Order 10 of the 1969 Standing Orders reads as follows -

"A motion for the adjournment of the Assembly may not be made until Other Business has been entered upon, except it be made on behalf of the Government" -

I would like to further explain how this Standing Order should operate. When the adjournment motion is moved any Member may wish then to raise any matter which is specific and important after having previously indicated this and obtained the President's permission. The matter to be raised must be one that should have urgent consideration, it must be definite and be of public importance. It has been ruled that for the matter to be definite it must not be framed in general terms but must deal with a particular case, it must have happened recently and be raised at the first opportunity. The motion must raise a larger issue than merely individual grievance. The responsibility of Government must be clearly involved and the matter upon which the motion is based must involve official action beyond the ordinary administration of the law.

HON. J.R. FOSTER (CONT'D): The motion must not anticipate a matter which has been previously appointed for consideration by the House

While, as I have said before, a similar provision was in the present Standing Orders, it has rarely been used but it should be there in order that Members might be given the opportunity to raise any matter which would fall under its orbit. Thus it will be found that by the provisions of Standing Order 11 and Standing Order 12, as submitted in the first Draft, Members have an additional opportunity to raise matters, outside those submitted by them through motions to the House.

Mr. President, it would be a great pity if Members were not to seize the opportunity being provided in the present Draft for the additional time in the House. I move, Sir, that the House go into committee to consider putting back Standing Order 12 as in the Draft.

SECONDED BY HON. V.C. JOHNSON.
QUESTION PROPOSED:
MR. JAMES M. BUDDEN: Mr. President, I wish to oppose.

MR. PRESIDENT: I'll put the question first. The question is that the Assembly move back into committee to be re-committed and to consider the provision of Standing Order 12 from The Draft Standing Order of the House. Motion is now open for debate.

MR. JAMES M. BUDDEN: Mr. President, I was wishing to oppose the introduction of this because under the Standing Orders of this House this particular point was well debated and I think just about everybody had their minds made up as to how the particular section applied, and it was one of the few times that this side of the House had ever been able to get something passed. And if a Member could have his mind so easily swayed as to come back after the dinner hour when he was boldly escorted out of this building and ask for this to be changed I could not agree with it.

The next point, Mr. President, I'd like to make is that again on the hour Standing Orders, if I have interpreted them correctly it calls for six months before something like this could come back to the House, and it has not been six months. If we wish to change this again and have a further/on it and change it I say let's go along to the Standing Orders, wait for six months and in the next Assembly whoever is in here then let them debate it and decide whether they are going to change it or not. I think it is entirely wrong for us at the end of our lame year session in the House to create and to agree to such a thing as this which would be so contrary to the Standing Orders, and which is really contrary to the voting in this House, because once something is voted on in this House I can only say try to take your defeat gracefully. God knows we have taken defeat after defeat and I don't think it is but only one occasion that we haven't left the room smiling, so please do the same thing, take your defeat gracefully this time, bring it back under the Standing Orders when the six months is up. Thank you Sir, I hope I'll get some support.

MR. PRESIDENT: With respect to the Member's proposition that there should be a six months deferment, the matter is still before the House. The committee has been held and the report is about to be made out of committee. There is a procedure laid down for re-committal of Bills and I see nothing wrong in our procedure here in the House re-committing for consideration of this question if the House so wishes. This is a matter, of course for the House to decide by itself.

MISS ANNIE H. RODDEN: Mr. President, on many occasions we the opposition as we are wrongfully termed have lost practically everything we brought to this House. Sometimes if there is such a thing as a comma we like changed it is not changed. And this particular instance, while this motion might be a good motion I'm not saying it is I said it might be; in that particular occasion this side won the battle, if you want to call it a battle, and I really can't see this being now changed, because when we have just resolutions and so on we could not, as the term is used/ [illegible] lobby to anybody to change it you had to accept it. And on a matter of princip I cannot agree that it should now be changed. Thank you Sir.

HON. W.W. CONOLLY: Mr. President, I feel pretty strong on these Standing Orders, I've always felt that way and I do feel like we are missing the point here. I argued in the House on the last day that we were sure that we were not in any battle fighting what some Members term "the opposition against somebody else and this and that". We were here, which I hope we are here doing the same today, trying to compile a set of regulations that will guide the business and conduct of this Legislative Assembly, and it is a very serious, it's a very responsible task. Now it may be true, Mr. President, that Members voted out section 12 because it used the words "Member of Government", I imagine this was the prime reason for so doing, because it has been stated in section 14 of our present Standing Order this same terminology exists. The terminology that is used there is "On behalf of the Government" and this one uses "a Member of Government. So I would take it that "on behalf of the Government", and "a Member of Government", it would still be "on behalf of the Government".

Now Mr. President, I happened to have been a Member who suggested that these Standing Orders should lay over from the committee stage until this sitting of the House, as when we returned to the Chamber that afternoon Members who had voted against the insertion of 12 in the Standing Orders had seen a different light. Now surely there are only two types of people who don't change their minds, and they are dead people and foolish people. I agree with those Members if Members see and understand one way and they had a change of mind, surely this is reasonable to expect. When it is pointed out to someone that they have made a mistake or they have done something contrary to what was proper and they changed their minds that is a normal state of affair of a normal person. And Mr. President, I would like to say that now just being today stubborn in saying that we should not change this because we won some months ago I think would be unkind and unfair to this Legislative Assembly.

It is boasted here in this House that we represent the people, this is an automatic word that comes out almost every debate, and I would like to see Members put that in practice. If we are here representing the people I think truly that there is no greater feature of showing that than to have the proper rules and regulations governing this body, the Legislative Assembly. And as far as I'm concerned if this section 12 is expunged from these regulations there is no doubt in my mind that Members of this Assembly will be denied of a right which they should have. It should be the right of Members of this assembly to rise in matters of urgent public importance and to bring the attention to the House of such issue. If this is expunged there is no other way of doing it, there is no other way of bring that matter of public urgent importance to the notice of this Assembly without it is in a motion. And there is a lot of ways and means that someone might argue/ that you can suspend the Standing Orders that you can give notices of motions and what not. But I am saying that if a matter comes up urgently and is of importance the Members of this House should the right under a Standing Order, it should be provided in the Standing Order where that at a certain time on the agenda of this House one can rise in his place and make that motion.

HON. W.W. CONOLLY (CONT'D). And I take it that to expunge this we would be denying Members of this House of a privilege that they enjoyed over the years. Ever since 1959 that we had those new Standing Orders made this has always been the privilege of Members. And I feel like the re-committal of this Standing Order to the committee, and I feel if we are going to act in a manner that is responsible in every way I feel like we will insert this particular section.

MR. G. HAIG DONDEN: Mr. President, there is no use saying that black is black and white is white and there are no in between shades, there are many shades in between. I see no reason why Standing Order 12 could not be put back providing that Standing Order is amended. The Qimmeringn words in it in sub-section (1) seem to be,"unless it is made by a said Member of the Government. These words seem to confer special privileges on a special interest group, and if those words are delated I am certain that the whole House would find it quite acceptable to reinsere Standing Order 12 which had been delated. Standing Order 12. if this amendment is made would read:"a motion for the adjournment of the House may not be made unless a Member rise in his place at the end of questions and ask leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance". I feel that these Standing Orders will not affect the present House very much because there will be no sitting,unless there is an emergency sitting,after today's sitting. The new House will have the power to amend these Standing Orders if the Members are not satisfied. I can see the need for such a section, but I can't see why the section must contain the words "unless the adjournment motion is made by a Member of the Government", and I would like to make a formal motion .....

MR. PRESIDENT: This will have to be made in committee.

Mr. G. HAIG DONDEN: Yes, when we come to committee that the words "unless it is made by a Member of the Government" be deleted from this. Perhaps we will have to look into the other sub-sections (2), (3) and (4) and find out if they would be effected if this deletion is made. This would be a compromise which would not only let us end a good note but to my mind would allow fair and democratic working to continue. And these few words Mr. President, I on what will probably be my final debate for the life of this Assembly.

HON. A.N. ENGH: Mr. President, I think what the Member wanted to convey to the House was that it would be only a Government Member who would be able to move such an Adjournment, and it's a pity he stopped at "unless it is made by a Government Member".....

MR. G. HAIG DONDEN: Mr. President, I didn't stop there I read the whole section. I'm sorry for getting up; this is really not a point of order. I'm becoming disgusted with being misquoted.

HON. A.N. ENGH: What I'm saying is that if he wanted to convey the impression to this House that it was only a Government Member who could make this adjournment. But if I read it correctly it says "or unless a Member rise in his place at the end of questions", and then it goes on to the privileges that is given to that Member. The point is that both a Government Member and, we will say, an ordinary Member has the privilege of doing this. It is a little different with the ordinary Member, or just a Member because he has to satisfy the Presiding Officer that the matter is definite, urgent and of public importance, and surley I see no difficulty in that. I think what is really conveyed here is that it is a privilege that is given to both sides of the House; that if you had it on one side I could understand it, but then provisions are made for both sides of the House to have the

HON. A.S MUSE (CONT'D): privilege. I see no reason why there should be such objections to this section of our Standing Orders. As far as I am concerned, Mr. President, I feel it is necessary. I feel it would be definitely wrong for us to leave this out, it may not be used, I have never seen it used during the time I have been here in the Legislature, during the time I've been a Member but surely to my min. it is a good provision and to have it, and I certainly would recommend it. Members can ask Members to re-consider it. In fact it has been stated that the reason why this is being brought back was because of the mistake that Members saw they had made after this had been passed, after this had been deleted from our Standing Orders. Members rose on the floor to ask that it be brought back and re-considered and this is the reason why it is here today. If Members now are fully solid against it, then let us vote it out, but this has to be done at first. And I am recommending Mr. President, that it is a good section and would ask Members to re-consider it and let us put it back in our Standing Orders.

CAPT. C.L. KIRKCONNELL: Mr. President, the point that made by the First Elected Member for George Town, I have also read this into section 13 sub-section (1) that this side of the House has got the privilege of adjourning the House. My impression, to be quite honest with you, on the first reading of this was that it was only a Government Member. But I read into this law in the same thing as the First Elected Member has just said. I must say that I would like to see the Standing Orders brought to a conclusion which is satisfactory to all at this sitting.

MR. JOHN D. JEFFERSON: Mr. President, and Honourable Members, I currently would like to see the inclusion of this section in our supposed new Standing Orders.

There is no sense of us sitting here today and reading more into this section than it actually says, and certainly what we have to do we have to realise that we are here agreeing to something that will govern this Legislature, whether we be the Members present, or other Members. And I would like to feel that as a Member, not a government Member, at present, but I would like to feel that a Member like myself has the opportunity and the privilege of being able to move on this floor if I thought it was in public interest or if it was for the best interest of this country. And to make no mistake about it, Mr. President, there is no question in my mind that I would be able to convince the Presiding Officer that it was a matter of urgency.

I'm sure, as the Member just previously said, because/ the fact/ that the Government Member is/ spelt out probably causes some misinterpretation or misunderstanding. And I feel that this is a good section; I do not want to see it deleted or left out, I want to see it included and, Mr. President, I will support this section whenever it is put to a vote. I thank you very much.

HON. TREVOR HORTON: Mr. President, Honourable Members, I don't know whether this was a case of really misunderstanding the Standing Order in the last meeting and if it was not it is no doubt it must be a case of one cutting off/ nose to fight their/ face because surely it should be paramount in every Member's mind that a privilege of this type is much needed in this House. If it really was the case where it was only Government Members/ and this privilege one could rightly understand it. But it is crystal clear in the Standing Order that the Government Member has that privilege as well as any other Member. The only difference being that he has to write for permission and convince the Presiding Officer of/ the definite matter of urgent and public importance, and I dare say before a Government Member would ask of this on the other it would definitely have to be the same requisite , it would have to be a matter of urgent public importance.

HON. TREVOR FOSTER (CONT'D): I can only say that if Members feel this is not in the interest in the representation of their constituencies somebody is mistaken; and I feel that one should take a second thought of this and realize that if the section of the Standing Orders is not used very much, but it is good to know that it is in it in case the need arises. Mr. President, I support this and I ask other Members to take a second look and give it ample support.

MR. PRESIDENT: Are there any other speakers? Does the honourable mover wish to wind up?

HON. D.H. FOSTER: Mr. President, it's plain to see that there is a softening of heart all around and there should be no trouble with this Standing Order now being included. Nevertheless, Sir, I would like to say that this Order has never been used, as far as everybody knows. Because it has not been used we should leave it out until the time that you really need it and then you find it is not there, it is too late then; and I think it is an extra precaution that it goes in now so that when you do need it it is there; it's a matter of what is good for the goose is good for the gander Sir. It's no telling that some of the Members on that side of the House this time might be over on this side the next time and it is there for everybody to use. It's no question about it, Sir the Government is a Government and they must have the tools to work with if they want good Government for the people.

The Member of Government is included in the interpretation in the Standing Orders, Sir, and I think that it's very necessary for this to be included. It would leave proper Standing Order for the future House to use and enjoy and I ask that Members support it.

QUESTION PUT: AYES AND NOES. THE AYES HAVE IT.

MR. PRESIDENT: I think the 'Ayes' have it. The Assembly will resolve itself again into committee.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in committee to consider the Deletion of Draft Standing Order 12.

HON. W.W. CONNELLY: Mr. Chairman, in examining section 12, and whether it should go back or not it is what it means. I would like to direct Members to "arrangement of business", and one will find that reading 12 it says "a motion for the adjournment of the House may not be made until "other business", that means you cannot make this motion until "other business" has been entered upon, unless it is made by a Member of Government. If one looks at the new "arrangement of business" you will find that after questions there is provision for statements by Members of Government, or unless the Member rises in his place at the end of questions. So what you find is this, that if a Member rises in his place at the end of questions and he qualifies with what the Standing Order puts down here and if the matter is of public importance and urgent it is considered. The thing is this, that a Member here is a Member, all Members have to go through the same ritual whether it's the Government Member or whether it is not a Government Member. But the point is this, that after question time on the arrangement of business there is provision for Government Members to make statements; this has been approved. So I can't see any argument as to the statement in 12., it looks to me like it's a very normal procedure.

MR. JAMES M. BODDEN: Mr. Chairman, it's no use of anyone trying to tell me that this is really the right thing to do. I can see that it is lost and I'm prepared to give up the fight. But if we read the Draft Standing Order 12 we find a great disparity there because we find that it takes seven Members on this side of the House to accomplish what one Member over there can do and I don't think that is right. Now, it's immaterial to me; I can live with it one way or the other, it makes no difference, but I am only looking at what I think is just and I don't think it is just. But just because Government is Government it should not rule by force. And, Mr. Chairman, if the Member who spoke about this a while ago had remembered correctly he would have known that this has been used one time in the last four years and I will cite now how it was used. There was a Government motion in the Finance Committee to build a Natural Resources Lab costing the Government approximately one hundred thousand dollars plus recurrent expenses. It was voted down in the Finance Committee because it was only twelve Members in there. When it came back to the House at the next sitting one of the first things that was done after the House was opened was the Fourth Member to Executive Council hurriedly got to his feet and moved suspension under this section of the Standing Orders, and what happened?, because he had seven Members over there plus an extension on his side it was won, and this can happen again, this is only showing you what can happen with it. So I can live with it one way or the other, it does not make any difference but I don't think it is fair and just, and as long as I sit in this House I'm going to stand for what I think is fair, and just, whether it is Government side or this side of the House. And that was my objection then, that is my objection now, Sir. And I will have no more to say, unless I'm irritated; I will just sit back and when the vote is taken I will say no.

HON. W.W. CONOLLY: Mr. Chairman, I think it is the privilege of any Member in this House, if he can get to his feet in the proper manner under the Standing Order and secure the majority of Members. If I can secure the majority of votes of Members that's straight forward democratic principle, that's fine. I moved the suspension of the Standing Order when the time came, I got the majority to agree to the suspension of the Standing Order, the motion was put and it is then up to the House. If my motion did not have any substance, if I could not convince the House that it was urgent, of public importance they would have voted against it, they voted in favour, this is fair, and all this is doing now is giving anybody the same privilege, that's why I want to see section 12 in this Standing Order.

MR. JAMES M. BODDEN: But you're talking two different things. You're talking about the suspension of Standing Orders, then the vote which will come with the result of the suspension. You have the right on that side of the House to get up and do that without anything else. Under Standing Order 12 either one of you Members on that side can do it, a Member on this side of the House has the support of the Governor, or the Chairman, if it's turned down he has to get then the support of six more Members, making it seven before he can come to do the same thing you can do by just jumping up and doing it.

HON. W.W. CONOLLY: Mr. Chairman, where does the Member see that? What does a Member mean? In subsection 2 it says "a Member"; look in the definition what does "a Member" mean?

MR. JAMES M. BOWDEN: I remember definitely when this came to the House - and if the House can be adjourned to find the hansards we'll find it, and I think it was the Second Official Member that defined it for me. It gave the distinction between the two saying a Government Member and a Member of this side of the House. I'm not saying it was him, but I believe it was him.

HON. W.W. CONOLLY: Mr. Chairman, when the words "a Member of Government" is used there is a definition for that. But when the word "Member" is used I take it as a Member of this Assembly.

MISS ANNIE H. BOWDEN: INAUDIBLE.

HON. W.W. CONOLLY: Well sure. We.....

MR. CHAIRMAN: That's/defined under definition.

HON. V.G. JOHNSON: Yes, it's defined.

HON. W.W. CONOLLY: It's defined.

MISS ANNIE H. BOWDEN: Mr. .....

MR. JAMES M. BOWDEN: Then why did you have the two definitions in Standing Order

MISS ANNIE H. BOWDEN: Right.

HON. W.W. CONOLLY: There is a difference. The only difference I'm trying to point out to.....

MR. JAMES M BOWDEN: You have been telling us for ages that this side of the House is not Government, it's/ that side.

HON. W.W. CONOLLY: Mr. Chairman, if I could explain this, the only difference that this makes is the time when a Person can get up and take this motion. About the requirement that a Member has to do is the same. A Member of Government can get up at any time during, but the other Member has a certain time, that's all the difference.

MR. JAMES M. BOWDEN: INAUDIBLE.

HON. W.W. CONOLLY: It wasn't us, it says so. This section 12 that says so, but it is only a matter of time. About the ritual of who wishes, is not that somebody can get up and say anything.

MISS ANNIE H. BOWDEN: Mr. Chairman, what I would like to understand is this. What is meant "a Member who wishes to ask leave to move the adjournment of the House shall, before the commencement of the sitting, hand to the Presiding Officer a written notification of the matter which he wishes to discuss. Such a motion by a Member may not be made unless - (a) the Presiding Officer is satisfied that the matter is definite, urgent and of public importance and (b) the leave of the House is given; or (c) if it is not given, at least 7 Members rise in their places to support the request"; that's what I'm against, in other words we're like the certain types of nations, it take three on a ship to be one man, in other words it takes seven of us to be one man on the other side.

MR. JOHN D. JEFFERSON: Mr. Chairman, something that really does not have much part of this section, but yet it is certainly governed in our Standing Orders, and that is that I have repeatedly over the past three years sat here and tried in all fairness and sincerity to conduct myself in the kind of manner, I think, is first and second becoming of a Member of this House. But I find that the Member from Bodden Town, as the first one just completed speaking/ of an extension on this side - I think that is impairing the dignity of a Member and there is a reason to believe that he does not want to see a Standing Order here that will govern the conduct of Members in the House. I feel today that I have my responsibility to my constituents; I was elected by my own constituents and certainly I don't have anybody here in this House from any other district to answer to; And I think I/ constantly heard this over a period of years/ said in this House because the Members speak of democracy, yet, in fact they don't really know what democracy is; democracy means rule the majority

MR. CHAIRMAN: I think we had better be a bit careful about these inferences.

MR. JOHN D JEFFERSON: Mr. Chairman, I bow to your ruling, but I wish it would be done more often because I find inferences are made in this House time and time again. And to be quite honest with you, I think it does something to the dignity of this House to have such inferences made repeatedly over and over and over and over. It's time that it's quits, and I want to bring the attention to the Chair.

MR. CHAIRMAN: We'll have no more references to "extension seats" during this meeting please.

MISS ANNIE H. BODDEN: Mr. Chairman, if I may be permitted to ask Sir, I would like to know, while I agree this is a good section up to a point, but I want to find out why is it that we have to be like certain nations on a ship?, they have to get three men to be one; why have we got to be seven men or women to equal one on the other side? I just don't understand why that is there.

HON. A.B. BODDEN: You see it's the quorum of the House.

MISS ANNIE H. BODDEN: It's not the same thing, it is not the same thing.

And Mr. Chairman, another thing is this: Sir, I want these four Executive Council Members please to understand that they are not the Government, they are the representatives of the people put there by us, they are not the Government. Twelve of us makes the Government; they have what you would call, I suppose the Senators, the higher ups, but they are not anymore Government than we are. We put them there to represent us along with the Government for the good of the Cayman Islands.

HON. W.W. CONOLLY: Mr. Chairman, there is probably several reasons why the number is seven; I can think of two right off the hand here. The most important one is the matter that seven forms a quorum of this House under our Constitution. As I see it "a Government Member", and when you say "Government Member" that is interpreted as a Member of Executive Council. Well surely if a Member of the Executive Council gets up on a matter of urgent public importance surely this would have been a matter that has been brought to Executive Council, it was a matter the councillors would have known and concurred and automatically you would have had seven, but the requirements of the seven Members is for one and all.

HON. W.W. CONOLLY: Number two here says that when a Member who wishes to ask leave to move the adjournment shall before the commencement of the sitting, and surely if a Government Member wants to move this he hands into the Presiding Officer, he will have automatically had the support of seven Members; it's automatic. As I see it I can't see anything here.

MR. JAMES M. BOSDEN: Mr. Chairman, that's not correct because if we go to the interpretation the interpretation says"a Member"means a Member of the House, and the other one "Member of the Government" means a Member of Executive Council.

HON. W.W. CONOLLY: Mr. Chairman, what's on page six?

MR. JAMES M. BOSDEN: It says "a Member". So my interpretation of this, and I think it is correct - would mean that a Member would have to say what it means on this side of the House and not you in Executive Council.

MR. CHAIRMAN: Well I think it is about time that a motion was framed/ We're discussing the deletion and if something has got to be put in it's place, or it's got to stand deleted we have to have a motion for that effect.

HON. W.W. CONOLLY: Mr. Chairman, I move that the section be reinstated into the Draft Standing Orders Sir, as written.

MR. JOHN T. JEFFERSON: I second that.

MR. G. CRAIG BOSDEN: Mr. Chairman, I had indicated in my debate that I would make a motion to have the obnoxious words deleted, but I see that the voting machinery is working right down to the end so I won't take up the time of the House.

MR. CHAIRMAN: A Member is specially entitled to move an amendment to the motion.

MR. G. CRAIG BOSDEN: No,Sir, I'm not going to move any amendment.

HON. BENSON O. BENNS: Mr. Chairman, I would just like to say that I have not taken part although I support what is being done. I am not taking any part in this, I do not intend to vote inasmuch as I was Absent from the last sitting of the House due to illness. And I would not like the Government bench to be accused of using its superior power today to achieve something which was not achieved at the last sitting. I am positive that the motion will succeed but I am not going to vote.

MR. CHAIRMAN: Well if there is no further debate I shall put the question that Standing Order 12 be reinserted as drafted.

QUESTION PUT: STANDING ORDER 12 REINSTATED AS DRAFTED.

HOUSE RESUMED

REPORT THEREON

MR. PRESIDENT: Proceedings are resumed.

HON. D.H. FOSTER: Mr. President, I beg to move Sir, that Standing Order 10 as was the original draft .....

MR. PRESIDENT: I think we need the report stage from both committees on the Standing Order.

HON. D.H. FOSTER: Well do I have to report again on what was already reported?

MR. PRESIDENT: All the amendments made in the previous committee have not to be reported.

HON. D.H. FOSTER: Mr. President, I beg to report Sir, that The Draft Standing Orders, 1976/78 considered by a committee of the whole House and that the following amendments were made during the committee stage. (1). The figure "6" was inserted after the figure "197". (2) The words "publication in the Gazette" replaced the word "proclamation". (3) Standing Order 2 Interpretation under the definition of "session" the word "termination" was changed to read "terminating".

Under the section of the Standing Orders "Members and Officers of the House" Standing 4 (3) line one, the word "at" changed to read "on". Standing Order 6 "Absence of Members", the penultimate line the word "section" inserted between the word "under" and the figure "20".

Meetings, Sittings and Adjournments of the House. Standing Order 10 - Hours of sitting amended to read- (1) every sitting shall, unless the Presiding Officer otherwise directs, begin at 10 o'clock in the forenoon. Standing Order 10 , (2) , amended by changing the figures "8.30 to 4.30" in line one. Standing order 10 , (3) , amended by changing the figures"8.30 to 4.30" in line one. Standing Order 12 to remain as was drafted.

And under "The Arrangement of Business" Standing Order 14 (f) changed to read "Questions to Members", and (k) of the same order was changed to read "Other Business". Standing Order 14, (4) the word "prayer" was changed to "paper".

Standing Order 23, Manner of Asking and Answering Questions" - is (7) and (9). were amended by the deletion of "3.30 p.m." and in the substitution therefore of "11a.m.". Standing Order 24 amended by the deletion of the words "or an amendment to an amendment to a motion". Standing Order 29 amended in the second line by the deletion of the word "Government". Standing Order 36 amended by substituting the word "now" for the word "not". Standing Order 53 amended by the substitution in (9) of the figure (8) for the figure (7). Standing Order 56 amended by the deletion of the word "this" in the last line. Standing Order 67 amended in the marginal note by substituting "estimates" for the word "estimated". Standing Order 71 (4) amended by the deletion of the words "and Standing Order 27", in brackets "amendments to amendments" in the sixth line thereof. Standing Order 72 (5) amended in the first line by the correct spelling of the "special". Standing Order 82 amended to read- "any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present".

HON. D.H. FOSTER (CONT'D): Mr. President, section 31 of the Constitution provides for the adoption of these Standing Orders, or for the provision of Standing Orders for the Legislature. And I move that these Orders, as amended be adopted by this Legislature.

SECONDED BY HON. V.C. JOHNSON.

QUESTION PUT: AGREED. THE DRAFT LEGISLATIVE ASSEMBLY STANDING ORDERS, 1976 PASSED AS AMENDED.

HON. D.H. FOSTER: Mr. President, I move the Adjournment of this House Sine Die.

SECONDED BY HON. G.E. WALCOTT;

MR. CLAUDE HILL: Mr. President, before .....

MR. PRESIDENT: I must state the question first of all.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. President, before adjourning for this our final session I think it would be no more than right if the Members who wish to speak were given probably ten, or fifteen minutes to pay tribute to the First Elected Member from West Bay who has served for such a long time in this Assembly.

MR. PRESIDENT: I had intended to make a few remarks myself and then allow Members the same latitude.

I feel that we cannot let this occasion pass without remarking on it. I have experienced the same occasion myself several times when the ship, after a four years voyage is nearing the caynide and the crew is about to sign-off. It rests with the owners, the Caymanian Electorate to re-elect, or to re-appoint the same crew or to choose new ones. But perhaps the Parliament is never more closely together than on the two occasions when they first meet after the election before assuming office, and on days like today when despite of political in-fighting the heat of debate over the years. Nevertheless, one feels the sense of a breaking up, and I think that all of us in the Chamber feel this today.

During the four years life of the House we have seen a change of Governor and Presiding Officer. We have seen a change of Membership of two Members, one by the unfortunate death of a much beloved Member Captain Ashton Bell who is replaced and well replaced by Captain Charles Kirkconnell. Also our beloved Chief Secretary, Mr. Desmond Vere Watler, through retirement, and he has been replaced by Mr. Dennis Foster whom we welcome to the Chamber.

We are going to miss very much Captain Farrington who holds the astonishing record of fifty-five years continous service in this House, this must be unique to any Commonwealth Parliament. We know that Mr. Hill will not be seeking re-election, so these three faces we shall miss in the future.

We've seen change in Deputy Clerk and the appointment has been made of a Serjeant-at-arms during the life of the House.

I feel that all Members would wish me to thank the Clerk's Office for the first class service to the House during the four years that Members have served. The Clerk with her had encyclopandic knowledge of parliamentary procedure has been a great buttress to me as Presiding Officer. And it is, I think a signal comment on her efficiency that she/is so Ergonising necessary to the conferences of Clerks and Presiding Officers in the Caribbean.

MR. PRESIDENT (COMM'D): I must compliment the performance of the Members of Executive Council during the four years, bills, Government motions, answers to questions did not find their way on to the floor of the House without a very great deal of work, and it would be quite wrong if I made a comment or an individual performance. Nevertheless I wish to pay tribute to the collective performance of the Executive Council during my of Office.

To Members of the Assembly themselves and that includes everybody, I would say this that the standard of debate in this Chamber has been extremely high and as Presiding Officer it has been a comparatively easy task for me to be Chairman of your proceedings. In the conference which I attended recently of Presiding Officers and Clerks in St. Kitts it became/ apparent that other Presiding Officers have a much tougher job of it. There was also evidence that some Legislatures meet four times a year for a period of something like two or three days when Bills go through practically on the nod with very little debate/ and question time and at Private Members' Motions on which the life of a Parliament must be judged, as well as the official motions and Bills were almost absent from many of the other Assemblies in the region. In one hour the practice was apparently for/ the House Government business to get proceedings when there/ was enough Government business to get before the House. Private Members' motions and questions were often interrupted by a motion for the adjournment moved by the official side. So I'm going to recount what the performance of this Assembly has been during its four years so that you can get some idea of the balance of business and the lively attention to parliamentary procedure that Members' have given. There has been seventy-three Private Members' motions during the four year period, nineteen Government motions, two hundred and twenty-six questions have been asked and answered, and/one allows an average of ten supplementaries per question we're talking about two thousand, five hundred questions asked and answered. Members have passed ninety-two Bills, twelve of which have been referred to select committee. Eighteen papers have been laid, there have been two messages from the Governor, there have been two select committees other than on Bills, and the Finance Committee has met on ten separate occasions.

I'm certain that the Financial Secretary would like me to compliment Members of the Finance Committee on their performance. The Assembly has voted and supervised the expenditure, through the Finance Committee the sum of thirty-seven million dollars during the four years life of the House.

I would pay tribute to the Caymanian public who have attended our proceedings. It has never been necessary for the Presiding Officer to lay down standards of behaviour or dress in any formal instructions because both conduct and standard of dress are normally so high in this community that a written instruction would be superfluous.

I cannot wish you individually luck in the polls, it would be wrong me to do so, but I would like as your Presiding Officer to thank you for your unfailing courtesy to me as Chairman during the proceedings.

MR. JOHN D. JEFFERSON: Mr. President, this is indeed a very touching moment no doubt in the life of every Legislator here this afternoon; it is indeed a very touching moment in my life. I certainly want to say that it has been a period which I have enjoyed. I certainly want to say that I have to join with the Chair in making reference to the former Chief Secretary who has retired, and to the Member from my own constituency that will be stepping down.

MR. JOHN D. JEFFERSON (CONT'D): I believe that the former Chief Secretary laid down, in my opinion a standard that any Parliament or any country would be proud to make reference to.

The Member in my constituency/ of where We share the same constituency - I want to say that there have been times that we have not seen eye/ to eye on various things, but I want to say that I feel that the record which he has established is a record worth making note of. I would hope, Mr. President, that when he retires that he will in turn be in a position, that whether it is myself or any other Member elected in my constituency, feel free to share with him any problem or burden and feel they can count on the support that he will be giving.

Mr. President, I certainly want to say that as we are here in this chamber we have disagreed many times, but I believe that I can wind up this session by saying that even though there has been some disagreement here in the House today I leave the House wishing each Member the very best and with love towards all and malice towards none. I have endeavoured in my eight years now to not do what is best for any individual group, or not only do what is best for my own constituency but to do what is best for the people of the Cayman Islands. Even if I blow my own trumpet I believe that I can stand before God and say that I have done my very best.

As you made reference to the ship it does remind us of many Members in the past. I remember in 1966 after completion of twenty-one years as an employee of United States Government, having established in the little island of Swan Island a Church work for which I was responsible; at the end of that period of disengaging myself and moving into other endeavours I found it very challenging, very touching / and certainly to say the least my heart was greatly moved and it is here today.

I hope that the people of the Cayman Islands, and I have every confidence to believe they will recognize the fact that they are the owners of this ship, and that their interest can best be served by people that certainly will endeavour to do all within their power with the help of God to preserve the tranquility, the harmony that has developed and been a part of these islands, I trust that that will be preserved and I trust that they will realize that in our small way we have endeavoured to uphold the stability of this Government today.

I make reference to the Executive Council. I've learned in my eight years of politics that when you are not doing anything nobody says anything, but the moment you are doing something you come under fire. It is in my opinion a tremendous job that has been rendered to this country and is still being rendered because even when we step out of the door today and later on the House is dissolved the Executive Council will go on for many weeks yet. But I want to say that I have felt and I have heard sometimes we use the word "opposition" use the word here in this chamber- we talking together and so on even though we might disagree the fact remains that we believe that no Member in this House today is here for what he can get from it, but that utterly in his heart he is here to do the best he can for his own country; I share that thought, and I pay tribute to all Members, our performance, our disagreements, our anxieties , and to say in closing that I feel like a man that has been conditioning himself for eight years that I am anxious to get out there and see demonstrated at the polls the confidence to which I believe my constituent hold for the job that I have done. Thank you very much.

MR. JAMES M. BODDEN: Mr. President, fellow Members this has been a memorable four years for myself, although I think it has made me much more humble, it has made me learn to try to take defeat graceFully / I have enjoyed it.

MR. JAMES M. BODDEN (CONT'D): And I have enjoyed the manner in which you as President of this House has conducted the affairs of this country since you have been here. It has been very impartial and I think you have done an excellent job.

I would like to pay my thanks to the Clerk and her staff who done a tremendous job as far as I'm concerned in piloting the work through this House. I think we owe her a great vote of thanks.

I would also like to pay my tribute to my friends on the other side of the House, although even by mentioning the word "friends" I could not even get any of them to turn their heads. And to the Members on this side of the House I have enjoyed the association very much, I have appreciated very much the strong support that I have gotten from my colleagues on the right. And most of all I think I have to thank the people who made this possible whichwere the members of my constituency in Bodden Town.

I'm not going to say very much on what has been accomplished the last four years. My main point here now is to pay tribute to the Members who are not with us today and to those who are about to sign-off of this ship as the President said. I draw reference to my good friend the late Captain Reid who was only privileged to serve a very short time in the House, but I'm sure that for many years alot of us will remember him for his humour and the way that he went about trying to get things done. To Mr. Watler who has served this country with I would say many a draw back being placed on him but who has served excellently. To the Member who has announced that he will not be seeking a seat this time, Mr. Hill, I wish him the very best of luck in whatever he goes about doing. But my main tribute today will be paid to the person that I will call "the standard bearer", and the "war horse" of the Assembly, and I refer to the First Elected Member from West Bay, he has accomplished in service to his country what few of us will be blessed with, very few of us will be able to get the respect that he has set. He has set a record that cannot even be equalled in the Commonwealth as far as service in a legislature is concerned. I probably would not have agreed with him on many occasions and most of you may not have agreed with him, but I think we all will say that he was guided by his conscience without fear or favour or without thinking of benefit for himself. It will be an impossible task, as far as I am concerned for any of his colleagues of his district to fill the shoes that he walked in, or to even walk in his shadow. If I were running in the coming election in the West Bay district I would take up his mantle and his standard and be proud to go forward with it. but I am sure, Mr. President, that in retrospect the First Elected Member is probably doing at this time, that he is thinking that his exit from this House is somewhat like his entrance in very poor times - our present economy being in somewhat of a poor shape, I'm sure that it compares in his mind with the conditions that existed years ago. And I will venture a guess that if he had been in Executive Council for the past four years, using his wisdom as he used it in the past the economy of the country might have been in a better shape than it is today. Mr. President, for his loyalty and his devotion to this country and the loyalty and devotion which he showed to the mother country I think it would be no more fitting tribute that could be paid to the Cayman Islands as a whole than it in the coming new year's list of honours the First Elected Member from West Bay should be titled. He will be missed in this House by most of us and I believe, Mr. President, that a pats to his House will be a well trod one by people from this Assembly who will be seeking his advice on his older statesmanship. I personally wish that it had been possible for him to run with us in this election, and I'm prepared to state, Mr. President, that although I have run a gauntlet of bombardment in the last four years, somewhat like what the Germans put on at Stalingrad and Linengrad, that people who have tried to influence the political outcome of this country , that they have not succeeded. and I am stating categorically with God's willing.

MR. JAMES M. BODDEN (CONT'D): My colleague on my right and myself will be defending the two seats in the Bodden Town election, and with God's help on the vote of our constituency we hope to be back in here next year. To add a little bit of mirth to this I would like to tell my friends that this chair is a very expensive one and in the past four years I have not been able to amortise the value of it out so I have to come back again to try to do that. Now I know my friends on the other side of the House were not expecting to hear this, but I'm sure they will be glad to hear it, and when I re-enter the House next year, God's willing I will miss the wisdom of the First Elected Member from West Bay who sits in front of me. But I'll remind this House that when I have overtaken his record of years of service I will be exactly one hundred years old and at that time I intend to be just as kind to my friends on Executive Council as I am today.

Now, Mr. President, it is very little bit more I could say, other than I would like to conclude by saying that I wish to the First Elected Member of West Bay and his family God's richest blessings and may he enjoy a long and happy retirement and that he will warn his colleagues from West Bay today that if they do not behave themselves and conduct themselves in a manner that they should that he will be back in here for the 1980 election contesting the seat for West Bay and coming back to take the seat as the First Elected Member from West Bay. Now in winding up, Mr. President, I will say that I threw out the challenge for the opposition must light and honourable campaign with the best people winning. I look forward to the fight. I look forward to the challenge, and I'm winding by telling them that he who steals my purse steals trash, but he who robs me of my good name robs me of that which enriches him not, but leaves me very poor indeed. Thank You Mr. President.

MR. CLAUDE HILL: Mr. President, Honourable Members, as this/has got to the end of the road as present Members sitting I would like to comment on your actions to the community and also the actions in this House, how you have conducted yourself and the affairs of the country. I must say we are duly proud of your actions. You have executed your duties in the island, I would say exceptionally.

I would like also to pay tribute to the First Elected Member from West Bay who is retiring from his seat of office, and as the First Elected Member from Bodden Town just mentioned, if the need arises I hope that he will be here again. If he sees it fit to return may he do so in manner.

I now would like to state that I am not running for this present election, but if at any time that I can be of any use to the people of this constituency, or any constituency in which I may have to I will. It is one thing that I would like to bring to the minds of Members here and that is that they should have more consideration for each other and I am sure that that would make a more stable Government.

I now turn to the secretary who has assisted. I must comment on her as very efficient and I feel that she has done a job in the past and will continue to do whatever lies in her capacity.

In regard to the constituency which I represented, I thank the people. I am not leaving the constituency without death, but I will assist in any form if the time arises to retain a seat back in this place, but at this present election I will not be running. And the reasons for so doing I will withold that, I keep that as my personal reason. I have not told anyone why I am not running, but at present for the next four years I will not be seeking a seat in the House here.

MR. CLAUDE HILL (CONT'D): Mr. President, I would like to see these Islands continue to be a sound and stable Government and I am sure, as I said with your guidance, it can be done. I shall be very brief with what I have to say because the relationship that lies between myself and the First Elected Member from West Bay - I worked for him in the capacity as Chief Engineer for nine years and I found him very faithful with his work, and I must say in dealing with me as an employee of his he treated me with the greatest of respect and I found him, also in this House very efficient while I served as a nominated Member for three years, and now four years as an elected Member I found him very efficient. As the Member from West Bay stated that it is a touching time when a man has placed more than half of his life in the welfare of the island it leaves one to think. I leave this House with no malice to no one and in closing I say I wish the best for all and may God's blessings be in the deliberations in the future. Thank you Sir.

MISS ANNIE H. BODDEN: Mr. President, Members of this House.....

MR. PRESIDENT: I wonder if Members could refrain from talking for a minute until the tape is changed. We have run out of the transcribing apparatus which has broken down.

We may continue.

MISS ANNIE H. BODDEN: Mr. President, Members of this House, I would say, to me, that this is a very sad occasion because we have gathered here for the last time to this final meeting of the four years' session. We have had, I would say a very prosperous term and we have accomplished a lot things, we have gone about and we have put ourselves out and we have accomplished many wonderful things, I would say. And the thing I like about these Members is the fact that I do not believe that there is one in this present Assembly who is in any way trying to get anything for their own personal gain. I feel that we have all tried, and when I say "we" I exclude myself, I mean the eleven men, they have worked together, have tried in their best way to get things for the Cayman Islands as a whole. I have one thing against them, they like to bicker and they like to talk to each other in a manner that I think is not very becoming; I feel as the scriptures says, we should have brotherly love. We in this Assembly are supposed to be the leaders and we should set a good example - we want peace in the world, we want peace in our own island and to start that peace we should begin it right here in this Assembly, we should not jump down each others throats - I'm going to be touch you, Sir, if and when we come back here, I hope there will be many of us who do, that you will instill in these Members that they must respect each other, and I think that will take a long way to keeping this Government stable. If we are going to have wars in this House we won't get anywhere; we must make a united effort for the best of everything and we shall go from strength to strength.

Now the good book tells us, Isaiah I think it is, "They that wait on the Lord shall renew their strength". I feel today Mr. President, that strength has been renewed to our good leader from West Bay. Spending fifty-five years on any particular job he must have devoted his all into it; even now a days in this modern day fifty-five year old marriages crumble - you hear the husband want to get a young girl or vice-versa, but this good man I will say has devoted the best of his life for this island and I think that we should all be very humbl proud that we have had such a man with such a record.

MISS ANNIE H. BODDEN (CONT'D): Mind there were older men in this Assembly who got peeved - they walked out - he has stuck to his guns and I think today he is to be congratulated on the work he has achieved. But I will say it is like the scripture said, "he has waited on the Lord and the Lord has renewed his strength", And I only wish today that his health permitted him to carry on. You know I hope to get to heaven, and the best thing, after I see Jesus, my mother and sister - the great promise I believe that there shall be no old age in heaven and I wish that was possible on earth, that we did not have to get old and relinquish what we want to do. I feel, Sir, today, that we are losing a great man and I hope that God will spare him long that he may have a happy retirement: well I'm sure he's not very happy because like myself he misses the greater part of his life, but in the circumstances I feel today that when we are leaving this Chamber, and we know that he will not be back here with us due to his condition of health, that we have lost something great. And I feel today that he is one of the few men in the Cayman Islands that would have stuck out this long under the circumstances, but nevertheless, I feel sure that he is very proud of what he has helped to accomplish: We are, as somebody called us, infants to him in the work, but nevertheless, I'm sure that we can if we would follow his example of trying to put our best into it, we shall succeed in making the Cayman Islands a good place which he has done.

Now Mr. President, I would like to pay tribute also to the good man who has retired, Mr. Watler. I'm very annoyed, I must tell you to put it very plainly, that he did retire, because we have employed rollers . they have given good service, but maybe he could not stand the pressure as much longer And I'm sure one of these days he will be back in our Government.

To my good friend Mr. Hill who is leaving: we campaigned as ADC, and I'm very sure that the C decided to leave I hope the AS still stand in the coming election, because I'm not going to pay too much tribute to the First Elected Member - he is still here with us, but I feel Sir, too, that he has done a marvellous job. He has gotten one of the chief things he wanted to get he said while he was alive he wanted to see George Town, and the island as a whole get good roads: and he has accomplished that. I feel Sir, that Mr. Hill has done his best and he has tried in his way to do what he could.

Now in the coming election I hope Sir, that there will be no discord, no crowing down each other's throat, but all trying to work to put the best people here who will serve the country. And I must pay tribute to you Sir, the way that you have conducted this Assembly in your unbiased manner, I must say, and I hope Sir, God's spared your life you will be with us for many many more years.

And to the good Clerk of the Assembly, who I say, as a woman I am proud of. Most women they pretend they want to do a job but they just will not get down to the meat of it - they rather comb their hair, powder their face while they should be doing their work. Our good Clerk here has performed a great job and she has greater ministrative ability which you don't find in many women. God bless you all and may you be good servants of the people, because all we are here - we are the servants of the people. And I hope and pray and trust that God will bless you all and that we shall come back here - those of us who do, that we shall come prepared to serve our country to the best of our ability. Thank you Sir.

MR. G. HAIG BODDEN: Mr. President, you have been the perfect Speaker right down to the last minute, because you have timed today's agenda so that Members will not be able to make long speeches - and if I can quote the words of a hymn, "now the day is over, night is drawing nigh, shadows of the evening steal across the sky".

MR. G. HUGG BOWDEN (CONT'D): But I have not come to bury Caesar, I have come to praise him. I must say that my term in this House since you have taken the Chair has been most satisfactory and I enjoyed every minute under your guidance. The same can be said of the great help I have received from the Clerk and all of the Members of her department. I must also make mention of the fact that the demeanour of the Serjeant-at-arms has added greatly to the respectability of this House.

I certainly hate to see the Member from George Town seeking such an early retirement right in the prime of his youth, but undoubtly he will be back again and so I need not spend too much time because like MacArthur, 'I will return'.

Today I need not say anything to convince Mr. Willis that I am a great admirer of his, he knows that. Ever since I have been a Member of this House I have been treated with the greatest respect by this gentleman. I have never found any arrogance in him. He has a record that speaks for itself - a half century in politics, which even one week is considered a long time in the life of a politician. He has not only a Commonwealth record but it must certainly be a world record. Nobody has been anywhere near equal in that record. It is true that the greatest statesman of this century, Sir Winston Churchill , his life spanned a longer period in the House of Commons, but he did not sit consecutively year after year. And so the Member from West Bay has a record that I/West Bay will not be equalled even if the world should continue for a thousand years. It definitely will not be equalled by any Member of the present House because most of us would have to be one hundred years in order to put in another fifty-five years here. This Member has been here in the good times and the bad times, he has felt the heat of summer and the cold of winter, he has endured all the hardships and he has seen Government from all sides, he has been on the Executive Council, he has been as a Member of the old House long before the new Constitution and he has been in and out, as they like the book, 'going on forever'. And I believe that if ever this Government gets rich enough to erect monuments to their politicians the first one erected would have to be in honour of Mr. Willie. And for those of us who would want to continue in his footsteps I would say that those who tread his footsteps remember his glory.

CAPT. C.L. KIRKCONNELL: Mr. President, the day is far spent and I shall not try to prolong this farewell meeting any longer than I can possibly help. But there are certain things that I would like to say being the newest elected Member and the youngest elected Member of this House - I would like,Sir, to sincerely thank you,as the President of this House,I have learned a lot from you, I have admired the manner in which you have conducted the affairs of this House and I hope that all Members past and present will follow your leadership.

To the Clerk of this Assembly,my greatest admiration for her efficiency, ability and tolerance of all of us.

Today I am very mindful of the man whom I was elected to fill his place. I am truly sorry that it was necessary for me to have to be elected in his stead. I have done my best, I have tried to fulfil all that I think he would have tried to do had he been here.

I am also sorry Sir, that in my short time to have seen the Chief Secretary retire but I wish him all the best, and I am sure he should be assistance to this Government in the years to come.

I am indeed sorry to know that Mr. Hill is not running in this next election. I shall miss him as well, and may God bless him as well.

CAPT. C.L. KIRKCONNELL (CONT'D): To Mr. Willie Farrington, the father of this house I can only say or repeat a little verse of a poem that I learned as a child, "Lives of great men all remind us We can make our lives sublime and departing leave behind us footprints on the sands of time. Footprints that perhaps another sailing o'er life's solemn main, a forlorn and forsaken brother, seeing shall take heart again". He has been Sir, a friend of my father's, he has been a friend of my constituency for many many years, he has helped my constituency and for this I must say I am very grateful indeed.

In parting Sir, I would like to say and pay tribute to the Executive Council, both Official and nominated Members from nominated elected Members I think they have done a very good job and I sincerely hope that when they are replaced or if they come back and are put back in their positions we shall have a crew no worse than we now have.

I have, as I said, not agreed with either side of the House on every issue. I have tried to let my conscience guide me throughout my short term here. And I feel today in signing off from this ship that I can like Lord Nelson said, 'thank God I've done my duty'.

HON. TREVOR FOSTER: Mr. President, Honourable Members, as we all stand here this afternoon reminiscing over the past four years I suppose each of us can think of some good days and some bad days. I should try to condense my few words from memories of the good days. But before going into that line I would like to add my respects to the retired Mr. Desmond Walker who has served these islands, this Government faithfully for many years. He has been a source of a spirit which showed one compromise to me over the years, and it instilled into me that when there seems to be a raging fire you either can make it worse or you can make it better - his attitude in the House over the years was always to try to make it better.

To our colleague over the past eight years, Mr. Willie I too must add my regards and respect to the well job he has done over the many years in which he has served his country. To make my contribution rather short I would like to endorse what my colleague said about Mr. Farrington, he has helped in every way that was possible, and I would say to him may God's richest blessings be with you in your retirement and you will live to enjoy it.

I would also like to say many thanks to our Clerk who has, no doubt, put up also with us over the years, but I sometimes think that when the sessions are not on she misses us as much as we miss her.

And at this time, being in the evening of our four year term I would like to thank every Member of the Legislative Assembly including officials for the co-operation that I personally have received being one of the representatives from the Brac and Little Cayman. And it's through their co-operation that my four years has been the success as it has been. I must thank Members for their co-operation, unless it would have been impossible for me to obtain the various sums of money for the development as has gone on in the Brac and Little Cayman.

Mr. President, I look forward to sitting here recalling what has taken place over the past four years, remembering our lively opposition as they named themselves and the humour in which different ones added to debate and it all added up to make a lively session regardless of the differences which have been seen across the chamber. But one small disappointment, and I said to myself at least in this short session now of speeches we are going to get complete praise from our oppositions, but Mr. President, I suppose to keep in continuity the Member had to make a short and small insinuation, this I might say to the First Elected Member from Bodden Town we

HON. TREVOR FOSTER (CONT'D): will overlook, I think if the Executive Council did not do as good job as it has we would have heard a lot more roses being thrown at us this afternoon. So we are thankful for our small mercies.

Mr. President, I would like to take time to say many thanks to you,Sir, in the able manner in which you have conducted the affairs of this House through your Team here. We look forward.in returning,I am certain every Member does and in ending my brief contribution I would like to say that I extend to each Member my wishes for a good luck period in the coming six weeks and I hope on November tenth that your hearts and your eyes will all be smiling and that you will all return to this House. Mr. President, I would like to say to the Members I personally look forward to being here myself and I personally look forward to seeing most of the Members here. May God bless you all.

HON. BENSON O. EBANKS: Mr. President, time is running on so I'm not going to be very long. I would just like to use a part of Shakespeare, "all the world is a stage and all the men and women in it merely players. they have their entrances and their exits". Today the elected Members of this Assembly are making their exits. Some will be seeking re-election in November and others have decided to call it a day. To those who are seeking re-election I wish you good luck. To those who have decided to call it a day I wish for you God's blessings and a happy retirement and a long retirement.

It would be remiss of me,Mr. President, if I did not remind you the fact that the First Elected Member from West Bay,who is among those who indicated he is not seeking re-election,has established a record by retaining his seat in the House continuously for some fifty-five years. We have not always seen eye to eye on every subject and that is a well known fact and it's to be expected. We live in a democracy and if we were all going to be of the one opinion all of the time well then we would not be practicing what we subscribed to.

It is unfortunate,Mr. President, that in these closing remarks a bit of sour grapes had to enter the proceedings, but I will say this that history alone will judge the performance of the Executive Council over the past four years. But I believe that history will record that we did a good job. If Executive Council had received bouquets from the direction that the criticism came,I would have felt very upset.

I would like to add my compliment of thanks to you,our President of this Assembly, to the Clerk, Sergeant And staff who have served us faithfully throughout the years. And I too look forward to being back here when the roll is called in December or whenever it is and to continue my contribution to my country and its people. Thank you.

HON. W.W. CONOLLY: Mr. President, I think we are getting into a very long unexpected session, but I believe that it might be misunderstood if I did not rise to add my quota of first of all thanks to you Sir as President of this Assembly and to the Clerk and to the Serjeant-at-arms and the other staff of the Legislative Assembly for the services rendered during the last four years in the life of this Assembly.

I would also like to take this opportunity,Mr. President, to add to the many kind words that were said of those people first of all to the late Captain Reid who joined the band four years ago, but unfortunately did not make the voyage. And to the Chief Secretary who decided to leave the service. And as we have here with us today/the Member for George Town who has intimated that he will not seek re-election, and it could be his last time in the House. And also to the First Elected Member for West Bay; I believe that if the record shows I have been associated with this Member as much of probably more than any Member in this House here, present today.

HON. W.W. CONOLLY (CONT'D). I am sure that/ a lot has been said, and I'm sure that to repeat would only be taking up time. But Mr. Farrington's contribution to the development of the Cayman Islands has been recorded and I'm sure that it will not be looked on lightly. I would like to wish Mr. Farrington all the best in his retirement. I know there are - not lately but I can remember years ago when we did get in some political rows in the House - it was always enjoyment to be there to have them rows, we did not see eye to eye on every matter, but nevertheless, I believe that the concept behind all of the discussions were in aid of the betterment of the Cayman Islands.

We today, as one Member said that we are signing-off, I believe that this is a true statement. I have had the privilege of signing-off on five consecutive terms. It is nothing new to me signing-off. I shall ask the re-election and as other Members have said I hope to be back here when the roll is called.

Again, I would like also to thank the Official Members of this body who has helped in every way to add to the achievements that have been made by the Legislative Assembly. So, Mr. President, I would like finally to wish all of the Members here the very best.

HON. J.B. BUSH: Mr. President, I am sure, Sir, you will realise that my colleagues in Council has really/ forced me to spread I really did not intend to speak, but if I don't speak I will probably look small on the outside to the public and even feel smaller within myself. I'm sure, Sir, that you did not contemplate having such a lot of talk going on after you proposed the adjournment. Sine Die of this Assembly, because I believe if you had had such an idea you would have adjourned the Assembly and reconvened again at 2;30. Probably because of the hour it is we won't be able to say all that we would like to say since we got started.

As has been said this is the end of the life of the Legislature, and as the saying goes, 'all good things come to an end'. If we can call the last three and a half years as Members of this Legislature a good thing then it has come to an end. But it was not all good in this Legislature, because I must say as a Member of the Executive Council I have had some trying times here with the Members of the opposition, but I want to let them know today at the close of this session that I bare no ill-will against them. I am sure they were doing their duty to try to show themselves to their constituents and to show that they were worthy to be representatives of their constituencies.

I have been a Member of the Legislature of the Cayman Islands for fourteen consecutive years and I have had the privilege also of serving two terms in the past in the old Assembly of Justices and Vestry, and this is where I want to take myself back because I was a much younger man then, much inexperienced in political affairs and this was where I first knew the first knew the First Elected Member from West Bay who has gained the title of Father of the House - it was there that I first met him, and admired him for what he used to say in that old Legislature of Justices and Vestry. I remember asking him one time why do you oppose the Government so?, and he said well that is to give you fellows some more support because At that time he was a Justice of the Peace, and I thought that he should have not opposed the Government the way in which he did. But this shows also his good representation for his constituency and I think he can be praised for this. I am sorry, too, Mr. President, to see him leave, I will miss him here because he has been a friend of mine not only in this Chamber but on the outside as well all our lives we have been friends from the time I knew him, and I must say I also knew his father who was also a friend of mine and of my family, and also his brothers who played very prominent parts in the island,

HON. A.B. ROSH [CONT'D]: Mr. Hill has intimated that he will not be seeking re-election, sometimes I don't want to believe this and I must tell you all that I am still trying at him to get him to run, because the last election we had a fairly consolidated team for George Town, and as has been said it was entitled the ABC team and this is something which we pressed on our platform that the people of George Town could not refuse to elect that team because it spelt out the very first three letters in the alphabet and those were the three letters that they really had to learn, and they did just what we told them to do; today it has busted up, it is not what it used to be but I have no hard feelings against anyone for doing it, it is entirely the choosing of the people concerned. I intend to stand on the platform in George Town by myself and I will stand on the performance that I have given to the district of George Town within the past three and a half years, indeed for the last fourteen years.

I have had the privilege of serving on the Executive Council for two periods. The first period was as a Nominated Member, and as Members will know that there was not very much responsibility given in those days. We were only there to think up ideas and probably just to put them to the Chief Administrator. I will have to say I put many ideas forward and I was able to give the ball a turn during that short period as a Member of Council. But I am happy to know that the ball has really made a big roll down the street this time in Council, that I was able to kick it a little bit further and achieve some of the aspirations which I had in mind when I first became a Member of the Legislature. I am grateful for the Members of this House as has been thrown at us many times, but I am still grateful that they saw fit to elect me to the Council and I do hope that when I'm back again that they will see fit to repeat that vote which they gave to me before.

I want to say Mr. President, say a word to you and the manner in which you conducted the affairs of the Legislature, your patience, your forebearing. At times I know it must have been somewhat trying to you, but I believe you have realised that it is all in your job and that you have gained/ lot of experience from even the short time you have been here as the Presiding Officer of this House, and I believe to some extent you have enjoyed it. And I do hope that you will have the privilege of being with us for quite a long time as our Governor and our Presiding Officer in this Chamber.

To the Clerk of our Legislature. I cannot give high praise enough for her. I have known her for many many years and I/daresay said about her she is the most efficient Clerk that I know, and if anyone wants anything done I always recommend if you see Miss Sybil she will certainly put you straight on what is to be done. I thank her very much for all she has done in the Legislature for us all and I hope that she will not get it in her mind to retire at any early day because the Legislature without her won't be the same. So I will say to you Miss Sybil will you please stick it out as long as Mr. Farrington did.

I hope, Mr. President, that when the elections are over that those of us here who seek re-election will be here. And I hope that when a replacement is made for Mr. Claude, as he says he is not running, that the people of George Town will make sure they get a suitable person to put in his place, because I don't know whether Mr. Claude knows this, I have told him this I believe, but he may not believe it but I have admired him during the time I have been associated with him, he has been very co-operative and he has been very honest to himself in matters. And I hope too, that in West Bay that will have a new Member, that they will make sure to put one worthy of the post as the one retiring was.

HON. A.D. BUSH (CONT'D): And so Mr. President, and Members, I am not singing my swan song here in this Legislature today, I am seeking re-election and I am expecting to the people of George Town in the fourth coming election to use their good judgement as they have done in the past and to re-elect me as their representative for at least another four years. About campaigns being clean, mine has always been clean, I have never ridiculed anyone on my platform, I don't intend to and I hope that the words that has been spoken about/clean platform will be stuck to that they will realise the importance of being clean in a campaign telling the people what is right, what is true, what is best for them and trying to get them to follow what they say. It has always been my motto to tell the people the truth and to/and show them the light into the right path. Thank you, Mr. President.

MR. T.W. FARRINGTON: Mr. President, Members who have gone through this Legislature for the Cayman Islands, I have been deeply impressed by all that has been said of me by the various speakers including the President, and I want to assure you that from the bottom of my heart I thank you all for the kind words you have spoken.

It is true that I have served a long time in my constituency and I want to assure you that my only regret is that I am not able to carry on longer because of health. But I must say this that I know that my people loves me and indeed it is my love for them that has caused me to carry on for such a long time. I can truthfully say that I have done my duty, even as the great Lord Nelson said at the end of his career, 'England expects every man to do his duty'- thank God I have done mine.

Let me say that I will be looking forward to a new election in the very near future and may I ask those who aspire to become representatives/ of the people that first of all they aspire to maintain a stable Government and by upholding and strengthening the great traditions which has been handed down to us by our fore-fathers, by honesty, integrity, love and/of course, courage too, that goes into it, that at the end of their careers they may be able to say, whether/he or she, thank God I have done my duty. I don't think I will want to say any but to repeat what I have said before, that from the bottom of my heart I thank all those who have spoken such kind words to me. Thank you, thank you, thank you and may God's richest blessing be with you.

MR. PRESIDENT: If no other Members wish to speak I will put the question.

QUESTION PUT: AGREED.

MR. PRESIDENT: The House will of course be dissolved on the 13th of September, but in the main time it stands under Standing Orders Adjourned Sine Die.

THE HOUSE ADJOURNED SINE DIE AT 2.10 P.M.

C A Y M A N I S L A N D S

LEGISLATIVE ASSEMBLY

FIRST MEETING OF THE SECOND LEGISLATURE (1976)

FOLLOWING THE GENERAL ELECTIONS

HELD ON

WEDNESDAY, 17th NOVEMBER, 1976

COMMENCING AT 10 a.m.

TABLE OF CONTENTS

	PAGE
PRAYER	1
PROCLAMATION READ BY CLERK	1
OATHS AND AFFIRMATIONS	2
ELECTION OF FOUR ELECTED MEMBERS TO THE EXECUTIVE COUNCIL	3
GOVERNMENT MOTION NO. 1 - STANDING PUBLIC ACCOUNTS COMMITTEE	6
GOVERNMENT MOTION NO. 2 - STANDING BUSINESS COMMITTEE	7
GOVERNMENT MOTION NO. 3 - STANDING HOUSE COMMITTEE	8
MOTION OF ADJOURNMENT	10

OBITUARY:

(a) HON. W. G. JOHNSON

(b) MR. JAMES H. DODDEN

(c) MISS ANNIE H. DODDEN

(d) CAPT. CHARLES L. KIRKCONNELL

(e) MR. JOHN McLEAN

(f) MR. DALMAIN EVANS

(g) MR. GARSTON SMITH

(h) MRS. ESTHER EVANS

(i) MR. CRADDOCK EVANS

(j) CAPT. KEITH TIBBETTS

(k) MR. THOMAS DODDEN

(l) MR. GEORGE SMITH

(m) MR. E. ERIC BOWEN

ADJOURNMENT 15

FIRST MEETING OF THE SECOND LEGISLATURE (1976)

FOLLOWING THE GENERAL ELECTIONS

WEDNESDAY, 17th November, 1976

Pursuant to Proclamation No.13 of 1976 by His Excellency Thomas Russell, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, given on the 28th day of September, 1976, the Legislative Assembly met on WEDNESDAY the 17th of November, 1976 at 10 a.m.

PRESENT

His Excellency the Governor — Presiding

OFFICIAL MEMBERS

The Honourable Dennis Haley Foster, M.B.E., J.P. — First Official Member
The Honourable Gerald Eugene Waddington, CBE., QC. — Second Official Member
The Honourable Vassel Godfrey Johnson, OBE. — Third Official Member

FIRST ELECTORAL DISTRICT OF WEST BAY

MR. NATHAN DUNSTAN BRANKS — FIRST ELECTED MEMBER
MR. JOHN GRAFTON SMITH — SECOND ELECTED MEMBER
MRS. ESTERLEEN LIOLA BRANKS — THIRD ELECTED MEMBER

SECOND ELECTORAL DISTRICT OF GEORGE TOWN

MR. TRUMAN MURRAY BODDEN — FIRST ELECTED MEMBER
MR. ROGER COLLINGWOOD SMITH — SECOND ELECTED MEMBER
MISS ANNIE BURDEN BODDEN — THIRD ELECTED MEMBER

THIRD ELECTORAL DISTRICT OF LESSER ISLANDS.

CAPT. KEITH PARKER TIBBETTS — FIRST ELECTED MEMBER
CAPT. CHARLES LEONARD KIRKCONNELL — SECOND ELECTED MEMBER

FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

MR. JAMES MANOAH BODDEN — FIRST ELECTED MEMBER
MR. GEORGE HATT BODDEN — SECOND ELECTED MEMBER

FIFTH ELECTORAL DISTRICT OF NORTH SIDE

MR. CRADDOCK EBANKS

SIXTH ELECTORAL DISTRICT OF EAST END

MR. JOHN DONWELL MCLEAN

FIRST MEETING OF THE SECOND LEGISLATURE (1976)

FOLLOWING THE GENERAL ELECTIONS

WEDNESDAY, 17TH NOVEMBER, 1976

MR. PRESIDENT: The Assembly is in Session. I'll ask the Reverend Neil Banks to say prayers.

REVEREND NEIL BANKS: Let us pray.

Almighty and everlasting God, who-art the Source of all strength, all wisdom, all guidance and all authority, at the opening of this Session of this new Legislative Assembly of the Cayman Islands, we ask for Thy blessings on all those who have authority over these Islands.

We pray Almighty God for Her Majesty the Queen and all members of the Royal Family, as they exercise their responsibility of authority, especially over these Islands. We pray for Her Majesty's Government in the United Kingdom, especially for those given special responsibilities for these Islands.

We pray for His Excellency the Governor and all under him, as they exercise the day to day responsibilities of governing these Islands, but especially today Almighty God we pray for the Members of this new Legislative Assembly meeting here. We pray that the heart of each Member of this Legislative Assembly may be so touched by Thy Holy Spirit, that every word said and every action done during the life of this Assembly, may lead to the building up of these Islands in a physical and a moral, and a spiritual way. Bless each one within these Islands, that there may be a continued growth of justice and righteousness and love, that these Islands may continue to be an example to the world around. In Jesus' name we ask it. Amen.

MR. PRESIDENT: Please be seated.

CLERK READS PROCLAMATION: "PROCLAMATION NO. 13 OF 1976
BY HIS EXCELLENCY THOMAS RUSSELL COMMANDER OF THE MOST EXCELLENT ORDER OF THE BRITISH EMPIRE GOVERNOR OF THE CAYMAN ISLANDS.

WHEREAS by subsection (1) of section 46 of the Constitution of the Cayman Islands it is provided that the Sessions of the Legislative Assembly shall be held at such places and begin at such times as the Governor may from time to time by Proclamation appoint:

NOW, THEREFORE, I, THOMAS RUSSELL, COMMANDER OF THE MOST EXCELLENT ORDER OF THE BRITISH EMPIRE, GOVERNOR OF THE CAYMAN ISLANDS, DO HEREBY PROCLAIM AND MAKE KNOWN that a Session of the Legislative Assembly of the Cayman Islands shall be held at the Legislative Assembly Building in George Town, Grand Cayman, at 10 a.m. on Wednesday, the 17th day of November, 1976.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman this 20th day of September in the year of Our Lord One Thousand Nine Hundred and Seventy-Six in the Twenty-fifth year of the reign of Her Majesty Queen Elizabeth II.
GOD SAVE THE QUEEN".

MR. PRESIDENT: We next have Oaths and Affirmations, and I would ask all persons present this morning to stand while the Oaths and Affirmations are administered.

OATHS AND AFFIRMATIONS were administered by the Clerk and were subscribed and affirmed to as follows:-

OFFICIAL MEMBERS

DENNIS HALBY FOSTER	OATH OF ALLEGIANCE
GERALD EUGENE WADDINGTON	OATH OF ALLEGIANCE
VASSEL GODFREY JOHNSON	OATH OF ALLEGIANCE

ELECTED MEMBERS

FIRST ELECTORAL DISTRICT OF WEST END

DALMAIN DUNSTAN EBANKS	AFFIRMATION
JOHN GARSTON SMITH	OATH ALLEGIANCE
ESTHERLEEN LIOLA EBANKS	AFFIRMATION

SECOND ELECTORAL DISTRICT OF GEORGE TOWN

TRUMAN MURRAY BODDEN	OATH OF ALLEGIANCE
GEORGE GOLDSWORTH SMITH	AFFIRMATION
ANNIE HULDAH BODDEN	AFFIRMATION

THIRD ELECTORAL DISTRICT, LESSER ISLANDS

KEITH PARKER TIBBETTS	OATH OF ALLEGIANCE
CHARLES LEONARD KIRKCONNELL	OATH OF ALLEGIANCE

FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

JAMES MANUAL BODDEN	AFFIRMATION
GEORGE HAIG BODDEN	OATH OF ALLEGIANCE

FIFTH ELECTORAL DISTRICT OF NORTH SIDE

CRADDOCK EBANKS	OATH OF ALLEGIANCE

SIXTH ELECTORAL DISTRICT OF EAST END

JOHN BONNETT McLEAN	AFFIRMATION

MR. PRESIDENT: Honourable Members may take their seats, and the Members of the public may be seated.

I think we have twelve vacant chairs if some other members of the public would like to be seated.

The next item on the Order of the Day is the election of four members to the Executive Council. Section 5 of the Constitution reads as follows:-

"There shall be an Executive Council in and for the Islands which, subject to section 10 of this Constitution, shall consist of -

(a) three official members, who shall be appointed by the Governor, acting in pursuance of instructions given to him

by Her Majesty through a Secretary of State, by instrument under the public seal, from the persons holding public office: and

(b) four elected members who shall be elected by the elected members of the Assembly from among the elected members of the Assembly.

I have appointed as Official Members the Honourable Dennis Haley Foster, MBE, JP, Chief Secretary, as First Official Member.

The Honourable Gerald Eugene Waddington, QBE, QC, Attorney General, as Second Official Member, and

The Honourable Vassel Godfrey Johnson, OBE, Financial Secretary, as Third Official Member.

It now falls to elect four members from among the twelve Elected Members of the Assembly, and only of course, the twelve Elected Members may nominate or vote for members of Executive Council. I shall now call for nominations, and I would ask that nominations be made by voice, and that they be moved and seconded. The meeting is open for nominations.

TRUMAN MURRAY BODDEN — MOVED BY MISS ANNIE MILDRED BODDEN
SECONDED BY MR. JOHN McLEAN

GEORGE HAIG BODDEN — MOVED BY MR. CRAWFORD FRANKS
SECONDED BY MR. GARSTON SMITH

CHARLES LEONARD KIRKCONNELL — MOVED BY MR. GEORGE SMITH
SECONDED BY MISS ANNIE MILDRED BODDEN

JAMES MANNAH BODDEN — MOVED BY MR. BALFOUR FRANKS
SECONDED BY MRS ESTHERLEEN EBANKS

MOTION THAT NOMINATIONS BE CLOSED: MOVED BY MR. CRAWFORD FRANKS
SECONDED BY MR. JOHN McLEAN

QUESTION PUT: AGREED.

MR. PRESIDENT: The nominations are closed, and as there are only four names nominated, duly proposed and seconded, I will first ask each Member in turn whether he wishes to accept nomination. Mr. Truman Murray Bodden, do you accept nomination as Member of Executive Council?

MR. TRUMAN MURRAY BODDEN: Mr. President, I accept nomination.

MR. PRESIDENT: Mr. George Haig Bodden, do you accept nomination as Member of Executive Council?

MR. GEORGE HAIG BODDEN: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Charles Leonard Kirkconnell, do you accept nomination as a Member of Executive Council?

MR. CHARLES LEONARD KIRKCONNELL: Mr. President, I do accept nomination.

MR. PRESIDENT: Mr. James Mannah Bodden, do you accept nomination as a Member of Executive Council?

MR. JAMES MANNAH BODDEN: Mr. President and Fellow Members, it is a great honour to me to accept the nomination. Thanks.

GOVERNMENT MOTION NO.1 - STANDING PUBLIC ACCOUNTS COMMITTEE

HON. V. G. JOHNSON: Mr. President and Honourable Members, I beg to move Government Motion No.1 touching on the appointment of a Standing Public Accounts Committee.

BE IT RESOLVED that this Legislative Assembly appoints a Standing Public Accounts Committee with the following terms of reference.

> For the examination of the accounts showing the appropriation of the sums granted by the House to meet the public expenditure and of such other accounts laid before the Committee as the House may think fit.

BE IS FURTHER RESOLVED that the following five Elected Members be appointed to the Committee with the above terms of reference and the term of office being the life of the House. The quorum shall be three members including the Chairman who shall be nominated by the Presiding Officer of the Legislative Assembly or otherwise by the Committee from among one of its members.

Mr. President, nominations please

SECONDED BY HON. D. H. FOSTER.

MOTION READ BY THE PRESIDENT:

MR. PRESIDENT: The motion is open for debate or for nominations.

CAPT.KEITH TIBBETTS: Mr.President, I would like to nominate Miss Annie Bodden.

MR.CRADDOCK EBANKS: Mr.President, I second that nomination.

MR. JAMES M.BODDEN: Mr.President, I move the nomination of Mr.Garston Smith, the Second Elected Member of West Bay and the Elected Member for North Side.

MR. TRUMAN BODDEN: Mr.President, I beg to second that.

MISS ANNIE M.BODDEN: Mr.President, I beg to nominate the First Elected Member for Cayman Brac as a Member of that Committee.

MR.JOHN McLEAN: Mr.President, I beg to second that nomination.

MR. G.HAIG BODDEN: Mr.President, I beg to nominate the Member from East End.

MR.TRUMAN BODDEN: Mr.President, I beg to second that.

MR. JAMES M.BODDEN: Mr.President, I move that nominations cease.

MR. GARSTON SMITH: Mr.President, I second that.

MR.PRESIDENT: It's been moved that nominations be closed and for clarity, I will refer to the nominees by name: -

MISS ANNIE BODDEN
MR.GARSTON SMITH
MR.CRADDOCK EBANKS
CAPT. KEITH TIBBETTS
MR. JOHN McLEAN.

I shall put the question: the question is that these five members be nominated to the Standing Public Accounts Committee to be constituted under the terms of this motion. Those in favour please say aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against - No. The ayes have it - these members are accordingly appointed. I will not make a nomination as Chairman and will leave it to the Public Accounts Committee to determine its own Chairman.

GOVERNMENT MOTION NO.2 STANDING BUSINESS COMMITTEE

HON.D.H.FOSTER: Mr.President, I beg to move Government Motion No.2 as follows:-

BE IT RESOLVED that this Legislative Assembly appoints a Standing Business Committee with the following terms of reference -

(a) To decide and inform the Clerk on Tuesday of each week the order in which private members motions will be debated on each Thursday.

(b) To decide and to inform the Clerk two clear days before each Question Day the Questions to be put down for reply on the Order Paper.

(c) To provide a ready means of consultation between Members of the Assembly who are not Members of the Executive Council, and the Leader of Government Business, Clerk or Presiding Officer.

(d) To agree, after consultation with all Members of the Assembly who are not Members of Executive Council, in consultation with the Leader of Government Business any limitation of time for debates on the second reading of the Annual Appropriation Bill, the Throne Speech or other similar business and to inform the Clerk accordingly.

BE IT FURTHER RESOLVED that this Standing Committee be comprised of five Members, other than Members of the Executive Council, one of whom they will elect as Chairman and one as Deputy Chairman; AND BE IT FURTHER RESOLVED that the quorum will be set at 3 Members to include the Chairman or Deputy Chairman and the Committee would meet each Monday during sittings of the House and as called by the Chairman or at the request of the Clerk.

HON.G.E.HADDINGTON: I beg to second that motion.

MR.PRESIDENT: The motion is as proposed by the Honourable Member and as set out on the paper circulated to Honourable Members. It is now open for debate or for nominations.

MR. JAMES M.BODDEN: Mr.President, I move the appointment of the Elected Member for North Side, Mr.Craddock Ebanks as Chairman of this Committee.

MR.CARSTON SMITH: Mr.President, I beg to second that motion.

MR.PRESIDENT: I wonder if this is unconstitutional, because I think in the terms of the motion the Members themselves elect the Chairman - do I understand the Honourable Member to propose the nominee as Chairman -

MR.JAMES M.BODDEN: I withdraw that point, Sir, just as a Member of the Committee.

MR.PRESIDENT: Mr.Craddock Ebanks has been proposed and seconded as a Member of the Committee.

MR. JAMES M.BODDEN: Mr.President, I move the nomination of Mrs.Esther Ebanks and Mr.George Smith as Members of this Committee.

MR. DALMAIN EBANKS: Mr.President, I second that.

MR.CRADDOCK EBANKS: Mr.President, I move the nomination of Capt. Charles Kirkconnell as a Member of the Committee.

HON.D.H.FOSTER: Mr.President, it is Members other than Executive Council Members,

MR.CRADDOCK EBANKS: I apologise, Mr.President. I haven't gotten used to the new members yet.

MR.TRUMAN BODDEN: Mr.President, I beg to move the nomination of the Member for East End and the First Elected Member for the First Electoral District of West Bay.

CAPT. CHARLES KIRKCONNELL: Mr.President, I second that motion.

MR. JAMES M.BODDEN: Mr.President, I move that nominations cease.

MR. PALMAIN EBANKS: Mr.President, I second that.

MR.PRESIDENT: It's been moved and seconded that nominations now cease. As I understand the nominations, they are as follows -

MR.CRADDOCK EBANKS
MRS. ESTHER EBANKS
MR. GEORGE SMITH
MR.JOHN McLEAN
MR.PALMAIN EBANKS

I shall put the question that these five members be appointed Members of a Standing Business Committee with the terms of reference as set out in the motion. Those in favour, please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against -No. The ayes have it.

GOVERNMENT MOTION NO.3 STANDING HOUSE COMMITTEE.

HON. D.H.FOSTER: Mr.President, I beg to move Government Motion No.3 as follows:-

BE IT RESOLVED that the Legislative Assembly appoints a Standing House Committee with the following terms of reference -
To make recommendations to the Assembly -
(a) for any matters affecting the working conditions, comfort and facilities for Members during sittings of the Assembly;
(b) for any matters affecting the working conditions, comfort or facilities for the staff of the Assembly;
(c) for the operation and maintenance of the library of the Assembly and the provision of research facilities;
(d) for the maintenance, upkeep, furnishing and equipment of the Legislative Assembly Building.
BE IT FURTHER RESOLVED that this Standing Committee should be composed of five elected Members, one of whom will be elected by the Members as Chairman and one as Deputy Chairman;
AND BE IT FURTHER RESOLVED that the quorum would be three Members to include the Chairman or Deputy Chairman and that the Committee should meet at least once per meeting of the Assembly.

Mr.President, I beg for nominations.

HON.G.S.WADDINGTON: Mr.President, I beg to second that motion.

MR.CRADDOCK EBANKS: Mr.President, I beg to nominate Miss Annie Bodden as a Member of this Committee.

MR. JOHN McLEAN: Mr.President. I wish to second that.

MR. JAMES M.BODDEN: Mr.President, I move the nomination

MR. JAMES M.BODDEN (CONTINUING) of Mr.Dalmain Ebanks to that Committee.

MR. GARSTON SMITH: Mr.President, I stand to second that motion.

MR. TRUMAN BODDEN: Mr.President, I move the Second Elected Member for the George Town Electoral District.

MR. JAMES M.BODDEN: I second that, Mr.President.

MR. JAMES M.BODDEN: Mr.President, I move the nomination of the First Elected Member for Cayman Brac to this Committee.

MRS. ESTHER EBANKS: Mr.President, I second that.

MISS ANNIE M.BODDEN: Mr.President, I beg to move the nomination of Mr.Craddock Ebanks.

CAPT. KEITH TIBBETTS: Mr.President, I second that.

MR.G. HAIG BODDEN: Mr.President, we're moving at such a fast pace this morning that I have not been able to get in a word. However, I can't let the motion pass without congratulating the President and the Clerk and perhaps the former Executive Council for recommending these Committees. We as Members of the Assembly in the past have suffered a great deal because we lacked such a committee as this one. This Committee we're setting up today will greatly relieve the burden that has been placed on the Clerk and her staff in that they will have Members to help them with the important day-to-day functioning of the Assembly. I specially commend the section that is put in for the operation and maintenance of the Library of the Assembly, provision for research facilities and I would suggest to all members that they take advantage of these important facilities. I can assure Members that I have found the Library in this Assembly to be of great value to me and while in the past, the Clerk has done her best to keep up with all of this work, I can only say that it is fair today that a Committee is set up which will give her the help which she needs and as for the comfort of the Members I must say that new members will definitely find more comfortable when they know they have a Committee to which they can go if things become hot or uncomfortable for them and I highly recommend these Members that have been appointed or have been nominated for this Committee.

MR. JAMES M.BODDEN: Mr.President, I move that nominations cease on this Committee, Sir.

MR. DALMAIN EBANKS: Mr.President, I second that.

MR.PRESIDENT: It has been moved and seconded that nominations close. The nominations are -

Miss Annie Huldah Bodden
Mr.Dalmain Ebanks
Mr.George Smith
Capt. Keith Tibbetts
Mr.Craddock Ebanks.

I shall put the question that these five members be appointed members of the Standing House Committee with the terms of reference as set out in the paper circulated to all Honourable Members. All those in favour please say Aye -

MEMBERS: Aye.

MR.PRESIDENT: Those against - no. The ayes have it.

MOTION OF ADJOURNMENT

HON.D.H.FOSTER: Mr.President,I would like to move the adjournment of this House sine die.

HON.V.G.JOHNSON: Mr.President, I beg to second the motion.

Before the adjournment is taken, Mr.President, I would be grateful for the opportunity of saying a few words, if I may.

Mr.President, I would like to extend my sincere congratulations to all Members who were chosen in the General Elections last week to represent the people of these Islands in this Legislative Assembly.

I am glad to see a few of the familiar faces back and I am also glad to see a few new faces. I understand that a few of the new faces have already been Members of the Legislative Assembly in the years past.

There is no doubt , Mr.President, that this Election was keenly contested. I think it was the most keenly contested election in the history of this country. The country, I would say, has conferred a great honour of the 12 persons who were selected and I am sure that these members will be prepared to defend that confidence which has been reposed in them.

To those Members who were defeated at the polls, I could only encourage them with the words of the Poet Beecher - when he said - "Do not then be afraid of defeat - you are never so near to victory as when defeated in a good cause".

Mr.President, the new Members of this Legislative Assembly will be faced with the tremendous task in the administration of the affairs of the country to maintain the growing confidence in the future of the Cayman Islands. Whatever might have been said about the ability of the past Government, I am sure that it is clear to one and all of us that they have done a good job because they have built stability and confidence in the Cayman Islands. When one travels abroad today it is pleasant and it is satifying to hear the complimentary remarks paid on the Cayman Islands as a financial centre.

Mr.President, that is the image that has been built and that is the image which we should endeavour to maintain. I, for one, am very proud to be associated with this Government.

Mr.President, the economy today to a large extent is tied to the financial industry. The financial industry is a very sensitive area and I daresay that it could surrend instantaneously to un-favourable political climate . I am sure that every Member here is aware of that and I am sure that it is the aim of every Member to retain this status quo.

I would not even dare to mention in the slightest the effect of any slump in the financial industry today. One thing for certain, the result would have a chain reaction in every other area of the economy.

Mr.President, I am confident that Honourable Members are people with even greater concern for the well-fare of this country and that they will endeavour to justify the confidence which has been reposed in them by the people of the Cayman Islands. I am sure that they will fulfil their many duties and responsibilities with constructive thought and with a deep desire to serve in the best interest of the people and the country. I wish you all, individually and collectively, good luck in the tasks ahead.

MR. JAMES M.HODDEN: Mr.President, I too, would like to join in tribute here today. I would like to refer to this day as the people's day, because it is for the support of the people, Mr.President, why this Assembly shows the make-up that it does today, and I thank one and all for the support that was given in the last Election. The Election is now behind us and we , as the elected people of this country, in whom the people of this country have reposed their confidence, we must boldly act on decisions and we must point this country in the right direction.

MISS ANNIE H.BODDEN (CONTINUING) Well, I would say, Mr.President and Members, that I am expecting great things from this House and I pledge my support to anybody, any Member who will do what I think is right and what their conscience dictates.

Now I can be wrong in a lot of instances - I am willing to compromise and to work for the good and harmony of one and all. I thank you, Mr.President, and I am beseeching the Members, let us as a Christian community put God first, because we must bear in mind that righteousness exalteth a nation and sin is a reproach to any people and the curse of selfishness is a sin. We must forget self, put this people, these Cayman Islanders first and let us go forward - let us not be selfish, have selfish aims, let us remember that we have people living among us who have helped to contribute to the work of this Island and we must consider and try , with God's help, to work together, all the people, for one cause, the Government of the Cayman Islands. Thank you, Sir.

CAPT. CHARLES FITZCONNELL: Mr.President, I would like to thank the people and my fellow Legislative Members for the great honour which they have bestowed on me today. I promise that with God's help and guidance to assume the responsibility given to me with humility and honesty and I will uphold the integrity and dignity of our Government. I thank you.

MR. JOHN McLEAN: Mr.President, I take the opportunity to thank the people of the constituency of East End and the Island for choosing me as a representative for that district. At the same time, Sir, I would like to congratulate you on being a very out-standing leader to our people.

I also pledge myself to work in unity with the other Members of this House to continue our Islands on the correct course. I also ask of you, Sir, your guidance, being a new Member to this House in whatever way you may help me. I thank you, Sir.

MR. BALDWIN BENNETT: Mr.President, I feel it a great honour today to be here as a Member of this House and I want to thank my people of my constituency for the support that they have given me in our campaign and also the people throughout the Island. And also I want to thank them for the trust and confidence that they have placed in me to place me here as one of their representatives. And I trust to God that I will be able to live up to that trust and confidence as they wish.

I know that we have a hard road ahead of us but I feel sure we can accomplish great things once we join our hands and hearts together, work one for goal, and that goal is a better Cayman.

And now, Sir, to you, another great honour I pay you having such a man like you with us, because I know with your knowledge and ability, Sir, that you'll be able to lead and guide us along the path that victory will be ours after a hard battle. Thank you, Sir.

MR. GARSTON SMITH: Mr.President, I too, this morning, am very proud to be a part of this Legislative Assembly. First of all, I want to thank the people of my constituency for making that possible, for electing me to this House. And this morning I want to pledge my support, wholeheartedly to every Member of this Chamber that we may have a better Cayman, a better Cayman Islands for our Cayman people. I thank you very much, Mr.President.

MRS. ESTHER EBANKS: Mr.President, I take this opportunity to thank my constituency for electing me, and I will endeavour to work hard for the next four years.

I am fully aware of the responsibilities and the confidence placed in us by the electorate and I am sure we will live up to their expectations. Let us put the past behind us and go forward in a spirit of unity and determination with a view of building a better Cayman. I thank you, Sir.

MR.CHADDOCK EBANKS: Mr.President, I am in the mood this morning for talking, but I will assure you that I will not get you tired or weary. Mr.President, I have much to be proud of this morning. I have much to be thankful for, I have a debt that I will endeavour to pay to the people of this country and, Mr.President, why I say that, I realise this morning that I am an old soldier and I am glad to be found here again this morning even though it is not the old Accustomed seat - I have been moved up a little bit closer (which I appreciate), but if I hadn't been an honest, true, hard, fighting anything that they would want to call me, I wouldn't have found my seat back in here.

I promised the people of my constituency of North Side in my first election that I would do for them and this country on the whole everything that I could do to the best of my ability and over these twenty-odd years that have passed, I have lived up to that, and the only intention I have this morning, Mr.President, taking my oath that I will live up to the standards that a people of any country can look forward to and that they would expect them to live up to.

My only intention is to see, like I've done over the years, that we continue to keep a good, clean, stable Government. And I will say this morning, Mr.President, I feel that it is not a Member that has been elected, whether it is those for the first or the second time, that has any intention of being anti-Government or to topple Government or to lay down Government or to bring Government to any disgrace or anything else. I feel that everyone has pledged their efforts to support and build a better country and continue to keep a good, clean, stable Government, and if that had not been the case, Mr.President, all over the years, with Members coming in, new members in each election, then we would not have built the Government that we have today - a stable government.

So with those few remarks, Mr.President, I open myself to the public at any time that they want to approach me with any grievance, or anything that I might be able to do like I've done all over the years and not only the people of North Side that I am grateful to, for supporting me to be back here, but the Island on the whole. I've had over the years a tremendous amount of support from the Island on the whole. And with those few remarks, Mr.President, I thank you and I look forward then to us starting the business in the very near future.

CAPT. KEITH TIBBETTS: Mr.President, I stand here today with pride having been re-elected to the Assembly. I say re-elected I have been in the Assembly for the past eight years - I served, not in this House, but in the old Town Hall in the days of the Assembly of Justices and Vestry. Now I am back again, I am more matured than I was in those days and I feel competent of helping you, the people who have been elected to this Assembly to make the Cayman Islands even a better place than it has been in the past.

Mr.President, I feel confident today with your knowledge and experience that you can help us, and will help us to make the Cayman Islands the place that we, the Caymanian people hope and trust that it will be that all Caymanians will be proud of in the future. I am prepared to go along and be right onboard to make it that way with your help. Thank you.

MR. TRUMAN BODDEN: Mr.President, I too, am honoured to be here. I wish to thank most heartily the electorate of the George Town district as well as the people as a whole. I also wish to thank those who have worked close with me during the election campaign. I assure you that I will endeavour to work in harmony with all Members of this House and I am asking that we have some unity as far as possible, within it.

I would lastly ask that Members of the public, as well as this House, pray for us for God's guidance in the times ahead. I thank you, Mr.President.

MR. GEORGE SMITH: Mr.President, I'd like to thank most of all the people of the Second Electoral District of George Town for the trust they have put in me and for the confidence they have put in all the Members in this House as a whole.

I'd like to pledge my support to the House that I will work with each Member and Members and persons as a whole for the betterment of the Cayman Islands. Thank you.

MR.C.CRAIG BODDEN: Mr.President,I did not intend to be the last speaker, but the younger members are quicker on their feet than I am and so they really beat me to it. I see that the new Business Committee which was established this morning has already had its effect because one of the purposes of that Committee is to study limitations on the time for debate in this Chamber, and I see it has already kept the debate to a minimum.

I must congratulate the Member from North Side who has been drawn nearer to the Throne of Grace and I think it is only fitting that he should be, because the people of North Side turned out in large numbers to return this man to the polls;more than 90% of the registered voters in North Side came out. That was beaten only by Bodden Town and Little Cayman where 100% of the registered voters voted (of course, Bodden Town voted by not opposing the two Bodden Members).

I, for the last six weeks have visited practically every corner of these Islands and I made many speeches. The central theme has been involvement. Asking the public to become involved. I said, if you cannot support this candidate, well then get behind a candidate that you can support - you have no right to sit on the side-lines and complain And I believe that this Election will be a turning point for the better of this country and that Caymanians as a whole will be better off and will be freer politically than they have ever been. I would say to the Members of this House that becoming involved in public life, seeking elected office, has many prices which they will have to pay and it will be up to them to find out for themselves what is the greater price - is it the price of involvement which is higher or is it the price of non-involvement? They will soon find (speaking of the new Members) that the price of involvement will be a loss of income because their own businesses will suffer - it will be a loss of time, time taken away from their families, but while the price of involvement is high, the price of non-involvement is so high that no one can afford it. And while the price is high I want to assure you that the rewards are also high. The rewards of becoming involved in public life are simply the ones of knowing that you can live with yourself, you have the ability to sleep comfortably at night knowing that you have done your part to keep these Islands free, secure and stable, and, as I said to my people in Bodden Town, as proud as I had been, four years ago when I entered public life, today I am ten times prouder because I believe the people of Bodden Town are much better off because the two Bodden Members became representatives of the Bodden Town district and I am not going to get carried away as I was in Bodden Town couple of nights ago, and I am not going to make all those extravagant statements, but I was so full with pride at the confidence placed in us by the Bodden Town people that I had to tell them so and I had to tell them in my own way.

It is true that this Assembly faces many challenges and it is true that over the next few weeks up until New Year's Eve these new Members are going to get many criticisms, but you will have to do as the other Member from Bodden Town and I have done - we laughed and we tried to win the people over. I must say four years ago when we were elected we underwent in Bodden Town the most bitter campaign that has ever been organised in these Islands and

MR. G. HAIG BODDEN (CONTINUING) over the four years we have won the people over to such an extent that nobody else stood for election except, of course another Member from our party. And this is what the Members will have to do. They will have to go out and win by love those people in the districts who were against them. And if they do this country will be better off because it is easier to rule by love than by fear, and while we may make mistakes, we will always remember that people live in these Islands and that people from abroad come here to invest their monies and to find a life which many of them cannot find at home, because their countries have been run by little dictators and I would like to quote the words of the great American President - Franklin D. Roosevelt, he said at the beginning of his campaign that "better the faults of a Government that rules in mercy than having a Government frozen in the ice of its own indifference". And so, if the Members will just remember that we have people on the outside who are watching us and who are depending upon us to do what is best I believe that this Government will be stronger than it has ever been in the past.

To those people who lost the election, and to their supporters, I would ask them to forget the past, because those who live in the past will bankrupt the future.

MR.PRESIDENT: Are there any other speakers?

If not, before I put the question, perhaps Honourable Members may allow me one brief word. As President, I endeavour to divorce my duties from those of Governor and discharge these duties, while I am sitting here, with the strict impartiality demanded of the Speaker. It is rare, therefore, for me to intervene in debate or to say anything to Honourable Members that is not connected with the upholding of our Standing Orders.

Today, however, I wish to congratulate all Members of this Assembly and of the Executive Council on their elections, to wish them well in the discharge of their onerous duties. This House has a long tradition of democratic Government. The standard of debate has been high - not least in the last four years, at least in the two and a bit years while I have listened to the debates.

I would like to associate myself with the statement made in last night's Caymanian Compass signed by a majority of Honourable Members in which they pay tribute to the contribution made to the Government of the country by those Members who have not been returned in the 1976 Elections. It is right, in acknowledging the wishes of the electorate that this be recognised and I confess to having been encouraged on many occasions in the performance of my own duties by the spirit of dedication to public service which characterises the Caymanian politician and the Caymanian Civil Servant. I have no reason to believe that the flame of the torch which has been passed on will burn any less brightly in the hands of the Honourable Members who constitute this present Assembly.

I wish to assure all Members of my support, that I will be available for guidance at any time.

I will now put the question that this House do now adjourn, if this is carried the House stands adjourned sine die, but I am certain that the First Official Member will be in touch with Members about further meetings. So I will put the question - the question is that this House do now adjourn. Will those in favour please say Aye.

MEMBERS: AYE.

MR.PRESIDENT: Those against. No. The Ayes have it. The House stands adjourned sine die.

AT 12.25 P.M. THE HOUSE ADJOURNED SINE DIE.

M I N U T E S

SECOND MEETING OF THE SECOND LEGISLATURE (1976) OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
HELD ON THURSDAY, 9th DECEMBER, 1976 commencing at 10 a.m.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE. PRESIDING:

GOVERNMENT MEMBERS

HON. D.H.FOSTER, M.B.E., JP	FIRST OFFICIAL MEMBER
HON. G.E.WADDINGTON,C.B.E.,Q.C.	SECOND OFFICIAL MEMBER
HON. V.G.JOHNSON, CBE.	THIRD OFFICIAL MEMBER
HON. TRUMAN MURRAY DOBDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.
HON.GEORGE HAIG DOBDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES LEONARD KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.
HON. JAMES MCCOAH ROBDEN	MEMBER FOR TOURISM, AVIATION AND TRADE.

ELECTED MEMBERS.

MR. DALMAIN EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN GARSTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE MYLOAH DOBDEN	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. KEITH P. TIBBETTS	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE.
MR. JOHN MCLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

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ORDER OF THE DAY

SECOND MEETING OF THE SECOND LEGISLATURE (1976)
THURSDAY, 9th DECEMBER, 1976

1. PRAYERS BY THE REV. JOHN R. GRAY, M.D.E., B.SC.

2. QUESTIONS -

NO.1. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE FIRST OFFICIAL MEMBER

What steps (if any) are being taken by Government to curb the alledged importation and use of hard drugs into Grand Cayman?

NO.2. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES.

When will the proposed Development Plan and the Report thereon be presented to the Legislative Assembly?

NO. 3 (a) Have the standards for Housing Projects been lowered to the extent where the Planning and Development Board would approve of Houses of the type as pictured in the December, 1976 issue of the Northwester to be built in current residential areas of the Island?
If the answer is yes, why has the Board considered the measurement of only 8,000 square feet, when as a matter of fact other house builders had to have land consisting of an area of not less than eleven thousand odd square feet?

(b) Will the Member explain the reason why there appears to be relaxed planning regulations to the extent where a house can be built on 8,000 square feet, when it is being sought by the Development Plan to build in some places only ONE HOUSE on five acres of land?

(c) Will the Member give the reason why a Development was granted permission (as stated in the current issue of the Northwester) to build what would appear to be an inferior type of house on such a small area?

3. GOVERNMENT BUSINESS:-

(i) BILLS:-

* (a) The Banks and Trust Companies Regulation (Amendment) Law, 1976

* (b) The Customs (Amendment) Law, 1976

* Suspension of Standing Order 46 to be moved by HONOURABLE THIRD OFFICIAL MEMBER, for FIRST READING.

SUSPENSION OF STANDING ORDER 47 to be moved by HONOURABLE THIRD OFFICIAL MEMBER, for THIRD READING after committee stage.

(ii) GOVERNMENT MOTION NO.4. General Warrant for Expenditure in 1977 until Approval of the Estimates. MOVED BY THIRD OFFICIAL MEMBER.

(iii) GOVERNMENT MOTION NO.5. Membership of the Liquor Licensing Boards for Grand Cayman and the Lesser Islands. MOVED BY THE FOURTH MEMBER OF EXECUTIVE COUNCIL.

TABLE OF CONTENTS

	PAGE
PRAYER BY REV. JOHN R. GRAY	1
QUESTIONS	1
THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1976. FIRST AND SECOND READINGS	1
COMMITTEE THEREON	21
REPORT AND THIRD READING	22
THE CUSTOMS (AMENDMENT) LAW, 1976. FIRST AND SECOND READINGS	22
COMMITTEE THEREON	33
REPORT AND THIRD READING	34
GOVERNMENT MOTION NO. 1 - GENERAL WARRANT FOR EXPENDITURE IN 1977 UNTIL APPROVAL OF THE ESTIMATES	35
GOVERNMENT MOTION NO. 5 - MEMBERSHIP OF THE LIQUOR LICENSING BOARDS FOR GRAND CAYMAN AND THE LESSER ISLANDS.	36
ADJOURNMENT	36

THURSDAY, 9TH DECEMBER, 1976.

10:00 A.M.

MR. PRESIDENT: The Assembly is in Session. I shall the Rev. Gray to say Prayers.

PRAYER BY REV. JOHN R. GRAY: Let us pray.

Almighty God from whom all wisdom and power are derived we wait on thee. We acknowledge that we cannot do anything as we ought without thy help and guidance. We beseech thee so to direct and prosper the deliberations of this Legislature now assembled that all things may be ordered upon the best and surest foundation for the glory of Thy name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal Family. Give grace to all who exercise authority in the Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of these Islands, Executive Councillors, Members of the Legislature that they may be enabled to faithfully perform the responsible duties of their high offices.

Make us a people strong and great in the fear of God and in the love of righteousness so that being blessed of thee we may become a blessing to others to the praise and glory of Thy name through Jesus Christ our Lord. Amen.

MR. PRESIDENT: Please be seated.

The first item on the Order of the Day is Questions.

QUESTIONS FOR ORAL ANSWER

MISS ANNIE H. BODDEN To ask the First Official Member the following Question: "What steps, if any, are being taken by Government to curb the alleged importation use of hard drugs into Grand Cayman?"

HON. D.H. FOSTER: Mr. President, the answer is a strict watch is kept at all points of entry, a drug unit within the Police Force is charged with making local enquiries and liaising with overseas enforcement agencies.

There have been two seizures of small quantities of cocaine in the last month, these are the first known cases of this drug being used in the Islands. Enquiries into both cases are currently in hand.

SUPPLEMENTARIES

MISS ANNIE H. BODDEN: Was not Government aware of the fact that earlier this year there was quite a quantity of cocaine distributed in the Island?

HON. D. H. FOSTER: No, Sir.

MISS ANNIE H. BODDEN: The steps that are being taken are they being taken secretly or publicly?

HON. D.H. FOSTER: Mr. President, all investigations that are done by the Police, Sir, are up to a certain stage meant for confidential if you'd like to call it so. And when the enquiries are finished then it is made public.

CAPT. KEITH T. TIBBETTS: Mr. President and Honourable Members,I'd like to ask a supplementary question. Are they using the dogs that they have trained in finding this dope or drugs especially when the passengers arrive from these cruise ships?

HON. D.H. FOSTER: Mr. President, the dogs are used so I presume they are used at the discretion of the Officer in charge of the unit, giving orders to the dog handlers where to take them and at what times. I am not in a position to say whether they are actually taken to where the passengers from cruise ships land or not.

MR. CRADDOCK BANKS: Mr. President, if I may ask a supplementary. I wonder if the First Official Member can state or would be prepared to state that in his opinion whether there is a lot of that drug movement through this Island?

HON. D.H. FOSTER: Mr. President, it is difficult to say, Sir. One might think there is a big movement, but until we actually have the facts or catch the people we are not in a position to say whether it is a big movement or not.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask the First Official Member. In the event that a user is discovered having this hard drug or any drug is any enquiry made, to your knowledge, to find out the source of where it came from?

HON. D.H. FOSTER: Mr. President, definitely so, Sir, most certainly.

MRS. ESTHER BANKS: Further supplementary, Mr. President. The private flights coming in that the trucks deliver the baggage to different hotels is this baggage properly searched or is it taken direct to the hotels without being searched? Would you please look into that.

HON. D.H. FOSTER: Mr. President, I am not aware whether the baggage from certain of these charter flights will go direct to the hotels or not. I know sometime ago there were problems on this and to the best of my knowledge this was stopped. I am not positive. And I am not sure whether there is any search made at the hotel, if it goes direct, for anything like drugs.

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

QUESTION NO. 2:

MISS ANNIE H. BODDEN: Question addressed to the Honourable Member for Agriculture and Natural Resources. When will the proposed Development Plan and the Report thereon be presented to the Legislative Assembly?

HON. G. CRAIG BODDEN: Mr. President, the answer is .. every effort will be made by Government to table the Development Plan and Report at the sitting of the House in March,1977. It will then be dealt with the following sitting in May, 1977.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask the Honourable Member, in the meantime what is happening with regards to a Plan - what is happening with regards to a Plan?

HON. G. ERIC BODDEN: At the present time the Central Planning Authority is working on the Interim Development Plan which had been approved by the Legislative Assembly in 1974.

MISS ANNIE M. BODDEN: Is this Interim Plan which is now being used – is the Member aware of the fact of its being accepted or not Accepted by the general public?

MR. G. HAIG BODDEN: No.

MR. CRADDOCK EBANKS: Mr. President, if I may ask a supplementary to the Member. Is that the reason why the Development Plan is not being brought to the House before May? Why did you say it will be brought to the House in March and laid on the table until May?

HON. G. HAIG BODDEN: The Plan is now in four different documents, the proposed Plan as published, the modification statement as published, the Central Planning Authority's comments and the Tribunal's Report. At the present time government is putting all of those together in one comprehensive document. Work is going on on this now and it is unlikely that that will finish before February.

The reason for tabling it in March and not dealing with it until the next session is so that Members and the public will have time to study it. It is true that the law does not require that the Plan be studied anywhere by the public but Government feels that it is right that an opportunity be given to Members to study it and to consult with the public before it is finally dealt with.

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

QUESTION NO. 3:

MISS ANNIE M. BODDEN: I'd ask the Honourable Member for Agriculture and Natural Resources. Have the standards for Housing Projects been lowered to the extent where the Planning and Development Board would approve of houses of the type as pictured in the December, 1976 issue of the Northwester to be built in current residential areas of Cayman?

If the answer is 'yes' why has the Board considered the measurement of only 8,000 square feet, when it is a matter of fact other house builders had to have land consisting of an area of not less than eleven thousand odd square feet?

HON. G. ERIC BODDEN: Mr. President, before reading the answer to this question. The question is really in three parts which relate to the same topic and I am wondering if the Member would have any objection to me giving the questions for (b) and (c) and then I could put the answer in one part so that there wouldn't be an overlapping in the supplementaries.

MR. PRESIDENT: I think this is technically necessary under Standing Orders because the Honourable Member can only ask three questions. So we had better take this as one question with three parts.

MISS ANNIE M. BODDEN: No objections, Sir.

(b) Will the Member explain the reason why there appears to be relaxed planning regulations to the extent where a house can be built on 8,000 square feet, when it is being sought by the Development Plan to build in some places only ONE HOUSE on five acres of land?

MISS ANNIE H. BODDEN: (CONT'D) (c) Will the Member give the reason why a development was granted permission (as stated in the current issue of the Weathwester) to build what would appear to be an inferior type of house on such a small area?

HON. G. CRAIG BODDEN: Mr. President, the answer to 2 (a) is building standards have not been lowered in the proposed Housing Project. The Project will consist of small traditionally built houses to provide homes for the community in the income bracket of $4,000.00 to $5,000.00 per annum.

On the question of zoning, the Island has three residential zones: R1 which has a minimum lot size of 8,000 square feet and R2 and R3 which has a minimum lot size of 13,600 square feet.

The proposed Housing Project is zoned at R1. This zoning is contained in 1972 Regulations made under the Development and Planning Law,1971.

The answer to 2(b) is Planning Regulations have not been relaxed; there are large residential R1 zones in West Bay, George Town, Bodden Town, East End and North Side on the minimum of 8,000 square feet per lot size where houses can be built.

The answer to 2(c) is the Planning Authority has had this Housing Project under consideration for a number of months. It has been discussed on four separate occasions with a special meeting convened to discuss this project in relation to objections and representations.

No permission has been given either in principle or in full for the project when the Northwester reported that the Developers received approval of the Central Planning Authority. The Housing Project was on the Agenda for the meeting of the Central Planning Authority yesterday evening and the Member will be informed in writing of their decision as soon As it is made available.

The proposed houses,although small, are not considered to be inferior. They are constructed or will be constructed of blocks for outer walls with wood-stud interior walls. The roof is aluminum sheeting. The house is capable of being expanded when required.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask the Honourable Member, if this project has been so long in the making of it, why is it brought at this particular session when new Members are in the hold?

HON. G. CRAIG BODDEN: Mr. President, I didn't intend to mean that the development had been in progress a long time. The answer said that the Planning Board had met four times in relation to this project.

MISS ANNIE H. BODDEN: Mr. President, I would like to ask if in this low housing or low cost housing scheme if consideration has been given to the fact that they should have water supplies?

HON. G. CRAIG BODDEN: Mr. President, for the information

HON. G. HAIG BODDEN (CONT'D): of the Member since the preparation of the answer to this question, which was done yesterday, I have information that the Board at its meeting yesterday took certain decisions. We were not trying to hide the decision it is only that it was not available when the question was made. And the decision taken by the Board at its meeting yesterday is this, the Central Planning Authority approves the Housing Project at Red Bay in principle only. The developers before getting full approval must consult the Department who will ensure that the Regulations are adhered to, that proper and adequate sewerage facilities are provided, (c) that the lay out of the development meets a high standard.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask a supplementary question. Was that not the whole trouble when we had the cardboard houses imported here, that we did not want the standard of housing as is now used lowered? Was that not the object of that march etc.? Why is this concession given now?

HON. G. HAIG BODDEN: Mr. President, according to the information contained in the answer these houses are smaller in size than some of the houses around, but the quality of the house is high in that the material used is the traditional material used in Cayman, the walls will be of concrete, the partitions inside will be of wood, the roof will be of aliminium sheeting. The houses might be called small but they won't be of inferior material or inferior workmanship.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question. Is it proposed to locate these houses on the swamp where we call the canal road that the government has recently had built?

HON. G. HAIG BODDEN: Mr. President, I understand that permission has been sought to put these houses in the area to which the Member refers. But I would like to point out that this area has not suddenly become an R1 area. The qualification for an R1 area is laid down in the Regulations which came into effect in early 1972. The requirements of an R1 area among other things contain that a house can be built on a minimum of 8,000 square feet. So this R1 area is not something that the Planning Board has just done. This R1 area was set out in the Regulations from 1972 and the particular area in question was designated an R1 area in the interim Development Plan, which was approved by the Legislative Assembly some years ago.

MR. GEORGE SMITH: Mr. President, will the Member responsible say how many houses they are allowed per acre, and will he define the type of sewerage treatment that will be used?

HON. G. HAIG BODDEN: Mr. President, the Regulations passed in 1972 say that in residential zone R1 average coverage shall be four houses per gross acre. Minimum lot size 8,000 square feet.

I am afraid I am not in a position to answer the question on sewerage but I could give the Member maybe a written reply to it. That does not come within the question and I don't have the information.

MISS ANNIE H. BODDEN: Mr. President, it appears as if I am a lone wolf so I'll have to continue to get what I want.

I would like to know why are these houses not sited in the North Sound area?

HON. G. HAIG BODDEN: Mr. President, I guess they could be sited in the North Sound area if application had been made to put them there. What the Planning Board is dealing with is the application that

HON. G. HAIG BODDEN: (CONT'D): has been put to them to site them in a particular area. As I pointed out earlier the area for which the application is applied is an R1 area.

MR. JOHN McLEAN: Mr. President, will the Member in charge tell us if those applications are being treated the way that applications have been treated in the past for local people?

HON. G. HAIG BODDEN: It appears that the Board is giving what I would call good consideration to this application, as it has taken several meetings on it and has allowed objectors and other representation to be made. So I would say it is fair to say that the Board is giving this application a lot of consideration.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question please. In the face of objections as has been stated that have been raised, why is the Board now content to lower the standards when in the past a bathroom window, if it didn't suit their fancy, had to be corrected?

HON. G. HAIG BODDEN: Mr. President, it appears to me that the Board is not lowering the standards. It would seem to me that the Regulations need to be changed. This particular area has been set out in our Regulations for a long time as an area in which a person could build on a minimum of 8,000 square feet. So it is not a present lowering of the standards or the size of the lots. This has been established by law and by Regulations for several years, it is only that nobody has utilized this area before.

MR. CRAWFORD EVANS: Mr. President, I wonder if the Member could say if he has any knowledge of approximately how many of these homes will be built?

HON. G. HAIG BODDEN: Mr. President, I understand it could be something between twenty and forty homes.

MR. CRAWFORD EVANS: Mr. President, if I may ask another question. Can the Member say if these are being built for local sale or for a Company or organization to rent to people?

MR. G. HAIG BODDEN: Mr. President, I understand that the houses while built by probably one contractor will be on an individual basis, with an individual applying to the Bank for a mortgage to cover a particular house. So I would say the house will be sold to individual owners. I don't think they are for rent.

MISS ANNIE H. BODDEN: Mr. President, this is a statement not a question, Sir. I would like it emphatically known that I am not against any particular project doing any development. What I am against is the fact that the Planning Board in the past held such high standards and I just cannot comprehend how they are being lowered now.

MR. CRAWFORD EVANS: Then, Mr. President, if I have understood the Member in answering my question - which is a further supplementary - it is only then if an applicant can secure enough money through some bank that this house would be built?

HON. G. HAIG BODDEN: No, Mr. President. Any individual person who owns land in that area could apply to the Planning Board for permission to build a house on 8,000 square feet. It wouldn't be necessary for the person to go through a bank with a mortgage, but the mortgage houses

HON. G. HAIG BODDEN: (CONT'D) is only available to people who apply for the mortgage. But an individual wouldn't be precluded from building his own house.

MR. SPEAKER: If there are no further supplementaries that concludes question time. I think the Honourable Lady Member has asked certain other questions to which she will receive a written reply and those replies will be printed in the Hansard of today's proceedings.

QUESTIONS FOR WRITTEN ANSWER:

THE THIRD-ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

1. Will the Member state whether Government had to pay $2,000.00 for legal fees in the matter of arbitration concerning the Hospital contract for repairs, and some thirty odd thousand dollars due to the flaws in the Contract?

ANSWER:

Government retained the services of a Queen's Counsel who is experienced in arbitration matters. His fees totalled $4,900.00.

Government was a party to a contract with Project Management Ltd., in relation to the additions and alterations to the hospital. There were no legal flaws in the contract. Under that contract, Government agreed to supply the materials for the project. It appeared that Government was in breach of this agreement in that the materials were not supplied in accordance with the work schedule submitted by Project Management Ltd.

Further, the Government's architects granted extensions of time to Project Management Ltd. The late delivery of materials and the granting of time extensions resulted in increased costs to Project Management Ltd. Project Management made a claim of $69,874.52 against the Government. An arbitrator was appointed to determine the matter. It was felt by Government's advisors that Project Management's claim might have been upheld by the arbitrator. To guard against an award of a more substantial amount being made against Government, it was felt that the Government should pay into court the sum of $40,000.00 inclusive of costs. This payment into court was made and Project Management accepted. Their total claims had amounted to $60,874.52.

QUESTION 2:

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER FOR COMMUNICATION, WORKS AND LOCAL ADMINISTRATION:

Has any amount been collected for damage to the public roads by the installation of pipes, etc., on the paved roads?

If the answer is "yes" will Government state the amount collected, and from whom?

ANSWER:

Yes. Money has been collected from utility companies in respect of damage done to roads in the installation of services such as telephone cables, electric power cables and water mains.

ANSWER: (CONT'D):

(b) The sum of $2,015.44 has been paid up to 1976 to Government by Cable & Wireless (W.I.) Limited. The arrangement by which the Government is reimbursed for damages done to public roads by utility companies, but especially Cable & Wireless (W.I.) Ltd., is on the basis of an oral agreement since no provision exists in the franchise whereby the holder must reimburse the Government for such damage.

Under the existing agreement, each Company undertakes to reimburse the Government for damage done to road surfaces while the Government undertakes to reimburse each Company's expense incurred in shifting poles and raising the levels of manhole covers.

In the process of improvement to roads - widening, straightening and resurfacing - throughout the Island, the Companies have been obliged, at the request of Government, to meet considerable expenses in the shifting of poles and raising of manhole levels. It is agreed therefore that the cost of any damage done to roadways by the utility companies would be offset by the costs which they are obliged to incur in relocating their facilities. This arrangement has been working quite well, and the Government does not consider that any money has been lost as a result of damage done to roads by the Utility Companies.

QUESTION 3:

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER:

Is Government pursuing the matter of obtaining a proper Police boat as was promised many months ago to legislators?

If the answer is "No" will immediate steps be taken to obtain a suitable Police boat for patrol, etc., for use especially in an effort to control the drug traffic which appears to be on the increase in this Island?

ANSWER:

No. Due to the recession and Government's financial position the matter has been held in abeyance.

A suitable Police boat cannot be obtained until funds are available.

QUESTION 4:

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER:

Is there any outstanding import duty to be collected, and if so, What is the amount, and are steps being taken to enforce collection?

ANSWER:

Yes. According to the records at the Customs Department outstanding import duty to date is estimated at $105,944.

ANSWER: (CONT'D):

Steps are now being taken to enforce collection and it is anticipated that the total sum will be collected by the end of this year.

MR. PRESIDENT: Today is Thursday and under Standing Order 14(3) Private Members' business has priority. But as there are no Private Members' Motions submitted to the Clerk then under the same Standing Order Government Business may be taken.

So we will proceed next to Government Business in the Order Paper Bills.

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1976

SUSPENSION OF STANDING ORDER 46

MOVED BY: HON. V.G. JOHNSON
SECONDED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. STANDING ORDER 46 SUSPENDED.

FIRST READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1976.

MR. PRESIDENT: The Bill is accordingly deemed to have been read a First time.

SECOND READING

MOVED BY: HON. V.G. JOHNSON.

HON. V.G. JOHNSON: Mr. President, Honourable Members this is the first of two tax bills to be introduced here today. This Bill is seeking to increase the annual and first grant fees chargeable to Banks and Trust Companies licensed under the Banks and Trust Companies Regulation Law.

These are revenue bills, Mr. President, and the purpose is to seek to improve the financial position of Government in order to supplement the 1977 budget.

It is exactly two years ago since an amendment was made to the fees chargeable to Banks and Trust Companies, and it was thought that having so few avenues from which to raise revenue in the Cayman Islands that it was time again to look at this particular area. Of course, at no time has this Government gone about taking or making decisions to tax the financial operations without putting out a feeler as to whether the sector will accept these recommendations or not. I am not trying to say that Government should be dictated to by the private sector in any of its moves to improve tax measures, but I think it has been the policy in the past that Government liaise where this is possible in order to maintain continued reasonable association and relationship with the private sector. This was done, Mr. President, of course we couldn't call all the banks and trust companies in, we had to speak to what we thought was a fair representation of the group, to get their views on this. Again we had to be very careful in dealing with this particular revenue item because we have seen that other tax havens taxing themselves out of the businesses, and it is something which we want to avoid in the Cayman Islands; but at the same time if the machinery of Government is to continue to operate then it means that we must find the money somewhere

HON. V.C. JOHNSON: (CONT'D): to continue to supplement the needs of Government.

I think the representatives who I spoke to were very considerate. They know that there was this need in Government and they thought that a reasonable increase would be acceptable to the banking fraternity. So they agreed that the increases which are recommended here would be a fair and equitable proposal.

Mr. President, it is usual for these tax measures to be presented at Budget Sessions, and Budget Sessions are usualy held in November of each year except in an election year. Fortunately we have to give new Members a little while to get on their feet before presenting a bulky Budget for their consideration and so it is usual to carry the Budget Session forward into the new year.

If for instance this particular measure is to have the desired effect in 1977 it must come into effect on the 1st of January, 1977, and it is for that reason why it is being presented today instead of at the proposed Budget Session early next year.

Mr. President, this as I said before is a measure to supplement the budget for 1977. I think it is a foregone conclusion that with the recession period just behind us that the revenue system of the Islands is still stagnated. In other words we did not see the growth in revenue over the last year and a half As we've seen in the previous period when the boom was on. During the boom period revenue grew at the rate of something between 15% and 20% per annum and so Government was always in the position of having a reasonable amount of revenue each year to distribute among the new measures, new expenditures and there was little need to introduce any large revenue measures. But with the recession going on, for instance the construction sector has gone down to where there is very little activity in building. This has had a tremendous ill-effect on the intake of Customs Import Duty. And this year alone revenue is down, customs duty is down, perhaps, about 5% of what was estimated - we're talking here about $500,000.00 which is a goodly sum of money. There are other areas that improved a bit and so the overall position will not be too dreary.

Nevertheless when we come to 1977, you know we have the burden of loan servicing, we have services of Government which demand a little more each year this is inevitable, we can't keep expenditure at a static figure, it grows, it increases. Inflation is never absent from the Islands, we haunt inflation, and so there is the need to consider new measures at this time of the year.

This particular measure will provide a sum of approximately $675,000.00. I can assure you that it will have a prominent place in the revenue needs of the Government in 1977. And I would ask Members to give the recommendation their kind consideration. I know that taxation is something none of us like to see and I would like to say this that it's quite a burden to be presenting tax measures to this first business session of this new Legislative Assembly. I am going to take the responsibility for it myself I am placing none on the new Members. Nevertheless I will ask you to give it your kind consideration.

SECONDED BY: HON. D.A. FOSTER

QUESTION PROPOSED:

HON. JAMES M. BONNER: Mr. President, Fellow Members, taxation is never a popular measure and in the recent election campaign every Member of this House campaigned strongly against increased taxation. And it is unfortunate, as the Third Official Member has just said, that this had to be brought at the second sitting of the House. It is unfortunate but it is a fact of life. And I would like to reassure the Members of this House this morning and the members of the public that the four of us who have been elected to serve on Executive Council have only supported this measure after we were fully aware of all of the implications and after we had given it much thought and much study.

We only agreed to this, Mr. President, after you kindly consented to allow us to acquaint the other elected Members of the House with this problem as we had promised to do before. There are very few areas in an economy where taxes can be put without gravely affecting the average person. This is why there is no tax measure coming forward in regards to say food or something like that. This has been put in areas which can least affect the man on the street.

I would like to lead up to some of the reasons for this. And I think that it should have been touched on more fully in the delivery that was just made. Over the past four years this government has had to borrow over $6 million and this was used mainly to finance capital expenditure, and on some of these loans we are now faced with capital repayments and interests repayments in the coming years. In addition to this since 1972 approximately $2 million of earned surplus money which had been brought forward and built up over the years has been used. In addition to that we are coming to end of this year with a deficit in the 1976 budget of approximately $1million. That represents a total of roughly $9million . It is true that we have in some cases quite a bit to show for it, but the fact remains that the money has been spent. It is impossible to enter the new year and carry forward the deficit that we will be carrying.

It is unfortunate that the recession has struck this country as it has struck other countries but we cannot blame it all on the recession either. But if we carry this deficit forward into next year we must remember that some time next year we're going to have to face the problem and we are going to have to find the measures to take care of this. And it may not be as easy to do that as it is now.

If we bring this forward into next year, Fellow Members let me quite candid and correct with you, this country's economy is going to be in terrible shape because we may not even have enough money to meet recurrent expenses. This is the condition that we face today.

It is true that for the past four years income was exceeded in its spending. Money was over-spent and now we have to find the new measures to alleviate this economic condition. We are hoping that some time in the coming year, God's willing, that we will be in a position to bring forward the Shipping Registration Law. When that happens we should be able to get sufficient revenue to put us through next year. But if we are not able, Fellow Members, to come up with something like the Shipping Registration Bill let me tell you now that when we campaigned and told the people of this Island that all we could promise them was blood, sweat and tears that's what you're going to be faced with next year. The economy has been in bad shape and we have felt it.

The past administration was fully aware of this deficit and the remedies that would have to be taken. So you do not have to be afraid of us getting blamed for putting this in. This happened and it was put forward before we even got into Executive Council.

HON. JAMES M. HODDEN: (CONT'D): I am disturbed about one point, and that is in speaking in this issue today in regards to the Banks. I am not in favour of putting taxation on the banks any more than I would be in putting it on food-stuff items that are coming into the Island. The banks are an important part of the economy of this country. But it is one way that we can use to help our condition at this time. They get a lot of benefits from our country and I do not believe that they will be against putting back a small amount like this into the economy. But it perturbs me the banks were so willing after the last election to assist the Northwester in such a blunt piece of nearly, I should call it, editorial policy, as to project what was coming forward just because certain Members were now in the House, when most of them fully well knew that they had already been approached on this item. I would hope that in the future we can a better relationship with them than we have had in the past. I hope in the future they will realise that we are all here for the good of this country, and that we are all here to work hand in hand.

Now, fellow Members, I know that it is difficult in one sense for you to support this at this time. You have to ask yourself at this point whether you're going to put our country into a deficit position going into next year where we will be faced with a lot of economic problems without this money, or whether you're going to write it into existence today. It is a difficult decision for you to make I know, but it is one that must be made because this country is like the story of the old American Preacher: it can't run unless it has money.

I will support this measure because I know that in the end it is good for the country and it is the only way that we can approach the coming year, God's willing, in hopes that we will ever come near in balancing the 1977 Budget. I thank you, Fellow Members, and I ask for your support on this motion.

MISS CONIE H. HODDEN: Mr. President and Members of this House when I campaigned I made a precious few promises: and it was one of increased taxation. I said we did not want to run away the economy of this Island by taxing on those who could pay such exhuberant taxes. I specially mentioned Banks, Trust Companies etc., and I suppose, as has been said, we will have to support measures of taxation but there are certain measures that I refuse to support.

When campaign was being gone into, the promises made that we are going to cut taxation from the motor cars, we are going to reduce hospital fees because we are going to do that to help the people. Now I feel, Mr. President, that although I was a Member of the past Government in a very, I would say, small way I would say this, that with the amounts spent we have something to show for it. There is no use in talking now that we have not because we have. We have a beautiful glass cage they call it, we have a hospital, which I hope I don't have to go there, but it is a mighty great improvement, we have this Parliament Building, we have a Court House, we have roads. We have spent this money but I would say to good advantage.

Now I am a person like this, I believe in spending just what I have. I don't believe in going in debt. But I am one of the few that is of that opinion. Most people believe let us have hay while the sun is shining. The sun was shining and I feel that government did a good job to get proper housing for its staff, like this Parliament Building etc. Now we have spent all the money we had evidently we are bankrupt as we'll be called, but I still say nobody can be bankrupt or not the Government if you have assets to show that can take care of what debt you owe. I feel that is the position the Government is in.

MISS AMBER G. BODDEN (CONT'D): Nevertheless we need money to take care of the present show. And I feel, Mr. President, that we must cut expenditure that's what we have to do. We have had certain things in the past, for instance the building for the Natural Resources that was most unasked for, we couldn't afford it; but nevertheless for prestige that suits somebody the building is there.

Now there are certain items that I will never agree to cut down on. The first and foremost is we have to pay the Civil Servants. Number two: Mosquito control project, because without that our tourist industry would go to pieces. Nobody except Caymanians would live in an atmosphere where mosquitoes are killing you. And we cannot cut down on that. But we have to cut down on the expenditure.

And while I will agree to this, because I don't want it to be said that I was against anybody or anything. But I am repeating, Sir, that we must consider and spend only what we cannot do without.

I hear there is a project around to get $20million for piping water and sewerage - they are mad to think of running this Government into $20million or pounds or whatever it may be. We have to use economy and I am saying, Mr. President, that let us start in a humble way. Let us be content with what we have at present. We haven't got any money for any airport terminal now; we have to finish the dock and I would say, Mr. President, let us go about it in a sensible way and keep out of taxation as far as possible. Thank you, Sir.

CAPT. K.P. TIBBETTS: Mr. President and Honourable Members I too must state as the other Members have done that in our campaign meetings we opposed any taxation.

I want to make it emphatically clear here today, I spoke that on each platform, that I would oppose any type of increased taxation that affected the working man or the poor people of the Cayman Islands. But I did go on to say that such things as these Banks and Trust Companies and our offshore banking facilities could be increased without any effect to the local people. Therefore, I cannot be a hypocrite I must stand by my convictions, I must stand by what I have said, I will support this measure because I have told the people that for the last three months that they could expect this. But as far as increased taxation that will affect the working people I will always stand against it.

I must support what the Member for Bourys Town has just said, about we must stop wasting money. I am here to say today that we can stop wasting money in this way as from right now, we can stop money we have wasted on this proposed Development Plan. That alone should go a long distance towards making our Budget within a reasonable amount of deficit instead of the amount that the Honourable Member from Bodden Town has told us we can expect to be short of for the year of 1977.

That covers my feelings and I will support this measure because I have told my people that I felt that that is one of the avenues we could look for more money.

MR. GARSTON SMITH: Mr. President and Honourable Members of this House, I too campaigned in the last election that I would not want to see any more taxes imposed on our people; but, Mr. President, as I sit here I realise the machinery of this government must continue to work. I realise that we have to have money, we have to find means to have money to work with or else this government must fall.

MR. GARSTON SMITH: (CONT'D): So this morning I stand here to support this motion and I want to congratulate the Honourable Third Official Member this morning for bringing this bill before this House.

Mr. President, I have always felt that the Banks and Trust Companies, as it has already been said here regularly this morning, could stand an increase in taxes. So, Mr. President, thank you very much for listening to me for these few moments. And I wholeheartedly support this Bill this morning.

MR. JOHN McLEAN: Mr. President, I too have committed myself in my recent campaign and have promised my people, as was stated by the George Town Member, one promise that I made to them was that I would not seek further taxation. However, I do feel that the Third Official Member was right in thinking in this direction of imposing further taxation.

I too have preached from my political platform that I thought it was about time our Island received more from the Banks and Trust Companies now established here.

Although I said I would not support any further taxation I will support this Bill to amend the Banks and Trust Companies Law. And my reason is this: Bill or this law being amended will bring into this Island more money and will not hurt the individual. However, I will go on to say that I will not go along with further taxation at this time. I thank you, Sir.

MR. BENJAMIN TRIBUS: Mr. President and Members, I feel that taxation was like a song in this past campaign for the elections. I myself promised my people that I would try hard to fight against any more taxation, but I also told them that I did not know what we were going to find when they elected me to represent them, and these things may come about because we understood that the government was in trouble financially.

So I feel if the Banks and Trust Companies are willing to go along with this issue that I will accept this motion, because I feel it is better now to try to save something than to lose all. And if we have to go into next year with more bills then it means that we will have to tax our people with everything to get this money. So if we can stop something now I think it is the right time to do it, Sir. So I will give this my support also, Sir. Thank you.

HON. G. HAIG BODDEN: Mr. President, the proposed increased fee may appear on the surface to be a large amount of money, however when it is compared with fees charged in similar areas it will be seen that even with our increased rates we are still below other countries that attract large financial institutions.

It is my understanding that the proposed increases only bring our Bank Licence fees up to about a half of what is currently charged in the Bahamas.

As the Third Official Member has moved cautiously in making these increases I see no cause for alarm. Quite recently in Grenada the banks licences were increased from $2,000.00 per year to $20,000.00 in one swoop. A one thousand per cent increase. Here the suggested increase is 50% for one type of bank and less than 50% for the offshore Banks.

HON. G. HAIG BODDEN: (CONT'D): Members who spoke before have outlined the necessity for this increase; the main reasons being that we have not only a deficit this year but next year we will be financing loans that this government has already taken. There are some areas of spending that cannot be cut and one particular area is paying back what you owe. This government has had loans from consortiums of local banks, we have bad loans from Caribbean Development Bank and other lending institutions. It is my understanding that in the year 1977 we will have to find at least $1million just to make payments on loans which exist. So when we point with pride at what has been accomplished in the last four years we must remember that the day of reckoning is now at hand, and the time of repayment has come.

The big projects such as the roads, the dock will have to be paid for. They were only built by the last administration. And anybody can build on borrowed money. The difficult job is to find the money to pay for these things and that will be the job of this administration.

The proposed tax increase will not normally affect the individual; a $5,000.00 tax increase on a large bank can be recovered in a single transaction. The banker only has to put a twinkle in his eye and he can borrow $5,000.00. So this is not an area which should give any pronounced increased cost to the man on the street.

I support this bill. One of the reasons for giving it such full support is that a certain banker mentioned it to me even before I was aware of it in my official capacity. And this man is the manager of one of the largest banking institutions and I have a lot of respect for him. If he did not know his finances he would not have risen to this position, and he felt that it was a reasonable increase. So as the ground work had been laid for this increase and as the people that are paying it are not kicking about it I would say that there is certain justifications in going ahead with increasing these fees. Of course, I have a feeling that banks already established will welcome increases. And we have to be careful that increases we put on do not deter others who would register.

I fully support this measure and I would ask other Members to do so.

MRS. ESTHER EBANKS: Mr. President, while I campaigned on a platform asserting that I would not be one for taxation, I can fully understand the conditions we face and as this is one measure which can least affect our people I will give it my support. But I would like to make it clear today that I will not support any measures of taxation which will affect our people if I am not given the privilege to go back to my people and explain this to them. I thank you.

HON. CHARLES KIRKCONNELL: Mr. President, one may term this - perhaps we may even say it came out in the press as the doomsday for the new Legislative Assembly and the Government of the Cayman Islands.

I would like to say here and now to all others here and to the Members of the public and to the press that this government is not a bankrupt government nor is it going broke. We have had to support measures to meet our deficit. I think that it has been done in a most admirable way. I think we can be proud that we have this relationship with the private sector and that they have agreed to help us bear some of the burdens of our country.

HON. CHARLES KIRKCONNELL: (CONT'D): As everyone here fully appreciates and realises our country's natural resources are limited. Where we get funds from is limited. Therefore, we must at this time increase funds from the sources that are available to us. However, looking a little bit further down the line we must also think in a positive way and by this I mean we must push to raise money from sources other than those we now have.

Our principle revenue today is derived from duty, tourism and being a financial centre. We have been trying to establish a ships' registration. It is almost two years now. The progress has been slow but it has been sure. And it is my belief and it is my opinion that before 1977 we shall have such a registration established here. This will relieve our present dilemma, that is balancing our budget.

This measure has not been taken lightly by the four Members who have been added to the Executive Council. We have taken these problems and we have weighed them against all the possibilities that may happen if we fail at this time to take such measures.

I believe the measures which the Third Official Member has brought to this Honourable House are measures which one and all will appreciate and if they do not appreciate it they should come and get further enlightenment because we certainly need money to run this country, and this is the only means whereby we can raise this additional fund at the present moment.

Mr. President, this Bill has my support one hundred per cent.

MR. GEORGE SMITH: Mr. President, Honourable Members of this House, I rise to support this Bill also. However, I would like to say I too campaigned against Taxation.

I wonder though, if by increasing these taxes will really help our situation. I sit here and I realise that we here are asked to provide money for the operation of our government but it appears to me that as a politician we can only provide the money and within certain limits have no say in the way the money is being spent. I say this from the point of view that persons being appointed to work in our government are being paid fantastic salaries which I am sure some of this money will go towards. This money is going overseas and in my opinion not benefitting the Cayman Islands very much.

I see no reason why we can't educate, train and put our own Caymanians in positions where this money is being spent. This money that we are being asked to contribute in a sense is not kept in our economy so that our economy will continue to strive and not develop up another country.

I said I agree with this from the point of view that we have been assured that the banks themselves will be happy with this. But I will say that I personally am not happy with any form of taxation. And I feel that although we will vote to increase taxation to increase the revenue of our government we are not changing the persons who have squandered money in the past, and to me there is no guaranteed that this will not happen.

I look here on a piece of paper which was passed around to us it says that government was liable or potentially liable I assume for $2,500 in legal fees for arbitrary matters concerning

MR. GEORGE SMITH: (CONT'D): the hospital contract. In addition to that we have this $30,000.00 due to flaws in contract.

It is true that the public has changed the political persons, should I say, in Executive Council, but have we truly eliminated the person or persons responsible, for, in my own words, squandering money that could have been used more beneficial; and could have provided essential functions that we received and enjoy today at a lesser cost.

Mr. President, as I said I will vote for this measure but I'd like to say again that I think we should look into this thing a little deeper and find out or ask ourselves, if there is not another way out other than excess taxation. Mr. President, I thank you, Sir.

MR. CRADDOCK BANKS: Mr. President, I wouldn't've thought that you were going to use the opportunity of having coffee break at this time.

MR. PRESIDENT: I'm willing to be persuaded. I think if Members would like to suspend at this time I'll suspend proceedings for fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. CRADDOCK BANKS: Mr. President and Honourable Members, I feel it an honour to be here to this first meeting to take part in the deliberations of this House. Much has been said from the previous speakers about the campaign; if my opponent had gotten this seat, according to the assurances he endeavoured to give the people - I think the banks would really have to pull out with the taxation you have had to impose on them - because he intended a twenty-four hour nursing service, and according to figures the nursing service would be one patient per day, so she would have had a beautiful time polishing her fingernails - and on and on.

I tried to tell my people, and the people on the Island on the whole the truth about being in the Assembly, and what you do from what you don't do, and if I hadn't told the people the truth, I would have been here today. Even though I saw an article in the Mothercountry for me to achieve the things for the people in the District of North Side - I would use my fist into the face of members of Government on unfounded truth - a notorious lie - those misleading facts, or words that go out to the world is what would help to destroy what some of these people are saying that the present Elected Members would do to this country - these were some of the words that I used in my campaign in dealing with things that I told my people what I tried to get for them and the way that I went about it - I said that I would battle it out with Government or those that are responsible for whatever name under their portfolio. I never once made that disrespectful remark of using my fist in any official type. It is a shame for any reporter to be representing a company, the press or anybody else's with people with such remarks, and I hope that if they are not going to carry what I say whether it be good or bad don't carry anything that I say.

I promised my people - I promised the people of this Island on the whole that I would continue to do as I had been doing, to the best of my ability, what I felt was fair and right and just for the people of the country as a whole. I didn't promise my people that there wouldn't be any taxation. I told them that the word taxation is not very well accepted - and I said I agree with it - but I

MR. CRADDOCK BRAKES (UPED.): said we have to get taxes, we have to find money, we have to find ways and means of running the country - and generally it is true - tax measures, and I assure you that I will only agree with taxes that I feel are evenly spread out, adjusted to where it don't hurt a few,as far as possible, any more than it would hurt others, but I well know that in general,taxes do hurt the poorer ones much more than it does the richer ones.

I don't know, Mr. President, but it seems that it is a lot that Legislators will have to look into - not merely the matter of saying that we are not going to increase taxes, or there isn't going to be any taxes. I have heard from platforms about price control - I don't know if that is workable, or what good it would do, or what effect it would have, because if one went through the Customs Law, you will find that probably half of the imports under the Customs Law into this country now is duty free, but the public gets little or no benefit from it - less what is dutiable. I noticed in a store a few days ago, a giant size pack of toothpaste - ten ounces (two five ounce tubes) giant size - three dollars and twelve cents (C.I.) - two or three weeks ago when I was in Miami I bought it retail with no restrictions to any amount - seventy-nine cents (U.S.) for the same giant size. If the importer has got an agency - if he is importing under a whole sale measure, and he has to sell the same pack of tooth paste for three dollars and twelve cents (C.I.) and you can buy it in the United States retail without any restrictions - one, two, six or a dozen packs, seventy-nine cents each. I tell you something needs to be looked into some place. That is sort of away, Mr. President, from what I am supposed to be debating, but I just thought I would bring in these few things, which it is much more that I could say along the lines entirely away from this.

I have seen other things in the papers, in the press, in the Compass, in the magazines, and what not misleading to Government and the people of these Islands what will happen to it - I know some of them will say, I told you so - some of my opponents in my area decided to tell the people that they were going to starve to death within six months; if you put Craddock back in there - nobody hasn't come to me crying for hunger yet. To the best you can to your ability and tell the people the truth - you and the people and the country will all be free.

They request, and is asking for an increase in fees on the banks - I don't know if somebody that has all the money; if you can hurt them very much, because they will let the public pay for it in one way or another, sometime or another. But the people that have the millions, and when you see a circular come out it is in the billions, then how can five thousand or ten thousand hurt them. I know that they will groan about it - that is why rich people jump from five storeys and kill themselves. I have told my people that I feel that the banks and all these organisations that can will afford it they ought to be doing more for the people of this country than what they have been doing, except providing probably half or less employment, because someone may say, you know we've got fifteen girls working in the bank from the Island - probably it should be twenty-five out of the thirty working in there, and not ten. I'll say this, Mr. President, subject to correction, but I only know of one bank that prepares money for scholarship for any students of this Island - that was Intebank, and this is gone. I have never read, or been told of any other bank that is willing to give any student a scholarship, or the fee for a scholarship to put them through college or university. I mean that is - then as I say if these organisations are really thinking about helping the people, I would like to see some more help, and some of these things, Mr. President, I am going to get in. I know probably if I go to ask for a loan, they will tell me that I am not going to get, because I have been some bother - I am going to live until I die, and I trust that that is a long way off yet.

So, Mr. President, to make it short on what I am supposed to be debating, I'll go along with these increases on the Banks and Trust Companies, because as I have said, it don't affect them,

MR. CRADDOCK EDGES (CONTD.): it doesn't hurt them, and even with them paying that extra, they will embed/here and there, and the public will pay for it again. But, if it is the easiest way and the fastest way - yes, we mind it. And as one Member in particular has stressed,and have been some of arguments over the years - better control, better supervision that would bring better control over Government's expenditure. If he had gotten the value of the money that has gone out into all of these projects - I know we can be proud of every building that we have - we can be reasonably proud of the accomplishment that we are getting, because as much better that could be done. But if it was known how much has gone out from among these areas, we would be able to pay off close to that one million dollar loan next year - the interest on those loans.

So, Mr. President, I give my support to this motion and this Bill asking for an increase on this, and I trust that we will be able to find other avenues of revenue. And I think we can, because it appears like most of our court fines are disregarded. The amount of cases that go into the court, the second, third and fourth time, and the minimum - the little bit that is being charged - it doesn't bother them - it doesn't hurt so that is why they go so many times, and I think that is a good place to get some of this revenue. Because if I don't want to pay out five hundred dollars, or three hundred dollars for a particular fine, then . I will conduct and behave myself and don't end up in court, but when it is ten dollars and five dollars, it doesn't mean anything. There so many that don't worry about , what ought to be character and their behaviour. So I trust, Mr. President, as we start the New Year in 1977, I am one that is ready and prepared to go into ways and means of finding money without increasing drastic taxes on the people overall, but I again say, Sir, I will agree and I am prepared to support reasonable taxation, because our country got to operate. I thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President and Honourable Members, I would like to make one thing very clear at the beginning, is that this country is not bankrupt, and I am going to make sure that that does not happen during the time that I am a part of it.

Taxation is a dirty word in any language and in any country, however, it has existed from time immemorial. Very briefly I understand that we are going through what I would refer, or term a tight monetary period or a tight monetary policy within the country and while I do not want to go back on history too much, I feel that sometimes in repeating history we can save the repetition of our mistake. We do have loans of approximately six or seven million dollars, and so they will have to be repaid next year and we have also a probable accumulated deficit of one million dollars this year and that it will be necessary to raise more money.

Once the banks, I have been assured this, have been told that these increases are found necessary, then does not seem any other alternative at this stage, and I do not see very much objection to the increase in the bank fees. I am fairly near to the financial center, and I do not believe there will be very strong objection on this.

One observation I would make is that on the 'B' restricted banks, that perhaps these could be reviewed at a later date, possibly the 'B' licenses would be either lowered or not increased with the unrestricted. They are a different category or entity, and they are normally much smaller than the international licensed banks.

I am aware of the contribution that the financial center makes to this country, and I will ensure that the policies relating to them are very cautiously and also very seriously looked at before we increase any taxation them. However, I believe that this is one of the better areas to be increased at this stage.

Treasurer

HON. TRUMAN M. BODDEN (CONTD.): Secondly on this, the measure has been in the pipe line for some time and the banks have been aware of it from the time of the last Government.

Since we are well below the Bahamas and some of the other countries and do not carry with the bank licence very heavy gainful occupation licence fees that that country has imposed over the last few years , and I would just comment going off from this, and would assure the Second Elected Member for George Town that this Assembly will have a say in what is spent, where it is spent and how it is spent and the secrecy which appeared to have prevailed around the polities are now removed.

In relation to the Suspension of that Standing Order, I would just like to mention that this was brought about due to us having to go back to the Assembly and to the time in which we had to do this. The Members were well aware of what is recommended and with the majority agreeing.

Mr.President, I move to support the Bill.

HON. V. G. JOHNSON: Mr.President, I haven't got very much to say except to thank the Members for their unanimous support of this Bill which will be recommended for its Third Reading during the course of the day.

I,too, Mr.President, would like to take it quite clear, not only to this Legislative Assembly, but perhaps to the public in the gallery, the press and everyone around that the Cayman Islands have always been known as a very prosperous little territory and it is the envy of many in the Caribbean. We have been very successful in establishing a tax haven operation here which MAKES THE Cayman Islands one of the leading tax havens in the world. The financial operation is also well-known throughout the world, and when a financier is talking about the financial centre, the name of the Cayman Islands comes up in that discussion. So it is quite clear that the Cayman Islands today is on the map of the world - it is known throughout the world, especially in the financial world. We have a lot to be proud of - this is something which Caymanians have built up and is something which we must seek to maintain.

There is no question at all about the Cayman Islands being broke - when a country with thirteen thousand people is spending thirteen and fourteen million dollars a year, I mean this is quite a record. Find the other country with that record. We have been able to provide sufficient revenue from the present sources indirect form of taxation to supply the need of Government over the years. It is to be expected that in a period of recession what organization, Mr.President, company or even individual did not suffer from this recession? Full st. I think the Government has faired off quite well.

In 1975 when the recession hit in full force and when it crippled the construction industry, we thought at one time that the year was going to end in quite a large deficit, because Customs import duties had been severely affected, but Mr.President, after we reviewed the position, in the middle of the year, and decided to re-set out course, we ended that year with a deficit of only $414,000.

This year it came on controlling and restricting expenditure all along - its alright for Members to say that we're wasting money, but I think, you know, we should examine the system of Government and the operation of Government before we say too much about wastage.

Government, Mr.President, has had to undertake to provide jobs for people during the recession period. This is partly some of the reasons why we ran a deficit in 1975.A lot of people were put out of jobs, yes, we couldn't maintain the work force that Government had been employing and if we had trimmed expenditure further

HON.V.G.JOHNSON (CONTINUING) many more people would have suffered.

Then we come to 1976 and we are still struggling, controlling as we go along.

You know what we talk about squandering money, I think that reflection falls to me because I am responsible to this Legislative Assembly and to the Government for the finances of this Government. Any question on finances I am responsible. I have spent a lot of late hours trying to control expenditure for this Government.

Anyhow, Mr.President, I think actions sometimes speak louder than words and regardless of what one may say, the fact remains that the Government will still exist and the fact remains that We will not be declared bankrupt.

I thank Members for their support of this bill - I heard quite a lot of comments about their position with this Bill, but there's another one following (laughing), I hope they will also be prepared to support that one.

And so, Mr.President, I formally move the second reading of this bill.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

COMMITTEE THEREON

HON.V.G.JOHNSON: Mr.President, I move that this House resolve itself into a Committee to consider a bill entitled the Banks and Trust Companies Regulation (Amendment) Law, 1976 and amend it as may be deemed necessary.

HON.D.H.FOSTER: Mr President, I second.

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: CLAUSE 1 -SHORT TITLE AND COMMENCEMENT.
QUESTION PUT: AGREED: CLAUSE 1 WAS PASSED.

CLERK: CLAUSE 2: LAW 8 of 1966
QUESTION PROPOSED:

HON. V.G.JOHNSON: Mr.Chairman, I am asking for an amendment to section 2 - it was an omission there - it should read at the beginning "Section 4 of the Banks and Trust Companies Regulation Law, 1966" - the words "section 4" should be inserted at the beginning of the paragraph.

MR.PRESIDENT: It be been proposed that an amendment be made to clause 2 of the bill. The amendment proposed is that the words "Section 4 of" be inserted in clause 2 of the bill before the words "The Banks and Trust Companies Regulation Law". The capital "T" will then become a small "t" and in addition the marginal note will have to be amended to read "Section 4 of Law 8 of 1966 amended".

As a result thereof there is another small correction to be made to the small "w" after the figures "63" should have a capital.

HON. G.E.WAMMINGTON: Yes, I think so.

QUESTION PUT THAT CLAUSE 2 BE AMENDED AS PROPOSED: AGREED.

QUESTION PUT THAT CLAUSE 2 AS AMENDED TO STAND PART OF THE BILL:AGREED:
CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE BANKS AND TRUST COMPANIES REGULATION LAW, 1966

QUESTION PUT: AGREED: TITLE PASSED.

HOUSE RESUMED

REPORT THEREON

HON.V.G.JOHNSON: Mr.President, I have to report that a bill entitled the Banks and Trust Companies Regulation (Amendment) Law 1976 was examined by a Committee of the Whole House and passed with the following amendments -

Section 2 of the bill at the beginning of the paragraph the words "section 4 of" were inserted and the "T" in "The" made a small "t"instead of a capital "T"
The marginal note was also amended to read "Section 4 of Law 8 of 1966" and
in the paragraph below "(3)" the word "with" was written with a capital "W".

These were all the amendments, Mr.President.

SUSPENSION OF STANDING ORDER 47

HON.V.G.JOHNSON: Mr.President, I move the suspension of Standing Order 47 in order that a bill entitled the Banks and Trust Companies Regulation (Amendment) Law, 1976 may be taken through the Third Reading.

HON.D.H.FOSTER: I second.

QUESTION PUT: AGREED: STANDING ORDER 47 SUSPENDED.

THIRD READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION [AMENDMENT] LAW, 1976 - THIRD READING.

HON.V. G.JOHNSON: Mr.President, I beg to move that a bill entitled the Banks and Trust Companies Regulation (Amendment) Law, 1976 be given a third reading and passed.

HON. D.H.FOSTER: Mr.President, I second.

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

AT 12.35 P.M. THE HOUSE WAS SUSPENDED

AT 2.30 P.M. THE HOUSE RESUMED.

THE CUSTOMS (AMENDMENT) LAW, 1976
SUSPENSION OF STANDING ORDER 46.

HON.V.G.JOHNSON: Mr.President, due to circumstances beyond control, the required number of days' notice to be given to Members before a bill is read a first time in accordance with the provisions of Standing Order 46 could not be complied with, I would now formally move the suspension of Standing Order so that a bill entitled The Customs (Amendment) Law, 1976 be introduced , and the first reading taken.

HON.D.H.FOSTER: Mr.President, I second.

QUESTION PUT: AGREED: STANDING ORDER 46 SUSPENDED.

CLERK: THE CUSTOMS (AMENDMENT) LAW, 1976

MR.PRESIDENT: THE BILL IS SET DOWN FOR SECOND READING.

SECOND READING

CLERK: THE CUSTOMS (AMENDMENT) LAW, 1976 - SECOND READING.

HON. V.G.JOHNSON: Mr.President, I move the Second Reading of a bill entitled the Customs (Amendment) Law, 1976.

Mr.President, this morning when I was introducing the first bill, I mentioned that there was a set of two bills to be introduced at this meeting to recommend new measures of taxation. The First bill dealt with the increase in fees to be paid by Banks and Trust Companies under the Banks and Trust Companies Regulation Law and now this bill, Mr. President is the Customs (Amendment) Bill which will recommend an increase in Tobacco And Liquor.

I know that these are areas more sensitive than the fees on the licences of Banks and Trust Companies, because Tobacco is used by everybody and so is liquor. (laughing) When I say that, Mr.President, I didn't mean to include the non-drinkers, non-smokers or the Christians, excuse me. (MRS ANNIE BODDEN - I don't smoke, too, you know), but I meant it as a general remark, that it is used by the public.

Liquor especially, Mr.President, is consumed largely by tourists, visitors and I think if statistics are looked at carefully in this respect, that you will find that perhaps 75% of the liquor consumed in this country is consumed by visitors. Nonetheless, the tax effects everybody, and so, as I said before, it is an area more sensitive than that dealing with the fees of Bank licences.

I mentioned this morning that it was necessary to raise additional funds to supplement the1977 Budget and of course, in trying to arrive at a reasonable position As far as the Budget is concerned, we had to find new revenues, and these two measures, together are estimated to produce something in the vicinity of $700,000, of new revenue.

I did mention that the recession had an adverse effect on the financial position of this Government. In 1975 we suffered a deficit operation of something in the order of $4M,000 and it is expected that this year, because of the fall in Customs Import Duty that we will suffer a similar deficit, which, by the end of the year will bring the total deficit to approximately $8M0,000. This, I must say, did not result from poor management or bad management of Government (laughing). Although it is not appreciated in some areas that the recession really had this amount of effect on the financial position of individuals companies and institutions like Government, it is a fact that it did happen and that now we are seeing the result of it.

These measures, Mr.President, although they will produce what seems to be a fairly substantial revenue, when it comes to the distribution to the individual, it is not very much, and I hope that both Legislatures, members of the public and the press, will go forward in an effort to bring to the attention of all concerned that these new measures are not burdensome.

For instance, take the case of beer - I am not too certain what beer is being sold for, but in some bars you can buy it for 70¢, in some places you can buy it for a dollar, but the present duty on a can of beer is something in the order of 10.9 cents. And what we are recommending, that is, the increase on a can of beer is 3 cents, 3.7 cents, which will bring the Government's total duty on a can of beer to be 20.6 cents.

Now what we must watch is after this increase is introduced, what will a can of beer be sold for and one must remember that Government's increase is only 3.7 cents. This is what has always concerned Government since increase of duty on these sort of articles, because speculation takes place at the expense of the operators and the public or the consumer is never given due consideration, and I hope that this will go forward and that the people will understand now what is the true position and that they will watch the price increase by the retailers and see the sort of profiteering that will be done in these cases.

Let us look at another one - cigarettes, for instance, a pack of cigarettes is sold, in clubs, I think for around 45¢ - it's probably 45¢ or 50¢ in the stores. Now the present duty on a pack of cigarettes is

HON.V.G.JOHNSON (CONTINUING) 12¢ and what we are proposing here is an increase of 2¢, which will make the total duty chargeable by Government 14¢. Well, what we want to look at carefully is what will a pack of cigarettes be sold for after this increase has been introduced, bearing in mind that the increase is only 2¢. And so it goes on right down liquor, for instance, the increase on a 6 oz. bottle of liquor is only 11¢. 12 Oz. bottle 22¢, 26 oz. 50¢, 32 oz.60¢, 40 oz.75¢. We are talking about a very slight increase on each unit. The bulk of what is being imported today of course will produce a fair enough amount of revenue to Government.

Mr.President, I hope that although I know that Members had made certain statements and certain commitments to their constituencies on their platforms, (have always been making it to Government too, I would never recommend taxation if this was not necessary , fortunately it becomes necessary at times), but I hope that with all that was said this morning, that it will be the intention of the Honourable Members here to look carefully at the recommendations, to see the over-all effect to the public and to the consumers, and will see that it is not very much and to examine this against Government's need and to give the bill their due consideration and accept the recommendations that are being put forward.

HON.D.H.FOSTER: Mr.President, I second.

QUESTION PROPOSED:

MCN. JAMES M.DOUGLAS: Mr.President, I don't feel as if this is something that we should be bashful about going back tothe people with because I feel that it is not breaking any pledge that may have been made in regards to increased taxation. This is going to affect, in one sense, such a small part of the community that I do not think we have to worry about it. If this increase was going to be put on foodstuffs or items of that nature which are being used and have to be used every day, then I think the public at large would have an objection. There is no need for me to reiterate what I said this morning in regards to why this is necessary. I will only touch on that by saying that the money has been spent and now we must pay.

This is one of the areas that can least affect the average man on the street and I contend that if a man or woman wishes to have a pleasure they should pay for it. I smoke cigarettes, I take an occasional drink and if those are the pleasures that I have, I must pay for them, And so should everyone else. But, Mr.President, looking at this, again I have no hesitation, because when it comes to the effects that alcohol has had on this community, as well as on every country in the world, then I feel that we as capable legislators do not have to hide our faces in regards to making an increase on it.

It has created a lot of problems in this community, as well as ours, the social damages and the cost to the community have been great . We look around our country today and we would see what I call derelict and human wrecks, this has been caused by alcohol. If it is going to be caused by alcohol, then somebody should pay for it, even if it is the individual concerned who is wrecking his own life.

We see wrecked homes - we see at the hospital cases where people, due to the effects of alcohol have become violent, so I do not have to hide my face at all and I am prepared to go any place in the Island and recommend this as a sensible approach to covering our deficit, and I feel that we would be negligent in our duty to the country and to the people if we did not take this step.

The four of us Members of Executive Council must accept some of the blame as to why the notice was short on these measures to the elected House, but when we campaigned together we gave them a pledge that we would be bringing items back to them that concerned the welfare of this country. We have not been negligent in that, we have tried to do that. In the past, as some of the Members in the House know quite well, in tax measures of this nature usually we would not have known anything about it on the other side of the House until we entered the doors of this Chamber

HON. JAMES M. SODDEN (CONTINUING): but with your consent we were able to discuss this and air this thoroughly before we brought it to the House. Unfortunately, there were a few members that were unable to attend.

Now if we look at this item a little bit closer, we will find that we expect to receive $225,000 from this increased revenue and if we use our population figures loosely at 15,000, which in the three Islands it is probably that much, and we figure that this year that we will probably have at least 60,000 tourists, maybe more we will find that this, if everybody in the figures here, were to use an equal amount (which I am sure would not be true, because we would find in the tourists, that when a person is on vacation, they would usually drink much more than they will at any other time in the year), but if we take everything as being equal, we will find that the amount of revenue which should be derived from this locally, will only be about $85,000 this coming year. If we divide that again by the population figures, we find that it will work out to about $3.00 per person for the next year. Now this would be assuming that everybody drank alcohol and everybody smoked cigarettes, which is not true.

Now if we look at that again a bit closer, we will find that it will amount to less than one penny a day for everybody in this Island to pay and that is very little. We will assume that a man smokes a pack of cigarettes per day, that increase will cost him about 2¢ per day. On a pint of beer about 4¢, or if he drinks a pint a day for a month, it will cost him an additional $1.20. On the mixed bottle liquor, it works out at about 1¢ a drink, so these are very minimal amounts that we are thinking about and I think we should serve notice at this time on the wholesalers that they should not take advantage of the situation at this time as they have done in the past. In the past, whenever revenue was raised on liquor or cigarettes, usually the retail price then jumped four to five hundred per cent in regards to the amount of duty that was raised. The wholesalers in this case would be very unfair to the country - they would not be doing the service that they should be giving the country if they should take advantage of this and raise it exhorbitantly, so I am hoping that for once the business establishments will see eye to eye with us and will consider this as good for the country and do not take advantage of it.

I would like at this point to say that although this increase is very necessary, no one must have the idea that the economy of this country is on the rocks, because that is not so. We are in the position that for the coming year we will not be able to do some of the things that we talked about on the platforms in this Island - we will not be able to put into effect some of the things that we wanted to do for the people, because we will not have the money, but if we don't get this money here, we are to be able to do a lot less than we normally would be able to do.

It is true that in the past money, in some cases, was probably spent in some areas that could have been better spent in other areas, or it could have been supervised better. But it is no use of us looking at the past - we must look at the future - we have pledged that we will safeguard the well-fare of this country in every respect and I would like every Member of this House to know and the public at large to know that the four of us who have been elected into Executive Council by the other Members of the House that we feel that we have the rudder of this country firmly in our hands and we're not going to let it slip - they can rest assured of that.

And I would like to assure every Member of this House that we look on the twelve elected Members of this House as a complete unit and that we will continue to acquaint them with major problems which confront this Government, as long as we are in office. They have had that pledge from us before - we continue to give them that pledge and we hope that this House will continue to work as one strong unit with twelve elected people working together.

HON. JAMES M.BODDEN (CONTINUING) Mr.President, I do not think there is anything that we could do today that would help this country as much as to try to balance this deficit in this budget and I think that we have attacked it in the areas that we best could do, in areas where it least affects the man on the streets, so I hope that everybody will see it in their heart to support this,because it is needed. Thank you, Sir.

MR.CRADDOCK EBANKS: Mr. President,I think it was made abundantly clear this morning by all members as to their compliments. Their promises I know reasonably within myself how they feel, and I do feel myself, Mr.President, that it appears that if such a measure of taxation was left for a later sitting, until the next House probably when we are dealing with the budget, or something or another, might have made Members feel a little better than having this measure of taxes to deal with at the first sitting of the House.

The Third Official Member made some remarks or statements as to what he feels could be the increased cost. As always, Mr.President, from time to time when there have been increases on liquor and cigarettes and what not that are considered luxuries, the wholesalers, the retailers and what not, they do take advantage of the public. They do make the public pay double and triple over the increase,because I could venture to bet that if this went into effect today, passed today, and go around to every retail place, you would be lucky if you found one that would consider the 2¢ on a pack of cigarettes, or a 3¢ on a bottle of beer, or a 4¢ on a hard drink. It would be a 10¢, 15¢, perhaps 20¢.

It is a fact, Sir, that it is not a necessity of life and the majority of the people don't have to depend on it as a part of their daily meal or routine for providing for their families. We are aware that a few families have suffered, this has been, this will continue, regardless of whether the rates went up or went down. We have the very minority bread-winner that does not deprive his family of the necessities that they should have, because they must have a certain amount to spend on their liquor and their cigarettes, whether the families go short or not. So even in this minor increase that is being passed it shouldn't effect, you would say, the people or any household, but what I am concerned about and taking into consideration what the Third Official Member has said, that this shouldn't be - I would like to know then how Government intends to follow this up and deal with it, to see that the wholesale or retail rates are increased above what should be considered the amounts to cover this.

Then we will say we dont have the individual or the people to deal with it, we don't expect people to go around and question this and do this and do that.

I told my people after election there were certain things that I intended to fight to the end to see if we couldn't do something more about them, to make this Island a better place, drugs was one of those things, liquor was one of these things and one of the things I told my people about liquor was this I don't know how much support I am going to get on it, but over the next four years, if my life is spared to be here, I am going to be forever raising that question and fighting it and that is that every licensed premises in this country be closed on Sundays - (MISS ANNIE H. BODDEN: AMEN!) I said every licensed premises be closed on Sundays. That doesn't exempt any hotel, or anybody else,because the three-quarters of our destruction and pulmotion and falling of this country is this Sunday business. I know, we could say the same thing, you don't have to go to drink if you don't want to - someone else could say don't hinder people from drinking I am not going to attempt anybody from drinking. That's their privilege, but I am going to endeavour to see that some of these holes, these places, these avenues be closed that some people can at least be a little bit relaxed. You can't go to church, drive through the streets of certain areas, bars are opened

MR.CRADDOCK BANKS (CONTINUED) all kinds of language, all kinds of people, everything is gossip. Was that was this country was built on?

When we brag about our country we can only brag about it from the morals of the yesterdays that our forefathers and great-grand-fathers and great-great ones have built that we tried and it is being taken from under our feet. And liquor is one of these things that is causing this.

Nine out of every ten retail places in this country will sell anybody a drink that can reach the counter - they have no respect for age or anything else. I know we have a loop-hole there that wouldn't be changed, it wouldn't have been any law if we had changed that word in it - "apparently" - a more simple thing I have ever heard in all of my life.

The tourists coming in here - do we have to destroy the entire structure of good morals of a good country for the sake of a tourist coming here, to have a drink on Sunday? Many of them have left those places to come here to get away from those things, and anyone that can't live from 12 o'clock Saturday night or one o'clock Sunday morning until 12 o'clock Sunday night, without a drink, we don't need those types of people and we are not going to lose any revenue on it.

So that is one of the things that Government is going to be grieved with me, I suppose, on continually bringing to this House, but I intend to fight it.

Mr.President, I am not going to drag this so long but I feel that these new Members that made their commitments, any of us can make a mistake. I suppose if they made some mistakes by the commitments they made by their promises that they would not - I feel that at a later sitting of the House that this probably could be dealt with and we still get our revenue to save us - which we don't intend, as has been anticipated by a little bit of the public, that we will be on the rocks and bottom up. after a little bit - we are not going to be there - we are going to be able to pay off the crew at the end of each month and everybody will be happy. Nobody is working for much less than I am working for and I am still happy. so I think Mr.President, that this should be given some consideration and I don't see that I - while I am prepared at some later stage to go along to every extent and propose some measures against liquor in this country, but I don't think that I should support this one as in at this time.

HON.T.K.P.TIBBETTS: Mr.President, I stand here today to oppose this Bill, or this amendment to this Law. As I said earlier on today on my platform I assured the people I would not agree for any increase in taxation that would hurt the working man or the poorer people of these Islands.

The old saying that a fool never changes his mind, but a wise man will can still be true, but I am not prepared to change my mind on this issue. I feel that we should try to go along and work out ways and means of increasing our revenue, and this can be done when our budget session comes up early next year.

It's definitely an inopportune time - not so much for myself, but for those first elected members of this House to be called upon to increase taxation into a line that I believe I am safe in saying will hit the poorer class of people more than anyone else, because if you look around you'll see more of the poorer (?race) of people drinking alcohol, smoking cigarettes than you do of the richer ones. It's quite true and I agree with the Member from North Side that we are living in a day when alcohol is used or sold more on Sundays than on any other day. I strongly oppose these bars and stuff being open on Sundays - I'll stand by him with that at all times and I know that this is one sure source of our Government getting money, because our people are going to drink alcohol and they are going to smoke cigarettes as long as they can find the money to do it with, but still I say these must stop. I will not agree to increase the taxation on them at this time.

I don't think if it was done now that one of the newly elected members of this Assembly could ever stand the chance of being re-elected again, because at the very first business meeting they increased the taxes in the direction that they had assured their people just a month.

CAPT. K.P.STARBUCK (CONTINUING) or a little over a month ago, that they would not do. So, Sir, I stand opposed to this increase in taxation.

I import cigarettes, I sell a lot of things, and I use a lot - It doesn't affect me the 2¢ increase per pack - that unnecessarily, but I feel that we must think of our people, and the people that make the Government of the Cayman Islands, so I cannot agree with it. I may be a fool by not being able to change my mind, but I will still hold on - I oppose this.

HON. TRUMAN M.BODDEN:Mr.President, this amendment to the revised Customs Law is one in which there is undoubtedly mixed feelings over. One of the commitment, as I understood it, very clearly in the last election was that what it was not necessary then taxes would not be imposed.

A country to function must, like every corporation or every entity, raise money from somewhere and I think that surely what must have been given as an undertaking or at least as I understood it,and the people understood it, is that we will not impose unnecessary taxes - they are two completely different things. If taxes were put on necessities, on necessaries, I would oppose it up to the hilt, and I want to make that very clear, but you have to weigh on the one hand through what I would term, a scale of equity and justice, between what is necessary on the one hand, the necessary services that will be paid for with the increase of the $225,000 and on the other hand, weigh what is going to be lost in unnecessary services on the other hand. So that I am sure, or I feel sure that as I understood a lot of this campaigning, we were dealing with necessary and unnecessary taxes - they are two different things.

Now I agree that the last members left behind a lot of monumental structures but to the surprise, I think, of most of the Members in this House, they also left behind some very monumental debts and this is one in which, when you are dealing with loans of approximately seven million, they have to be serviced, and Mr.President, I belief that it is better to face facts now than to face them down the line. If you adjourn something,you continue adjourning it - it goes on ad infinitum.

I am not happy about putting tax on at all - I want to make that very clear - I am not attempting to push an issue from the point of view of the question of what it is on, I'm dealing largely with principles, and when there is going to be a decrease in revenue which is going to mean a loss of necessary services, then you must weigh the balance between what is necessary and what is unnecessary.

If you regard putting back of say the health services as unnecessary, and you may find that a two million dollar or a three million dollar deficit will arise and we have to cut this out, then you have to weigh that as against whether you feel somebody should have a privilege of continuing to drink as much as he drank before.

As it appears to me the amount is fairly small and what I am very happy to say is that all members, except two of them,were very aware of this, we have followed a very cautious policy and we have gone back to them before we recommended it so no I would say it is largely a recommendation of the House when it hits this floor - it's not really us, and I am very happy to say that I haven't heard any question of "the other side" so far this morning, and I would hope that that word would be kept out of this Assembly. It is unfortunate that it is shaped the way it is, but it could probably have been better on a round table, instead of this facing each other across the table.

As it appears to me we have, if you look at it, an increase of $225,000 and if you take that Caymanians will pay $100,000 when working at 10,000 beer drinkers per annum, he would pay $20 for every three hundred and thirty beers per annum he drinks. Now, if they feel that that can be weighed against $225,000 spent on necessary services (and I assure the Members of this Assembly that the spending is not to be at random as was mentioned, that they are going to know about it, they will participate in it, they will ensure that the money is put to good use), I do not know and I am not.

HON. TRUMAN M.POSTON (CONTINUING) going to try to go into what has happened in the past, but we have a large debt, and debts, unless they are paid off reasonably quickly, have a tendency to accumulate and to ultimately cause problems.

I would once again call on the retailers and the wholesalers and, in fact, I think this House should put out a statement to the paper calling on them not to take this and abuse the increasing of rates, of prices and attempting to blame it on us the Members. And I keep stressing that "us the Members" - it is not a question of the Government putting this up, all the Members know about this and this recommendation has not caught anybody by surprise.

Moving back slightly, I am sure especially that Miss Annie will agree with me that increasing taxes on liquor is the most beat thing to prohibition. That went through an era in the world and was rejected and I think we are probably getting about as near to that through increases of this sort.

So, very briefly, I am asking Members, when they look at this, to think very carefully whether they regard this as a necessary service to the community, or rather I would say A priority to the community, that persons be imposed the 3¢ or whatever it is for beer, and I understand beer is what is consumed most, or whether they weigh that between what is going to be a planned sensible expenditure of this $225,000 perhaps within the area of schools and other necessary services, and they weigh that against the balance on the other side of the, perhaps, detriment which could be caused to the Islands.

At some stage we have to face the loss - we didn't make it, but we are going to have to pay back for it and I have always believed, as I have mentioned before, if you do it now, you don't have to worry about it tomorrow. I think we are gonna prolong the agony, at least we have a reasonable excuse at this stage, because we didn't make the loss, we're merely trying to rectify the situation. So I am asking Members, to sum up very briefly, to consider in this really what they gave an undertaking for to the people - did they regard taxation as necessary taxation or taxation on necessities, or were they dealing with non-necessities and this, I would put nearly in the category of the Banks amendment this morning - not in detail, but in principle. And, secondly, whether the rise of this is really gonna have any sort of impact on the beer-drinker. 3¢ a bottle and lastly, that I believe it is one of the answers to what Mr.Craddock and Capt. Keith have mentioned. If people have to pay a little bit more they're gonna drink a little bit less.

I know one of the things would be that perhaps families will suffer, but on the other hand the amount is small and I do not believe in general that this will be as wide-spread as it appears. So I am asking Members to consider this very carefully and to decide within themselves the three ingredients which I have put out there, if they are not happy with it then by all means you vote against it. But consider it carefully and I believe that perhaps we may be clearing a problem now, rather than facing it three months down when we may not have this sort of excuse we now have to do so. I thank you.

MR. NALMAIN MARKS: Mr.President, I am giving mine to the same thing, taxes again. I know that in the campaign meetings it was used almost like a song and I feel like when it was mentioned that there wouldn't be any taxes, any more taxes put on the people, that it meant on necessary things, food, clothes and what not, not liquor and cigarettes.

We're in here and we have, as I should say, inherited a problem which makes it necessary for us to have money that the machinery of Government could keep operating and we have to get it, it's a must, and I don't see right now any better way to get it, hurting the people less than to tax liquor and cigarettes, because first thing again I agree that liquor and cigarettes aren't necessary, they are things people can do without. If he feels like he wants a drink and he can afford to buy it, he will buy it, so I don't think that the public will really kick us out

MR. DALMAIN EBANKS (CONTINUING) Our taxing liquor and cigarettes,knowing that definitely we need the money and if we are in trouble, they are in trouble. So they have to push along with us to help us and help us get out of this trouble. And as I said again, this is one of the best ways I feel that it can be done right now.

If it had been, as I said food or anything like that, I'd be one of the first ones to oppose it, but when it comes on pleasure there I feel a man or a woman pays for their pleasure. I don't see any great harm in it, this Bill, Sir, so I for one will support it.

MR.GEORGE SMITH: Mr.President, I cannot be positive about the effect on the public as my learned friend, because to me any measure of taxation is a burden. It appears to me that the majority of persons that, should I say, squander their money excessively on liquor, cigarettes,etc. are persons of the poorer class in these Islands. They are the people today who are unemployed - they are the people who will take their last penny and buy liquor and cigarettes and yet ignore his family.

With this, I cannot see supporting it, because I see no way Government will have the means, since that we'll only pass it on to the consumer. I have a feeling that by the time it gets back to the consumer it'll probably be more like 10, 15% per unit.

What I would say here, Sir, I realise that money to operate our Government is necessary right now, but I would like to suggest, Sir, that we examine the duties imposed on automobiles. It is, in my opinion that this is one reason why the funds of our Government have been reduced. Another thing that I would like to suggest, Sir, is that it appears to me that presently we have a number of, should I say, institutions, here in this Island which do function in the area of company registration. It has been brought to me that a number of these companies charge in the neighbourhood of $500 (US) per annum, and in many cases a lot more for their services. It has also been brought to my attention that one of these institutions has over 1,000 companies registered which they receive these elaborate sums from and I see no reason why the man on the street should be taxed, given an excess burden in my opinion, when these institutions, who are thriving as a result of the good generous personality of the Caymanian people, receiving such large sums and not being taxed.

Mr.President, I honestly cannot support such a bill. I think there are too many other areas that could be examined, too many other areas where money could be made available without affecting the man in the street.

In my opinion there is no reason why we should pick on the man in the street. I think that I would like to ask my colleagues to vote against this and ask those concerned to examine one of these two measures which I have suggested. Because I think that the money is there and this, it's readily available.

Just for a matter of conversation, I should say, To raise $225,000 just one thousand companies, if we could charge them $225 that would take care of what we could raise on taxes. I am sure that the number of companies registered in Cayman is way in excess of one thousand and I would say that if we had 5,000 companies registered and we charged each them $50 per annum, we could exceed this $225,000 that we are expected to raise here and at the same time the public would be a lot happier and the persons that are in a position to pay these funds should do so. I thank you, Sir.

MR. JOHN MCLEAN: Mr.President, this morning's debate I stated my position with regard to further taxation. I am aware, Sir, of the damages of alcohol, cigarettes to our people but, Mr.President, this is not the point. We have promised something to our people and we should stand by our word.

I must object to the amendment of the Customs Law. I am quite aware that alcohol, cigarettes - these are not what I would consider necessities, but Mr.President, we cannot alienate every one to this fact, and eventually it will hurt the man on the street.

MR. JOHN McLEAN (CONTINUING) My suggestion to this Customs Law or the Amendment to the Law is that we look into items termed as duty free and items which I consider would pull into these Islands as much revenue as alcohol and cigarettes, and apply to them a tax.

We have items such as silk, cameras, crystal glass, clocks,watches, these are mainly sold to tourists coming to this Island more than our local people and like I have mentioned, no doubt will produce good revenue to our Island. So, Mr.President, I am asking that this amendment will be withdrawn and presented at a later date with some suitable changes to it, as I do not consider water which has been left in the pipe should be poured on the shoulders of newly elected Members.

I am quite aware that money is necessary at this time but again it all boils down in going back to our promises which we have committed ourselves to.

Again, Mr.President, I am asking for you to give thought to this,Sir, that this be presented in a better way. I thank you, Sir.

MR. GARSTON SMITH: Mr.President, I rise to give this amendment my full support.

Mr.President, I want to make it unmistakably clear . not because that I am not an alcohol user or cigarette user . why I am supporting this amendment, but, Mr.President, I have learned all through my life that if I wanted something I had to pay for it. And, Mr.President, in this case, someone does not have to use alcohol or cigarettes if they do not wish to.

As I said this morning, Mr.President, the machinery of this Government must continue to function. I feel, Mr.President, that this increase will play an important part in keeping this functioning in the right way. I feel very confident this evening, Mr.President, that the people of my constituency who are very intelligent people, will accept this amendment as something that is very necessary to keep the function of this Government going. I thank you very much, Mr.President.

MISS ANNIE H.FOLKEN: Mr.President, my daily prayer is every day that every drop of liquor that is in the world would dry up. (MEMBERS - LAUGHTER). Well, I never get that prayer answered and I am very sure today that liquor plus dope; plus the immoral way that we have acquired wealthy some people live, are the most destructive elements that we have in this good God-fearing Island. The whole world must know that I am opposed to liquor because it causes too much destruction.

Talking about the man on the street suffering, its the women who suffer from liquor, because if they have drunken husbands and drunken sons, drunk sons-in-law, whatever they may be, they are sufferers and I feel today that we should do everyting possible to have liquor banned as much as possible.

Now, Mr.President, long before your arrival here, I was instrumental, as one work woman in obeshing, I should call it, those men to stand up that liquor was not sold on a Sunday. One long year we had a half peaceful island, but the devil is always let loose and we need certain people to destroy what I had tried to do. Now I am saying, Mr.President, I don't know how to vote on this issue, because I know the Government needs money - and needs it badly, and I am not going to accept the fact that this Government is bank-rupt. In this year gone, 1976, it have had to spend some of my little reserve because there were things I could not get without doing that. Well, the Government used their reserves and they had to borrow some money and we have something to show for those loans. I can't agree that this whole year has been wasted. We have the island in a most improved manner than it has ever been in and like a lot of people who want to build an elaborate house, they don't consider " I don't have the money - I'm going to a bank and get it". Well what is wrong with our Government borrowing money - what is wrong to get the necessities.

MISS ANNIE H.SODDEN (CONTINUING) One one thing I have very much against the Government, Mr.President, and it is this part facilities Law, I believe we call it, whereby the Board or the Authority whatever it is, is authorised to purge our dock facilities to raise money, as I understand it. I am opposed to that one million per cent, but I feel that when we need money for a necessity that we should get it. Everybody else is borrowing money, why not the Government? Do we want the Government to have its offices in Uncle Tom's huts - or do we want proper buildings like we have now? I say Government must be in the driver's seat in this Island and to have any less than we have now we would be disgracing ourselves. So I am not going to say that because I was a part of that former Government. I have no apology to make to Anybody of the buildings that we have and we had to borrow money. I am not the least bit ashamed of it. What I am fearing is that we will have to borrow still more money because we have to keep this Government stable.

Now, Mr.President, I will say I do not know how to vote on this. I will go along that the Government needs money. I didn't make but very few pledges to my people and I said that taxation I would try to avoid, but, if it comes to a showdown, while I am opposed to liquor one million per cent, and as for cigarettes, everytime I see especially a woman smoking a cigarette, I feel I could slap it out of her hand, because it is not necessary. But if they want to destroy their soul and their body, drinking rum and smoking cigarettes, let them pay for it, but one thing is sure we cannot control the prices of what these retailers or wholesalers will charge, because that would be price control and then we will have to control everything else. So, Mr.President, I feel that we have to get money. There are other sources that I would say and will recommend that we tax, for instance the cinemas that show all these dirty, filthy pictures - they should be taxed - why should they get by with it and the rum-drinkers have to pay for it? I feel that we must do what is just and while we are trying to stop liquor-drinking and cigarette smoking as the case may be, why do not we try to lift the high morals of this Island -why allow these filthy pictures to be shown? Let them pay - let them pay a license that would be equal to all the money they collect. $2 for cinemas shown, and Seddan Town the same way, George Town the same way and I will say that my former colleagues, to my knowledge, to the best of my knowledge, he does not show any filthy pictures in his theatres. But I feel , Sir, that those things are destroying the good morals of our Island plus the fact that dope and liquor go along with it. And I feel , Sir, since they want to drink rum let them pay for it and I have made up my mind that I will vote in favour of the Government, whereas prior to this, thinking very frankly about it, I didn't know exactly what to do.

My full decision is now I shall vote in favour of it, but when it comes further on, next year if I am alive, and still have this power of speech, God willing, I am going to make some suggestions that we tax not only liquor but the cinemas.etc.etc. Thank you, Sir.

AT 3.45 P.M. THE HOUSE WAS SUSPENDED.

AT 4.00 P.M. THE HOUSE RESUMED.

(MR.CARRUCK EBANKS WAS ABSENT DURING THE BALANCE OF THE SITTING)

MRS. ESTHER EBANKS: Mr.President, I must say that I am opposed to this bill While I feel that the Government needs money I cannot see at this time supporting this for various reasons. One is that if the little duty that is going to be charged on these items would stop the persons using them, then I would freely vote for it, but regardless of the duty put on them, the persons that use them are going to keep on using them, and the more duty put on them, the more a person's family will suffer. Children will know the want of it it won't be very much but it adds up, and this is my strong feeling against it. If we had a price control where Government could step in and tell the different people, merchants, whatever

MRS. ESTHER BEANRE (CONTINUING) That you cannot charge the purchaser no more than we have charged you, or something, then I would support it, Under the heading, I dont feel right in doing so and I cannot support it. I thank you.

MR.PRESIDENT: If there are no further speakers I will ask the Honourable Mover if he wishes to reply.

HON. V.C.JOHNSON: Mr.President, I want to thank those Members who supported the bill and also those who opposed it. I had an idea that it wasn't going to be as smooth a passage as in the first bill, but nevertheless, there are a number of members supporting it.

I would just like to say that there was one thing mentioned by one Member in suggesting that the revenue to be derived from this bill should perhaps be replaced by revenues from companies registration, but companies registration is taxed every year. Last year there was a tax increase on certain areas of companies registration and today companies registration is producing revenue of approximately one and a half million dollars. Comparing the fees to other countries, I think it's about equal in some cases and it's a matter that we don't want to tax ourselves out of the Market. The operators are quite willing to accept increases in these fees whenever they are proposed and for that reason we usually time these various adjustments and do the amendment when the opportune time comes. We didn't see that it was in the best interest of either Government nor the operators at this time to do so - it's a matter of the economics of the whole thing and whether you place yourself in the danger of, as I said before, taxing yourself out of the market.

Another item was mentioned as being a suitable replacement for the tax here. That is taxing luxury items under the Customs Law. Mr.President, may I say that this particular area has been examined by Government year after year from the year 1960 that duty was released from luxury items and every time the debate ended with the same result. The thing is that the release of duty from luxury item was done for a specific purpose and it was to promote the tourist industry and that is what really improved the traffic in tourism in these Islands. Now if you are going to re-impose duty on luxury items it means that in order to continue to accommodate visitors with exemption of tax on certain items, that you must provide in bond stores at your various ports of exits and it is not possible at this time to provide in bond facilities at the present Airport Terminal. It was thought that when new terminal facilities were provided then it would be an opportune time to look at the in bond facilities and at that time duty could be re-introduced on these luxury items, but at the present time there is a danger in re-introducing duty on these items, and again it's a matter of economics where the tourist industry is concerned.

I would ask Members, anyhow, those who supported the bill, to continue to support it - I think the recommendation is a worthwhile one - I think the revenue which it will produce will be very beneficial to Government - I think the tax which will impose on the consumer is very small so with that I recommend the bill and ask Members to give their favourable consideration to its acceptance. I formally move the second reading.

QUESTION PUT: AYES AND NOES.

MR.PRESIDENT: I think the ayes have it.

THE BILL WAS GIVEN A SECOND READING

COMMITTEE THEREON.

HON.V.C.JOHNSON: Mr.President, I move that this House resolve itself into Committee to consider a Bill entitled the Customs (Amendment) Law and to amend it as may be deemed necessary.

HON. D.R.FOSTER: Mr.President, I second.

QUESTION PUT: AYES AND NOES.

MR.PRESIDENT: The ayes have it.

THE HOUSE WENT INTO COMMITTEE BY AGREEMENT OF MAJORITY OF MEMBERS.

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

QUESTION PUT. AYES AND NOES.

MR.CHAIRMAN: The ayes have it.

CLAUSE 1 WAS PASSED BY MAJORITY OF MEMBERS.

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

QUESTION PUT: AYES AND NOES.

MR.CHAIRMAN: The ayes have it.

CLAUSE 2 WAS PASSED BY MAJORITY OF MEMBERS.

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

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I think the ayes have it.

THE TITLE WAS PASSED BY THE MAJORITY OF MEMBERS

MR.CHAIRMAN: And that completes proceedings in Committee on this Bill. The Assembly will resume.

THE HOUSE RESUMED

REPORT THEREON

HON.V.G.JOHNSON: Mr.President, I have to report, Sir, that a bill entitled the Customs (Amendment) Law, 1976 was examined by a Committee of the whole House and passed without amendment.

SUSPENSION OF STANDING ORDER 47 FOR THIRD READING

HON.V.G.JOHNSON: Mr.President, I beg to move Suspension of Standing Order 47 in order to take the Third Reading of a bill entitled the Customs (Amendment) Law, 1976 on the same day.

HON.D.H.FOSTER: Mr.President, I second.

MR.PRESIDENT: The question is that Standing Order 47 be suspended to allow the Third Reading of this bill to be taken on the same day as the other two readings.

MEMBERS: AYES AND NOES.

MR.PRESIDENT: I think the ayes have it.

STANDING ORDER 47 SUSPENDED

THIRD READING

CLERK: THE CUSTOMS (AMENDMENT) LAW 1976

HON.V.G.JOHNSON: Mr.President, I beg to move that a bill entitled the Customs (Amendment)Law, 1976 be given a third reading and passed.

HON.D.H.FOSTER: Mr.President, I second.

QUESTION PUT: AYES AND NOES.

MR.PRESIDENT: I think the ayes have it.

THE BILL WAS GIVEN A THIRD READING AND PASSED BY MAJORITY.

MR.PRESIDENT: That concludes proceedings on Bills. There are two Official Motions following the Bills on the Order Paper.

GOVERNMENT MOTION NO.4, GENERAL WARRANT FOR EXPENDITURE FOR 1977 UNTIL APPROVAL OF THE ESTIMATES.

HON.V.G.JOHNSON: Mr.President,I Beg to move Government Motion No.4 which reads -

WHEREAS the Estimates for the financial year 1977 will not be approved before the 31st of December, 1976, and... of the public
WHEREAS it will be necessary in the interest/service to incur expenditure before the approval of the said Estimates
BE IT RESOLVED that until the Estimates for 1977 are approved, the Financial Secretary be empowered to incur expenditure out of the general revenue of these Islands and to charge same to proper heads and sub-heads of accounts
ALWAYS PROVIDED that there will be -
(a) no increase in any officer's salary other than approved increments or allowances
(b) no increase in the establishment over that provided for in the 1976 Estimates
(c) no payments on account of a new service or work and provided that expenditure is limited to the provision for the financial year 1976.

Mr.President: This is a usual general warrant which is sought from the Legislative Assembly in a year when the Estimates have not been able to be presented and the Appropriation Law passed in time to be effective for the new financial year. In all years, except in election years, as I mentioned earlier today, this happens, unfortunately the Budget Session will not be held until early in the coming year and for that reason a General Warrant of expenditure is now requested from the Legislative Assembly in order that the normal business of Government can be carried on from the 1st of Jan. and that the Financial Secretary will be empowered , under the warrant, to pay the normal expenses of Government as outlined in the motion.

Mr.President, I recommend the motion.

HON.D.H.FOSTER: Mr.President, I second.

MR.PRESIDENT: The motion is as stated by the Honourable Mover and as written on the paper circulated to Honourable Members under Government Motion No.4. It is open for debate.

MISS ANITA H.DONOVAN: Mr.President,this is not anything that is unusual. We will have to accept this motion that the functions of Government may go on until the Estimates have been submitted and approved. I feel that it is quite necessary, Sir, and there should not be any objections coming from any part of the House. I hope.

MR.PRESIDENT: If there are no further speakers I will put the question on the motion, Government Motion No.4.

QUESTION PUT: AGREED: GOVERNMENT MOTION NO.4 PASSED UNANIMOUSLY.

GOVERNMENT MOTION NO.5. MEMBERSHIP OF THE LIQUOR LICENSING BOARDS FOR GRAND CAYMAN AND THE LESSER ISLANDS.

HON. JAMES M.BODDEN: Mr.President, Government Motion No.5 reads -

WHEREAS it is now necessary for new appointments to be made for the Liquor Licensing Boards of Grand Cayman and the Lesser Islands for the year 1977

BE IT RESOLVED that the following Members be nominated by the Legislative Assembly

FOR THE LIQUOR LICENSING BOARD OF GRAND CAYMAN

MISS ANNIE H. BODDEN
MR.CRADDOCK EBANKS
MR. GRANTON SMITH

FOR THE LIQUOR LICENSING BOARD OF THE LESSER ISLANDS

CAPT. CHARLES L. KIRKCONNELL
CAPT. KEITH P.TIBBETTS.

I crave the support of the House on this motion.

HON.TRUMAN M.BODDEN: Mr.President, I second that.

MR.PRESIDENT: The motion is as stated by the Honourable Mover and is written on the paper circulated to Members under Government Motion No.5. It is necessary for the Assembly to approve these appointments under section 4 of the Liquor Law, No.11 of 1974. The motion is open for debate.

QUESTION PUT: AGREED: GOVERNMENT MOTION NO.5 PASSED UNANIMOUSLY.

A D J O U R N M E N T

HON. D. H. FOSTER: Mr.President, I move the adjournment of the House sine die.

HON. G.E.HOUDINGTON: I beg to second that motion.

QUESTION PROPOSED:

MISS ANNIE H.BODDEN: Mr.President, before we adjourn I would ask your permission to wish for you, Sir, and your family and all the Members of this House that they will have a very peaceful and happy Christmas and a prosperous New Year, and I am asking these Members let us all work together in unity, goodwill and love - that we may have what Christmas really means,that is peace and goodwill toward all men. Thank you, Sir.

CAPT. K.P.TIBBETTS: I'd like to second that motion from the Lady Member from George Town.

MR.PRESIDENT: It would seem that we have a formal motion for a Merry Christmas. I am sure that I reciprocate the good wishes of the members and I am sure that my wife would like to be associated with it.

QUESTION PUT: AGREED: AT 4.25 P.M. THE HOUSE ADJOURNED SINE DIE.