FIRST MEETING OF THE (1977) SESSION OF THE

LEGISLATIVE ASSEMBLY -WEDNESDAY, 2ND MARCH, 1977

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON. D.H. FOSTER, MBE., JP.	FIRST OFFICIAL MEMBER
HON. C.E. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES.
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.
HON. JAMES M. BODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE.

ELECTED MEMBERS

MR. DALMAIN D. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN CARSTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE M. HODGE, OBE.	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. CHADDOCK EBANKS	MEMBER OF THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. MCLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

WEDNESDAY, 2nd MARCH, 1977

1. STATE OPENING (SEE PROGRAMME)

2. SUSPENSION OF THE HOUSE FOR HALF AN HOUR.

3. RESUMPTION

4. GOVERNMENT BUSINESS: -

WAYS APPROPRIATION BILL, 1977 FIRST AND SECOND READINGS

(OTHER OFFICIAL MEMBER - FINANCIAL SECRETARY)

5. GOVERNMENT MOTION NO.7

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

BE IT RESOLVED that the following elected members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 2nd of March, 1977 -

MR. CHADDOCK EBANKS

MR. GEORGE SMITH

MR. JOHN McLEAN.

TO BE MOVED BY: D. H. FOSTER

TO BE SECONDED BY:

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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, OBE.
ON
WEDNESDAY, 2ND MARCH, 1977 at 10 a.m.

8.25 a.m. to 8.35 a.m. — Members of the Legislature and Members of the Public invited (Hon. Dr. Neil Hanks right of Dais).

9.45 a.m. — Guard of Honour in position.

9.50 a.m. — Arrival of Mr. Justice Moody (met by a aide-de-camp from the Legislature Department and escorted to seat on left of Dais).

9.55 a.m. — Arrival of His Excellency the Governor

INSPECTION OF GUARD OF HONOUR

9.58 a.m. — The Clerk
The Governor
Superintendent Vernon Ebanks, Honorary A.D.C.

Proceed to main door of building

Superintendent Vernon Ebanks will give three knocks on the doors.

The doors will be opened by the Sergeant-at-Arms. As the doors open the Sergeant-at-Arms will hand the procession and will announce - His Excellency the Governor - (ALL STAND)

The procession will consist of -

The Sergeant-at-Arms
The Clerk
His Excellency the Governor
Superintendent Vernon Ebanks

The procession proceeds up to the Dais and the GOVERNOR will bow to the right and to the 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 READ THE PROCLAMATION SUMMONING A SESSION OF THE LEGISLATIVE ASSEMBLY.

THE GOVERNOR READS THE SPEECH FROM THE THRONE.

The Senior Elected Member of the Legislative Assembly (Mr. Craddock Ebanks) moves -

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

SECONDED BY: MISS ANNIE BULLAH BODDEN

QUESTION PUT:

THE LEADER OF GOVERNMENT BUSINESS MOVES -

BE IT RESOLVED THAT THE DEBATE ON THE SPEECH FROM THE THRONE DELIVERED BY HIS EXCELLENCY THE GOVERNOR TAKE PLACE DURING THE DEBATE ON THE SECOND READING OF THE APPROPRIATION BILL, 1977

SECONDED BY: CAPT. K.P. TIBBETTS

QUESTION PUT:

THE GOVERNOR, SUPERINTENDENT VERNON EBANKS, THE SERGEANT-AT-ARMS AND THE CLERK RISE (ALL STAND)

THE GOVERNOR BOWS AND PROCESSION LEAVES IN FOLLOWING ORDER -

SERGEANT-AT-ARMS
THE CLERK
SUPERINTENDENT VERNON EBANKS
HIS EXCELLENCY THE GOVERNOR
AND DEPART.
THE CLERK RETURNS TO THE TABLE AND ANNOUNCES THE SUSPENSION OF THE HOUSE FOR NOT TO EXCEED

FIRST MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY
WEDNESDAY, 2ND MARCH, 1977

SEE STATE OPENING PROGRAMME

H.E. THE GOVERNOR: The Assembly is in Session. I shall ask the Reverend Neil Banks to say prayers.

REVEREND NEIL BANKS: Let us pray.

Almighty and everlasting God, from whom all wisdom and power come, we pray that Thou would so give of Thy guidance to this Legislative Assembly, that all that they may do may be based upon Thee, that all may be done to Thy Glory and for the welfare 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 guidance to all who exercise authority in our Commonwealth that truth, justice and peace may be established. Especially we pray for His Excellency the Governor of these Islands, the Members of the Executive Council and the Members of the Legislative Assembly that they may receive of Thy divine wisdom and guidance, that their responsibilities and duties may be performed faithfully. These things we ask in Jesus name. Amen.

H.E. THE GOVERNOR: Please be seated.

CLERK:

PROCLAMATION NO. 1 OF 1977
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 48 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 2nd day of March, 1977.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman this 1st day of February in the year of Our Lord One Thousand Nine Hundred and Seventy-Seven in the Twenty Fifth Year of the Reign of Her Majesty Queen Elizabeth II.

GOD SAVE THE QUEEN

H.E. THE GOVERNOR: Honourable Members of the Legislative Assembly. Today begins the first meeting of the Assembly for 1977 with a heavy calendar of business including consideration of the 1977 Estimates of Revenue and Expenditure. These have been postponed following the general election in November to allow the new Members of the Executive Council and new Members of the Assembly time to take stock of their duties.

I should explain, however, that the initial preparation of the budget is a civil service function taking into account the expenditure needs of departments pursuing the existing policies of government, within a framework of the revenue based upon last year's yield and the new revenue measures introduced at the last meeting of the Assembly. Despite the postponement of the budget there has not been much time or financial scope for my Executive Council to shape it to accord with any

H.E. THE GOVERNOR: (CONT'D) policy changes which may be under consideration and Council's primary aim has been to provide the monetary fuel to service the machinary of Government for the balance of the year. No doubt during 1977 changes in policy may require diversion of funds from one expenditure head or item to another and the Finance Committee of the Assembly will, of course, be requested to approve any significant changes in the expenditure pattern.

In previous speeches at the annual opening of the Legislature I have, before projecting developments in the forthcoming year, summarised events in the year that has passed. Later today the Honorable the Financial Secretary will be moving the second reading of the Appropriation Bill and will be reporting to the Assembly on developments in 1976. It would be pointless for both the Financial Secretary and myself to cover the same ground and I shall confine my address to a projection of developments this year under the seven portfolios of Members of Executive Council.

Internal and External Affairs

Among the subjects for which the Chief Secretary is responsible to the Assembly, within the provisions of the Constitution, is the Civil Service. If Honourable Members approve the 1977 budget this provides for an increase of Civil Service salaries which have remained unchanged since 1st January, 1976, of between 2 or 10%, effective from 1st April, 1977. Certain changes in conditions of service may be introduced at the same time and certain anomalies in grading corrected. These will be discussed with the executive committee of the Civil Service Association before details are announced and it is also proposed to review the policies relating to housing allowances and gratuities. It is further proposed to introduce a medical benefit scheme under which Civil Servants will contribute towards the cost of medical services and will have their entitlement to medical services, particularly abroad, more adequately defined. Where officers serving on contract are entitled to free medical services this will be preserved during the life of the contract.

The Government's policy on staff recruitment and promotions is to give precedence to Caymanians with the qualifications for the job and an acceptable minimum of experience. This policy must, however, be compatible with the need to run an efficient ship. There is no substitute for experience but in order to upgrade the qualifications of Caymanians both in the public and private sector your Government sees the need for a special drive in training and higher education and will ensure that no candidate with the basic qualifications for further training is hampered by lack of funds. To indicate the degree of priority that your Government attaches to this policy 1977 will be known as The Training and Educational Year.

The Police Force will begin to recruit a Special Constabulary during the year, will intensify its efforts against the illegal importation and distribution of drugs and will establish a small mobile unit as a local reserve for immediate use.

The Caymanian Protection Law is being overhauled in particular to enable directions to be given to the Caymanian Protection Board, to relate immigration more closely to Caymanian priorities in the field of employment, to make it easier for retirees to reside here and to relate naturalisation and registration as British Subjects more closely to the control by the Caymanian Protection Board of the grant of Caymanian status

Legal Administration

The revision of the Laws, on which substantial progress was made in 1976, should be completed by the end of this year.

It is planned to introduce the following new or amending legislation during this year's Session.

An Evidence Bill
An Arbitration Bill
An Accountants and Auditors Bill

H.E. THE GOVERNOR: (CONT'D)

A Contracts Bill
A Bill of Limitation and Prescription
A Perpetuities Bill
An Inheritance (Family Provisions) Bill
A Sale of Goods Bill
An Insurance Bill
An Education (Amendment) Bill
A Litter Bill
A Marine Conservation Bill
A Trade and Industry Bill
A Liquor Licensing (Amendment) Bill
A Public Transport Bill
A Post Office Bill
A Building Regulations Bill - affecting new public and commercial buildings including hotels and restaurants
An Essential Services Bill
A Mental Treatment Bill

Finance and Development

Regulations under the Public Loans Law have recently been made to enable Treasury Bills to be issued in the second half of this year.

A programme of economic development projects for the next five years prepared in draft by the United Nations Economic Advisers is being updated and will be returned to accord with changes in policy to be considered this year before being placed before the Assembly for approval.

Statistical information from Bank and Trust Companies supplied to the Inspector of Banks has been improved to furnish the Government with a better total picture of the financial industry. Information furnished by individual Banks and Trust Companies will be used to quantify sources of investment and outflows to different areas of the world, but particulars relating to the individual Companies will remain confidential to the Inspector. It is hoped to resolve difficulties of inspection by the Federal Agencies of the various countries of branches of territorial banks operating in the Cayman Islands without prejudice to the confidentiality of individual accounts and transactions.

Steps are being taken to create a Registrar General's department by the beginning of 1979. The Registries of Shipping, Companies, Trade Unions, Co-operatives, Patents and Trade Marks are now centrally administered and the Registry of Births, Marriages and Deaths will be transferred to the central registry from the Post Office. Mr. Robert Bodden, Registrar of Companies and Registrar of Shipping, is visiting the parent registries in Cardiff early this year for familiarisation and training.

The United Kingdom aid allocation has so far been fixed at £Stg200,000 in project loan allocations from April 1977 to March 1978. Negotiations with the Foreign and Commonwealth Office have been successful to secure continuance of British Capital Aid for a further three years, £Stg300,000 1977/1978, £Stg200,000 1978/79 and £Stg100,000 in 1979/80 when it will cease. At the same time the Cayman Islands Government will be asked to review the number of Overseas Aid Scheme posts required over the next four years and to make a greater contribution to the cost of Technical Co-operation posts and consultancies.

Health Education and Social Services

The Cayman Islands Education Law enacted in 1968 will be reviewed, together with educational policy, during the year. With 70% out of 167 teachers recruited from overseas a greater thrust must be given to Teacher Training and Vocational Training deserves greater prominence than is given now. Careers guidance and scholarships would also derive benefit from a Manpower Study related to the employment situation of 1977 and the next decade and British Technical Co-operation funds may well be available for a study of this kind.

H.E. THE GOVERNOR: [CONT'D]: The National Council of Social Services has made considerable strides since its inception in 1975. The co-ordination of staff seconded to the Council and of the Government Welfare Section could, however, be improved and recommendations by the Social Welfare Adviser of the British Development Division will be considered shortly.

The need for better sports facilities in all main centres, stressed by many Members of the Assembly, will be assessed and taken account of in capital expenditure planning over the life of the Assembly.

The report of the Prison Adviser who visited Cayman last year is under examination. It is hoped to attract British Aid funds for construction of a prison farm to take both long and short term prisoners. Prison legislation will be reassessed. The needs of the mentally handicapped will be separately considered, in relation to hospital improvements.

The next phase of hospital development will include:-

Completion of inpatient facilities

Direct patient care equipment requirements

Continuing development of hospital building and grounds.

For this a total of $70,000 is required, leaving a balance of $530,000 to be found in future years to construct a new kitchen and laundry, a new surgery with seven new surgical beds, re-landscaping and new internal roadwork, provision of a staircase lobby and acquisition of land for the future expansion.

Development of medical services should not, however, be confined to bricks, mortar and equipment. The strengthening of preventive services and the improvement of health educational programmes will be given special emphasis. Training, already mentioned, will be stepped up for employees of the department with the necessary qualifications and experience. The study of genetic disease will continue at an enhanced pace.

Agriculture and Natural Resources

There are dramatic developments in Agriculture and Fisheries. The new management of Mariculture Farm has plans to continue the improvements seen there in recent years and Caledonian Farms have already shown the first improvements of many yet planned. A farm exporting exotic fish will make further headway this year and a Fishing Co-operative is having discussions with the Caribbean Development Bank about a scheme involving several recruitment. The lobster packing plant on Cayman Brac has had its first consignment and hopes dramatically to augment exports this year. Less noticeable, but equally important, is the further development and output of small scale farming, given impetus by the Agricultural Society in recent years. An accumulation of these small scale activities can be important for the economy and the Department will give them every assistance. I am sure that Members will wish me to congratulate the Agricultural Society on their excellent annual show held last week. The demonstrative value of this should not be underestimated.

The Field Work of the Cadastral Survey is nearing completion and the whole survey should be completed by the year's end.

The Draft Development Plan, together with the Modification Statement, the Tribunal's Report and the report of the Planning Authority are being laid on the Table of the House at this meeting. The Government has not formulated no policy on these documents and will determine the attitude to them before they form the subject of debate in May. Suffice it to say that a great many changes have been recommended to the original document published for comment by the public as a whole and that the Planning Law requires that there should be a Plan. To start again from scratch, and to leave the Interim Plan as the guidelines for the Planning Authority would not be in the best interests of the country. The Member responsible has requested me to remind Members that it is the Assembly which, under the Law, has the final say. And so it should be.

The complex report of the Natural Resources Survey is being summarised into a form which will make the recommendations easier for Executive Council and Members of the Assembly to consider and to pin point any changes in policy or legislation which it may entail.

H.E. THE GOVERNOR: (CONT'D): Some hard questions, including the provision of further funds, face the Assembly if the success of the Mosquito Research and Control Unit is to be reinforced. There is no doubt that we should be wise to enter a phase of intensified physical controls, while using chemical means to maintain the status quo. If we do not grasp the nettle soon resistance by mosquitoes to chemicals will [illegible] and annual expenditure in perpetuity. Furthermore the aircraft used for chemical spraying are obsolete and their replacement by a more suitable machine must be contemplated during 1977.

The Member responsible for this portfolio is considering several applications for offshore exploration for oil, and is currently considering whether the legislation and regulations now in being are suitable to our needs.

Efforts are being made to purchase land for the much needed cemetery at East End and to release land purchased in the middle of the town for more suitable use. The needs of urban communities will also be studied.

Communications, Works and Local Administration

1977 capital works programme will be largely confined to the completion of the George Town Port, the resurfacing of Owen Roberts airfield, improvements to the High School on Grand Cayman by the addition of an administrative block and on Cayman Brac by the addition of a Sixth Form classroom. The asphalt dressing of main roads on Grand Cayman will be continued. Five miles remain to be surfaced under the revised programme. The Ports Authority set up to administer the port when completed will have the important duty of applying the tariff to cover the cost of administration and loan repayments. Although increased charges are inevitable they will reflect a better service and will be partly offset by the faster turn round of vessels and avoid more increasing freight rates caused by congestion of the port. The port is expected to be completed by June or July.

The Member responsible for this portfolio has under study a report on water and [illegible] Cayman. It is intended to bring recommendations to the Assembly during the year.

A study is also being made of the advantages and disadvantages of a simple system of local government to enable more closely the people in the six main centres of the country with the administration of the areas where they live. The possibility of trying this out in George Town and Cayman Brac is being considered. If there appears to be advantage in this an application will be made to the British Government for the services of an officer experienced in local government to advise on the work involved, to recommend a system which appears best suited to the needs of the country, to assist with the drafting of legislation and then introduce simple administration provided with a minimum of bureaucratic content.

On Cayman Brac it is intended to complete the cross-island road and at least to make a start with a building suitable for public meetings and for use as a hurricane shelter. The maintenance of public buildings, schools and roads will be given increased attention during the year. The Government has leased 110 feet of waterfront to Caribbean Terminals Ltd. to improve and upgrade present landing facilities. More land adjoining Cayman Brac airfield will be acquired and the further lengthening of the runway to accommodate larger aircraft is under active study. Poor relief has been increased by 20% and all Government buildings on Cayman Brac and little Cayman will be renovated and properly furnished.

Tourism, Aviation and Trade

The replacement of the air terminal at Owen Roberts airfield has high priority but unfortunately this year only minor repairs and improved facilities can take place. Part of the replacement project may be available for financing from a new aid source, the European Development Fund, to which the Government has access stemming from Associated Membership of the European Economic Community. Design and financing will be studied and negotiated during 1977.

H. E. THE GOVERNOR: (CONT'D): The Government has not accepted the record tourist figures for 1976 with any feeling of complacency and has recently invited proposals for a new hotel both in international circles. The unprecedented attraction of tourists in the off-season coupled with 100% occupancy of existing rooms at some periods of the main tourist season makes the provision of new accommodation a matter of urgency if this growth industry is to be further expanded. There is no intention of reaching a state of saturation where the amenities and environment which tourists come to enjoy are destroyed by sheer weight of numbers. The time is ripe, however, for extension and the Government will continue to support the steady and progressive development of this major industry.

Advertising policy, public relations policy abroad and the working of the overseas offices of the Department of Tourism are being reviewed with more emphasis on direct contact with specialised groups, billboard advertising and new techniques. We are fortunate to have among the entire staff of overseas offices a high level of professional competence and means of tapping this to a greater degree are being explored. New representatives in Toronto and Houston will be appointed in consultation with the managers of the New York and Miami offices and to give more attention to the potential trade in Canada and Texas.

Government and the Department of Tourism cannot, and should not, go it alone. The infrastructure of tourism is largely in the private sector, and the Government's intention is to ensure a greater level of unity between the private and public sector operations. It is proposed to mount a comprehensive tourism advertising campaign locally and to formulate more efficient training of Caymanian staff for the industry.

Incentives have published designed to attract light industries and to broaden the base of the economy. So far the response has been excellent from both local and foreign investors. It is hoped that by the end of 1977 efforts to broaden our economic base will be seen to have achieved measurable success.

An agreement has been reached with the Caribbean Development Bank to release funds for suitable projects, particularly Caymanians willing to start small new ventures.

The establishment of the Employment Bureau is regarded as the first step in setting up a Labour Department. An Employment Law will be introduced to the Assembly during the year and consideration is being given to contributions by employers to a fund from which workers will be able to draw accumulated benefits contributed in their names if their jobs are terminated. The definition of hours of work, the rights of the employee and of the employer and provision for the settlement of industrial disputes will be important elements in the new Law. Assistance has been offered by the International Labour Organization in the setting up of the necessary machinery.

While emphasis will be placed in the employment field on making positions available to Caymanians, the Government hopes that the time honoured Caymanian readiness to tackle anything, and to excel in it, will be projected into the future. The employer can only operate if his business is profitable, and should not be begrudged a reasonable profit. Also he is entitled to expect a good day's work for a good day's pay. The astonishing speed and high standards of modern tourist construction projects illustrate the dynamic effort of an integrated work spirit between management and labour.

It is intended to seek the advice of the Chamber Community Committee and the Chamber of Commerce on a wider range of matters affecting them and where possible to consult them on proposed legislation affecting the private sector.

The Government is exploring, through discussions with the Board of Cayman Airways, means of curtailing its operations.

There are several matters which deserve mention as affecting the country as a whole and which cannot be conveniently covered under a single portfolio heading.

The first of these, highly important for the economy, is the proposed agreement with Transport Concepts and Techniques Incorporated of New York for the ship to ship transfer of crude oil in the waters off Little Cayman. Negotiations are at an advanced stage and have significant

H.E. THE GOVERNOR: (CONT'D): revenue implications. The Government considers, and the proposers accept, that a ship to ship operation must be a precursor of a shore-based operation and any agreement for a ship to ship transfer will be for a relatively short period, with the requirement that negotiations start within the next few months for the shore-based operation. Satisfactory safeguards to international standards and financial guarantees will be incorporated in any agreement to guard against spillage. The United Kingdom Government has engaged consultants to advise the Cayman Islands Government on the short and long term agreements. There are two firms of consultants, one on the technical arrangements and one considering the environmental effects and the necessary controls to ensure that the operations are clean, safe and will not present danger to marine life, our beaches or tourist industry. The public is rightly concerned with this aspect of the operation but it would be more productive to enquire what measures the Government has in view rather than to tell it what it ought to do. Suffice it to say that the proposers - and it is in their financial interests so to ensure - are as anxious as the Government to run a clean operation, and that the Government has at its disposal top-flight expertise to guide it in its negotiations. It should not be forgotten that the Islands of Cayman Brac, with its long history of self help and hard work, with potential employment on the spot during special consideration, all assuming that a satisfactory arrangement can be negotiated. A further round of talks is likely to take place this month.

The second event, or series of events, of national significance are those designed to celebrate with due dignity and enthusiasm, The Queen's Silver Jubilee. The main events which are being organized by the National Council of Social Services, will take place in June at the time of The Queen's Birthday when an additional public holiday has been declared. The Churches are also arranging special thanksgiving services.

Finally, Her Majesty's Government has invited the United Nations to send a small visiting team to the Cayman Islands. The visit will possibly take place in April and is one in a series of visits to British dependencies in the Caribbean, which have included Montserrat and the British Virgin Islands. The visiting team normally comprises about three or four days. They are primarily fact-finding in nature and record the views of legislatures, business men and members of the public on constitutional, economic or social matters and honourable Members should not be under the impression that the visitors are likely to tell them what to do. The United Kingdom is obliged, as a Member of the United Nations, to report annually on the state of affairs in its dependencies and the informative reports of these visiting missions have been found to be of positive assistance both for the United Kingdom and the individual territories. Further details of the visit will be announced when the programme has been finalised.

To end on a personal note I have been informed by the Secretary of State for Foreign and Commonwealth Affairs that my term of office, due to finish this year, has been extended for a further year, ending towards the end of 1978. My wife and I appreciate the privilege of serving you and of enjoying the fellowship of the Caymanian people for a longer period.

I pray that under Divine Guidance Honourable Members will continue to guide this country on its successful voyage through time, and that the year 1977 will come to be remembered as one of progress, prosperity and happy relationships.

MR. CRADDOCK EBANKS: Your Excellency, it's an honour to introduce the following motion:-

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.

SECONDED BY MRS. JANET Y. KIDDER.

QUESTION PUT: AGREED.

HON. D.H. FOSTER: Mr. President, I would like to move

THAT THE DEBATE ON THE SPEECH FROM THE THRONE DELIVERED BY HIS EXCELLENCY THE GOVERNOR TAKE PLACE DURING THE DEBATE ON THE SECOND READING OF THE APPROPRIATION BILL, 1977.

SECONDED BY CAPT. KEITH P. TIBBETTS

QUESTION PUT: AGREED.

AT 10:45 A.M. THE CLERK ANNOUNCED THE SUSPENSION OF THE HOUSE FOR HALF AN HOUR.

HOUSE RESUMED AT 11:15 A.M.

THE APPROPRIATION BILL, 1977

CLERK: THE APPROPRIATION BILL, 1977 FIRST READING

HON. V.G. JOHNSON: Mr. President, before I move the second reading of the Appropriation Bill I would like to report that His Excellency the Governor approved under the provisions of sub-section 2 (a) of section 87 of the Cayman Islands (Constitution) Order, 1972 the presentation to the Legislative Assembly at this meeting on the 2nd of March, 1977 - The Appropriation Bill, 1977.

SECOND READING

Mr. President, I move the second reading of a Bill entitled "The Appropriation Law, 1977".

Mr. President, I propose to begin this address in the customary manner by first presenting brief comments on the country's economy.

The Year 1976

The Economy

A review of the year 1976 shows that certain trends continued from the year before. The fall-off in government revenue during both years meant that capital expenditure had to be pruned, and some projects deferred. However, certain projects in the process of implementation were continued, providing employment especially in construction and the road programme.

The past two years have left us guarding a very tight budget, and endeavouring to liquidate a deficit. For the first time in a decade an unemployment situation was revealed. This was not of a serious nature, however, and projections for the new year show an improvement in the construction industry, which should ameliorate the unemployment situation.

There are signs that the investment climate is steadily improving, but it must be remembered that the condition of the economy is to a great extent affected by developments abroad. Although reports from the United States show that the national economic recovery is very strong in spite of lingering unemployment and inflation, there is the recent increase in the price of oil which could further retard the rate of growth of western economies, our own included.

Tourism

Moving on to review the Tourist Industry, we find that tourist arrivals broke all records in 1976, when 64,976 people visited these Islands, a 20 percent increase over 1975. Visiting cruise ships provided another 40,000 tourists. Most important, the average length of stay has improved considerably and as a result hotel occupancy is now 68.7 percent, compared to 47.7 percent in 1975, with some hotels averaging 89 percent. This reflected an increase in the length of stay from 4.7 days to 5.2 days. Tourist traffic may not continue this growth rate in 1977, as accommodation is now reaching full capacity. There is a great need at present for providing additional hotel accommodation on the Island and such development would be welcomed by Government and the private sector.

HON. V. G. JOHNSON: (CONT'D):

Financial Industry

The financial industry, like tourism, progressed well during the year with the number of banks and trust companies increasing from 198 in 1975 to 214 in 1976. Eight licenses were revoked or cancelled during the year. Of the 210 banks and trust companies now registered, there were 29 with general banking licenses as the end of the year.

The number of companies registered increased by 1,301 in 1976, bringing the end of the year figure to 7,481. Of this number, 6,629 are Ordinary, 3,442 Exempt and 190 Foreign companies. During the year 488 companies were struck from the Register, and 71 liquidated. The financial industry is a very important contributor to the economy. It provides approximately 9% (seven) of Government's total recurrent revenue, and makes a substantial indirect contribution to the economy. Unfortunately, during the year, a few banks licensed to operate commercially closed their general operations and converted to offshore business. In appraising the situation, we must bear in mind that there are inevitable adjustments in all financial centres, especially when economic trends influence business decisions.

Concern was expressed during 1976 by the financial community over a case in which a Cayman based offshore banking institution was the subject of an enquiry by a foreign government.

This arose from a continuing investigation into tax haven operations by large metropolitan countries. These countries are concerned that their tax laws may be breached by residents who use tax haven legislation. From our point of view, the financial industry is a prominent part of the local economy and we must therefore consider to welcome any investor who chooses to do business in the Cayman Islands. Those who are conducting offshore business must ensure that their activities abroad do not infringe regulations of other jurisdictions. It should be made clear also that a tax offence in other countries is not an offence in the Cayman Islands.

Under the Confidential Relationship (Preservation) Law recently enacted, no information relating to a customer or client account with any institution within the local financial community can be divulged to anyone. If a foreign government is investigating a case relating to a crime other than a tax offence, and the Government of the Cayman Islands is requested to assist in providing relevant information, the law provides that application for such information be made through the Legal Adviser to the Governor in Executive Council. Such a request would be examined if the purported offence would, if committed in the Cayman Islands, be an offence under Cayman statutes.

Agriculture

Agriculture stands at third place in the economy, and it could remain in the position for some time. Livestock production is the leading area of agriculture, and the main contributors are Caledonian Farms, Bodden's Poultry and Beef Farm, and Cayman Turtle Farm.

Cayman Turtle Farm was formerly Mariculture Limited. Changes in name and ownership took place around the middle of last year, after two years of financial struggles brought on partly by the recession. Government now has a small equity interest in the company, and is represented on the Board of Directors. The Turtle Farm is the only one of its kind in the world, and much research has gone into the production of turtles in captivity. There are other farming enterprises, smaller in scale, but all progressing well, generally to reports.

Construction

Construction activity in 1976 declined considerably. Statistics indicated that permits granted by the Central Planning Authority for 1976 amounted to $8,838,000 compared to $16,874,000 in 1975. The number of applications made in 1976 were 204 as against 229 in 1975. Planning permit fees were increased in January 1976 and so the fees collected in 1976 amounted to $20,000 compared to $6,800 in 1975. The fall in the value of approved projects in 1976 over 1975 was in the areas of residential, hotel, commercial, industrial and Government. There was an increase in apartments and other areas.

HON. V.G. JOHNSON: (CONT'D): Although the value of projects was down, the number of applications kept up with that of the corresponding period of the previous year. Residential and apartments accounted for 20 percent of the total value of approvals for 1976. There were 7 large scale developments which made starts in 1976; 2 were given approval in principle and should start in 1977. It is hoped that the improvement in market conditions will attract medium to long term financing at more favourable rates of interest.

Inflation

One of the effects of the recession has been the easing of the inflationary trend. In 1975, the rate of inflation fell by 40 percent from the previous year's figure of 17.7 percent. Inflation also fell in 1976, but projections are for an increase to prices in 1977. This increase will be influenced by the recent hike in the price of oil, and by the recovery from the recession.

Inflation is present in every country with a growing economy, but it becomes of even greater concern in small territories like the Cayman Islands where the local prices are affected by imported inflation. However, it must be borne in mind that that too drastic a reduction in the rate of inflation, without careful planning, could result in a shock to the economy such as we have experienced for the past two years. It has been suggested that the most tolerable rate of inflation is between 5 and 10 percent per annum. This would allow an acceptable annual rate of price increase, while allowing sufficient latitude for growth in the economy.

Trade and Industry

Government has long advocated diversification of the local economy, because tourism and the financial industry, our main revenue earners, are not considered stable economies. It was recently decided to create incentives for new local industries, and a release was issued, listing concessions which would be offered, and giving guidelines for examining applications.

Although other concessions, such as work permits, trade and business licenses and grants under the Tax Concession Law and the Local Companies Control Law will be considered separately, once approval in given to an application for the establishment of a local industry which conforms to the regulations in the guidelines, there should be no difficulties. Another important point for investors to bear in mind is that no restrictions will be imposed under Exchange Control on repatriation of capital and profits as far as foreign investments in local industries are concerned. It is therefore hoped that those who are genuinely interested in investing here will come forward with their proposals.

Ship Registration

For many years the Cayman Islands have operated ship registration, seeing it as an industry from which Government and the community in general could derive revenue and other benefits. The matter is now under consideration by Government with the assistance of the British Government and the local financial community. The first step in the reorganization of the local registry has been the appointment of the Registrar of Companies as Registrar of Shipping. The registry has been moved from the Customs Department to the Office of the Registrar of Companies on the ground floor of the Government Administration Building and records are now being sorted. The Cayman Islands will seek to provide an acceptable legal framework in which a sound and viable system of ship registration can grow. It will be necessary to draw on the experience of experts in this field who are specialist in international law and in particular the British system. The Cayman Islands Government will need to satisfy the British Government that it can operate a port of registry on acceptable standards which would include proper registration of ships, licensing of crews, certification of ships for safety and other essential requirements, so that the U.K. may consider accepting in the Cayman Islands certain authorities which would enable this Government

HON. V.G. JOHNSON: (CONT'D): to deal with certification of international importance which is a requirement of the ship registration system. The Government is determined to surmount the many difficulties in establishing a proper port of registry even though it may take time to attract sufficient business to make it a profitable operation.

Currency

The Currency Board's operation continues to be very successful. Currency in circulation consisting of notes and coins is now in excess of $2.4 million. The numismatic programme has also been successful. Approval was given recently for an issue commencing of two coins, (Gold $100 and Silver $50) to commemorate Her Majesty the Queen's Silver Jubilee. The coins will be on sale in early 1977. Income from investments of the Currency Board's assets representing the backing for the currency in circulation at the end of 1976 was $458,425 and royalties from numismatic coins amounted to over $1.6 Million. From these incomes the Board paid the original cost of the currency issued in 1974 which was approximately $90,000 and a contribution to Government in 1976 of $350,000. In addition the Board pays 50 percent of the expenditure on staff and other charges involved in the joint operation of the Government Banking Unit and the Currency Board.

The Currency Board is now studying proposals which would increase its activities and create the nucleus of a currency authority type operation. First on the programme is the plan to provide the facilities whereby local banks may lay off their surplus Cayman dollars with the Board thus enabling them to avoid possible exchange losses or to the present minimum when their surplus funds are placed in foreign markets. This is more or less a technical matter than a practical risk as the Cayman dollar is on a parity with the U.S. dollar, the currency in which the banks invest, and the exchange rate could only vary by an amendment of the Currency Law. A decision to vary the exchange rate would depend on many extreme economic circumstance. In January 1974 the Cayman Islands Government was obliged to switch the parity of the currency from the pound sterling to the U.S. dollar because of economic reasons. This action was welcomed by the entire Cayman Islands including the financial community. In the process the Cayman dollar was revalued by approximately 19 percent to re-establish its original par value with the U.S. dollar, a decision by Government which again was seen to be in the best interest of the Cayman Islands. The loss in value was caused from its floating with the pound from June 1972. After the revaluation certain local commercial banks adopted the attitude that there would always be an exchange risk in dealing with the Cayman dollar against the U.S. dollar although the Cayman dollar is now linked to the U.S. dollar by law. These Banks then arbitrarily decided to widen the spread in the exchange rate to improve their financial position and to protect themselves against possible future losses. The banks have since indicated that if the Currency Board can offer deposit facilities for their surplus Cayman dollars, the spread would be narrowed. The deposit facilities by the Currency Board will be put into effect in 1977.

Revenue:

It was stated in the last Budget Address that 1975 would end with a deficit of nearly half million dollars. After the audit of the 1975 accounts the actual short fall was found to be $15,700. The beginning of 1976 was therefore unlike previous years which started with a surplus revenue balance. I should point out here that back in the late sixties Government adopted a policy regarding revenue reserve; this required that during normal periods of the economy a revenue reserve should be maintained equivalent to three months minimum collections. This would safeguard the immediate cash position in the event of a recession or a slump in the economy as was the experience at the beginning of 1975. At that time a revenue reserve was maintained at the required level and this played a most useful role in assisting the adverse financial position created by the recession. Every endeavour will be made to re-establish that level reserve as soon as the financial position improves.

Revenue collection from 1976 estimated at $11,011,306 was revised at $11,053,531 which brought in $8,470,480 in excess of the actual collections in 1975. The 1976 estimated revenue included approximately one

HON. V.G. JOHNSON: (CONT'D): million dollars from new revenue measures. While revenue from customs duties declined again in 1976 as in 1975 due to the continue lull in construction, other areas of revenue such as companies fees, sale of stamps and stamp duty on property transactions, travel tax and tourist accommodation tax, all increased and compensated the shortfall in customs duties. A contribution from the Currency Board's profits in the sum of $350,000 also greatly assisted the position.

Expenditure

(a) Recurrent Expenditure

The recurrent expenditure for 1976 estimated at $10,620,041 was revised at $10,520,193, a reduction of approximately $100,000. This saving resulted from vacant posts not filled during the year. Spending under this section was kept at the level of approved provisions because of tight financial control, although it could have escalated because there were many genuine demands, especially from the service departments which could not be met without increasing the operating deficit.

(b) Capital Expenditure

(i) From Local Revenue

Capital expenditure excluding expenditure under bank loan funds and British Aid funds estimated at $1,055,122 was revised at $955,754. The fall in this area of capital expenditure was due to a slow-down of the port construction project which was estimated at $750,000 as a part of this Government's direct contribution to the project and following final drawing of the loan provided by Caribbean Development Bank. The revised local expenditure on the port for 1976 is $460,000.

(ii) Loans

Expenditure under loan funds estimated at $3,936,250 was revised at $2,025,339 and allocated as follows:-

1.	British Aid Loans - Interest Free	$ 107,439
2.	Caribbean Development Bank (largely soft loan at 2%)	1,697,721
3.	Local Commercial Banks	120,284
		$2,025,439

(iii) British Aid - Grant

The last expenditure under four British Aid loan made in 1972 in the sum of £68,018 in respect of the Cayman Brac Airport Reconstruction Project which was a carry-over from 1975. The project was further financed from British Aid interest free loan. British grant aid for capital expenditure ceased on the 31st March, 1976 but projects approved under the grant arrangements continued in operation until completion. Grants were replaced by interest free loans and this arrangement will phase out on the 31st March, 1980 at the end of the British Government's financial year 1979/80.

The revised financial position at the end of 1976 indicated a net deficit of $177,778 arrived at as follows:

Deficit at the 1st January, 1976	$ 414,760
Revised Revenue Collections for 1976	11,652,531
Net Balance	11,238,771

HON. V.G. JOHNSON: (CONT'D):

Revised Expenditure for 1976 from local revenue:

Recurrent	$10,180,703
Capital	306,784
	$11,415,897
Balance (Deficit)	$ 177,119

As was stated before, expenditure on the post projects fell below the estimated provision of $760,000 by $350,000. Otherwise the deficit for the year would have reached $827,119 or $45,000 in excess of the deficit brought forward from 1975. Capital Expenditures under British grants and loans and bank loans were of course counter-balanced by receipts under those heads.

Planning

In reshuffling of Executive Council portfolios following the last election, the subject of planning was included in the Portfolio of Agriculture and Natural Resources, thus removing from the Ministerial Secretary. The Honourable Member responsible for the subject will at this Meeting lay on the table the draft Development Plan. I hope that the Honourable Members of this House will realize the importance of laying this publication for orderly development in these Islands. Although there was controversy over the draft Development Plan as it was first presented, it is hoped that the recommended modifications will be found reasonable: they slightly modify the original draft of the Plan. The final version of the Development Plan will be in accordance with the majority view of the people as approved by the elected representatives.

Closely associated with physical planning is of course economic planning, and as His Excellency the Governor in his Throne Speech stated, a five year programme is being prepared for consideration by the Legislative Assembly.

The Economic Programme is a continuation of capital development projects necessary to improve infrastructure and services which are essential to the proper physical development of the Islands. The programme will cover the next 15 years and will be phased in 5 year periods.

Health

The new in patient facility at the Hospital was completed in early 1976 at a cost of over $600,000. It provides for 30 modern equipped, acute care, all purpose, private patient rooms. The new facility has added greatly to the comfort and convenience of both patients and staff, and has contributed as well to the quality and efficiency of service. Because of financial restraints it was not possible to continue with the second phase: development of a new operating theatre and surgical suite. However the old facility was renovated and will serve until the financial position improves. Annual appointments of specialist medical staff should improve the services offered by the department, and may eventually reduce the number of patients seeking medical treatment overseas.

The two medical fees brought into effect at the beginning of 1976 helped to offset the high cost of government expenditure on medical services. The recurrent expenditure for the department in 1976 was $1 Million, while fees collected amount to only $164,000. It is conceded that there are patients who can ill-afford to pay all or any of the charges, but there are administration arrangements for considering cases which may be granted either a reduction or an exemption of fee. We are convinced many Chiefs who can afford to pay and yet need to judge their obligations. The operation of the department is now costing a million dollars a year, and the cost should not be entirely financed from public funds, especially when there is no other form of contribution to medical services here. It is therefore important that the Department pay particular attention to the collection of fees when due except in cases which are reserved for special consideration. The 1976 collections (all

HON. V.C. JOHNSON: (cont'd): below the estimated figure, and an examination revealed that this was purely due to outstanding fees.

While the public is asked to pay for their medical care, Government is aware that good health should be a universal right, and not a privilege to be enjoyed by only a few. This is why Government has acted to assist the less fortunate by providing a system where reduction or exemption of charges is available. With Government's restricted funds coming from only one source, the indirect tax system, it should be appreciated that necessary minimum subvention by Government for the good of the community must be financially supported to some degree by members of the public.

Education

The Education Department continues to be the second biggest spender of public funds under theseheads. The expenditure for 1976 was $1,657,323. There has been considerable improvement in the education system, as confirmed by results of recent examinations. It is encouraging to see that Government's efforts in this direction have not been in vain. The Comprehensive School is still in the process of further expansion of facilities. In 1977 an administration building will be constructed with British aid loan funds. The enrolment at the school is now 1,192. A new headmaster has taken charge, and we wish him success in the difficult task of leading the school to improved standards.

The amount spent on scholarships and training in 1976 was $93,000. Thirty four students are now overseas on training courses. The Caribbean Development Bank Student Loan Scheme has been slow at implementation, and so far only a few applications from students here have been approved. The assistance offered will however be available to those students who qualify for the loan.

The Government places importance on career guidance and student counselling as well as on the provision of facilities for training residents for local industries such as the hotel industry.

Social Services

Social Services are divided into three subsections: Probation and Welfare, the National Council of Social Services, and Prison. Perhaps the three sections will in time be merged into one department.

Probation and Welfare deals with child care, marital and family problems, assistance to the needy, and processing of applications for free medical aid.

The National Council of Social Services continues to be quite active. In 1976 the Council established a school for the handicapped in West Bay, with the kind co-operation of the Bodden Bay Presbyterian Church. Donations and contributions were raised by the Council to provide equipment for the school. All staff except a trained handicrafts are volunteers. The Council also opened two pre-school day care centres in George Town and North Side to cater to the needs of those parents who fall within the lower income brackets and who would benefit most from the facilities. The centres will in time become fully self-supporting, even though fees are kept at a minimum. The Council continued its efforts in other fields, and also opened a community library in East End.

Responsibility for prisons was recently assigned to Social Services, because it was felt that efforts should be concentrated on the rehabilitation of offenders, rather than on punitive measures for the wrong to society. Direct supervision by the Police will continue, however. In 1976 Government agreed to a feasibility study for the establishment of a general prison complex which would accommodate both long and short term prisoners and obviate the necessity of sending long term prisoners abroad to serve sentence. Under the proposed arrangement the prison would be a separate department detached completely from the Police. A preliminary report was submitted by the Consultant, and we are now awaiting the final report. The question of site and building costs will be given special consideration if the report is accepted. In the meantime, recommendations for new staff have been included in the 1977 Budget proposals.

HON. V.G. JOHNSON: (CONT'D):

Department of Agriculture

The Department of Agriculture continues to provide help to the farming public in the form of veterinary and crop protection services, and advice relating to the establishment of farming ventures. They also supply insemination, and other essential items required by farmers.

During 1976 there was a breakthrough in the treatment of heartwater disease in dogs. The Minister of Agriculture, Dr. Joseph Jackson, is responsible for the research work which resulted in the breakthrough, and he must be congratulated for his efforts and achievement. It can be said that 1976 was a year of measurable advances in agriculture: 1977 could be even brighter.

Lands and Survey

The Department of Lands and Survey was created in 1972 in conjunction with the introduction of the Stamp Duty Law, the same year establishing a land adjudication and registration system. This was attempted to have all lands surveyed so that the geographical location and the ownership could be determined and recorded. It was seen that this would be of tremendous benefit to the public for economic and physical development, and also for administrative purposes. The survey will be completed by the middle of 1977 and thereby effectively all lands in the Cayman Islands will be registered by individual parcels. The department is presently spending about $113,000 annually and earning in excess of $50,000. In addition, it collects large amounts of stamp duty on land transfer transactions. In 1976 the value of land transfer for consideration was $8 Million, which is the largest volume of transfers recorded in any one year.

Mosquito Research and Control Unit

In 1970 a team of United States entomologists visited Grand Cayman to look at M.R.C.U.'s operation. The team recommended an accelerated physical control programme but implementation has not yet been possible because of the unavailability of funds. However, in the meantime the current physical control programme has been kept active with much work carried out in the areas of Salt Creek, Bodden Town and North Sound Town. Physical control is slow and expensive because of staff shortage and the age of the present equipment. These are areas mentioned for improvement in the recommendation of the U.N. Team.

Resistance to the Dibrom Group insecticides was detected in the latter part of 1976 and they were replaced by the more sustainable pyrethroids which should render effective until the recommended physical control programme can be implemented.

The Natural Resources Building and Laboratory are being used largely by people from abroad, as little work is done. There are long and short term workers who avail themselves of the facilities and conduct studies such as the assessment of environmental damage due to the port construction, local recruitment to the lobster population in the North Sound, and fisheries encouragement by the creation of an artificial reef. When each study is completed, the report will be presented to this Government free of charge. In spite of the present skeleton staff consisting of one biologist and one boatman, much useful data has been gathered from the various studies.

Postal Department

As stated earlier, revenue from the Postal Department exceeded the 1976 estimate, and was able to supplement areas of shortfall. Postage stamps from the Cayman Islands continue to be in great demand by philatelists, and this is governed by careful control over the number of issues each year, and by maintaining a policy of unique designs. A very popular issue in 1976 was the United States Bicentennial Commemorative issue, unique because the Cayman Islands as a British Territory participated in a national United States event. Another issue which should prove popular is the Queen's Silver Jubilee commemoration issue which goes on sale in 1977.

HON. V.O. JOHNSON:(CONT'D): The operations of the Postal Department continue to increase; this year a record 4 million pieces of mail were processed by the department.

Judicial Department

A reorganization of the Courts Office to improve the financial operation and the processing of court matters was conducted by the Legal Draftsman in 1976. In the past these two areas of operation experienced difficulties, with a constant backlog of work in the office. The reorganization has proved useful, and the staff should now be able to maintain proper control over the volume of work in the office.

Court fines for 1976 were revised at $41,000; this revenue could increase in 1977. Other Court revenue amounts to $10,000 which includes legal practitioners practising fees of $2,558. It is felt that the practising fees for legal practitioners should now be revised upwards to a reasonable figure. Revenue from the Judicial Department is now equivalent to nearly 50 percent of its total recurrent expenditure.

Police

The strength of the Police force in 1976 in terms of staff remained the same as in the previous year. However plans are underway for the establishment of a special constabulary on a voluntary basis which should aid in policing these Islands. Expenditure under the department in 1976, excluding capital expenditure, was $715,226, which is a slight decrease from the previous year, due to vacancies in the establishment.

Training made good progress during the year and will continue in 1977. The department has been making good use of the U.K./West Indies Training Scheme made available to the Cayman Islands, and this has proved of immense value to the local force.

Cayman Airways

The financial operation of Cayman Airways for the fiscal year ending September 30, 1976, reflected an improvement over the previous year during which traffic fell because of the recession and also because of the inauguration of the Southern Airways service on the Miami/Cayman route. Although Cayman Airways has not yet recovered to the extent of re-establishing the par value of the shareholders equity, there is every indication that the position is steadily improving. Also, a rearrangement of the leasing agreement so that a part of the aircraft's spare time helped improved the position for the year.

During 1976 Government increased its shareholding in the company from 51 to 60 percent, with LACSA retaining 40 percent. This gives Government a greater majority shareholding in the company, and the airline can now be better classified a British carrier for licensing purposes. During 1976 a Senior Representative for the Miami area was appointed, and this should help to resolve some of the problems experienced on the Miami end of the operation, with a resulting improvement in business. The Member for Tourism, Aviation and Trade under whose Portfolio Cayman Airways falls, is now a member of the airline's Board of Directors. During 1977 Government will review plans for further growth and expansion of the airline.

Water and Sewerage

The subject of water and sewerage is now under consideration. Studies on water supply were conducted some years ago, and in 1975 Government, under British Technical Assistance, appointed a team of consultants to review all existing reports and data on present and potential water resources of the three Cayman Islands, and make recommendations for a water and sewerage disposal system. It was found that ground water in the George Town area was polluted, and there was urgent need to introduce a proper water system to remove this health hazard. The ground water supply in Cayman Brac and Little Cayman was not polluted, and so there was only the need for an improved water system. The Consultant's report indicated that there was

HON. V.G. JOHNSON:(CONT'D): reasonable deposits of fresh water in lenses at Lower Valley, North Side and East End. The capital outlay on a water and sewerage project would be quite substantial, and therefore, it may need to be approached on a phased basis, supplying the areas of most urgent need initially.

Proposals from private firms for both a water and sewerage scheme were submitted to Government as well. The Honourable Member for Communications, Works and Local Administration, under whose portfolio this subject falls, will be dealing with the report and the proposals.

THE YEAR 1977

Revenue

The Estimates reveal a deficit on the 1st January, 1977 of $177,116. This is an improvement over the 1976 position, when the deficit stood at $414,760. However, the 1977 improvement resulted from the part projected unemployed expenditure not being fully committed because of slowing down of work in the latter part of 1976. The revenue for 1977 is estimated at $18,291,905. This includes new measures approved by the Legislative Assembly in December 1976 which should produce $700,000, and a royalty of $740,000 from the proposed oil transfer (ship to ship) operation at Little Cayman.

Expenditure

Estimated expenditures being a direct charge to public revenues are:-

(a)	Recurrent or Unconsolidated	$11,181,963
(b)	Capital	1,419,870
(c)	Due Services	593,776
	Total	$13,195,109

The difference between revenue and expenditure reveals a deficit of $904,945; this added to the amount of $177,116 deficit brought forward 1976 will give an overall deficit of $1,082,061. This deficit could be reduced or removed by cutting Capital Expenditure and/or New Services, but this could have far reaching effects, and further comments will be made on these two areas of expenditure.

There are other capital expenditures under loan funds amounting to $1,963,750. This is made up of British Aid loan funds, $919,020, a proposed loan from Caribbean Development Bank $500,000, and a balance from previous loans $24,122. The local budgetary expenditure for 1977 is therefore $11,488,857. Capital Expenditure for 1977 in the amount of $2,002,410 includes $2,349,000 to finance projects brought forward from 1976.

Capital Expenditure

Capital Expenditure from local revenue contribution for 1977 is in the sum of $1,419,870 as stated earlier. Although this section of expenditure is unlike recurrent commitments and may be curtailed if finances are not available, a close examination of the major items will indicate that it is perhaps in the best interest of Government that the provisions remain.

The largest is the port expenditure, $800,000. If this allocation is curtailed, it is evident that progress on the port project will be affected. Every effort must therefore be made to complete it. In addition an allocation of $600,000 Caribbean Development Bank has been requested to consider a further loan to this Government to cover the balance of cost which is $500,000. If this loan is not approved Government would have an alternative but to provide the funds from local revenue which may create a difficult financial situation by increasing the deficit. It is therefore hoped that Caribbean Development Bank will give every consideration to our request for the loan.

Another fairly big item under this head is the road construction programme in Grand Cayman, $100,000. An unsurfaced section there is yet about 5 miles of road to complete, at a cost of $200,000. These are the George Town roads and a small length of the West Bay to George Town; the

HON. V.O. JOHNSON: (CONT'D): latter has now been completed. Government now owns the largest asphalt paving plant in the country. It is a valuable piece of equipment, and cannot be left idle otherwise deterioration will take place. There is also a number of trained staff who will have to be laid off if the road programme is curtailed at this point. It has therefore been decided to offer the services of the plant outside Government if and when there is the demand, and in the meantime endeavour to complete the remaining 5 miles of road. The roads in George Town are heavily trafficked and if not paved will require frequent maintenance which is fairly expensive.

Because of the situation regarding the asphalt plant, it is felt that the provision of $100,000 for the road project should remain. It is regretted that the full sum could not be provided, but if revenue improves during the course of the year, a request for the remaining amount will be made under supplementary appropriation.

The balance of $128,870 under this section of capital expenditure is divided among many small items, all of which are essential and some of which have already been committed. A sum of $110,000 will be required for a number of community projects including a Cayman Brac Civic Centre ($70,000), East End Medical Centre ($20,000), Breakers Community Centre ($15,000) and South Sound Recreation Hall ($5,000). It is recommended that approval in principle be given to these projects in the context of the budget. In this instance the Cayman Brac Civic Centre is being put forward for financing under British Aid Loan arrangements.

New Services - $483,777

The biggest item under new services is a provision of $382,400 for an 8 to 10 percent salary increase to the Civil Service, effective 1st April, 1977.

The last salary increase was awarded in January 1975, and was on a similar basis to that now being recommended. In the two years since the last review there have been salary adjustments in many areas of the private sector, and in early 1976 members of the Civil Service requested similar consideration. However with the recession still raging and Government saddled with a deficit, the request could not be entertained. Besides, the records revealed that for the period January 1974 to January 1975 the cost of living index rose 17.7 percent which justified the 1975 salary review. But for the period January 1975 to January 1976 the index rose only 8.4% percent. By July 1976 the index had risen to 10.85 percent and this was an indication that recovery from the recession had begun and prices were on the rise again. It also provided the basis for considering a salaries increase to the Civil Service in 1977. It was thought that with a continuing budgetary deficit, the effective date should be 1st April instead of the traditional 1st of January.

Prior to 1974 the Civil Service was faced with problems brought about by poor salary and other adverse conditions. The 1974 inflation review improved conditions immensely and Government was then able to recruit better qualified staff. It is important that attention be paid to the service so that conditions remain favourable at all times. However, Civil Servants must also play their part and give of their best. The Civil Service is now quite big and is costing over 40 percent of the recurrent revenue in salary, gratuity and accommodation.

It is hoped that the Legislative Assembly will approve the salaries increase and adjustments and that this increase will not accelerate inflation.

Other recommendations under new services include new staff and other charges for the first phase of a general prison service; this amounts to $60,500. Comments were made earlier on the subject. It is felt that in the best interest of the country, Government should now move ahead with the establishment of this prison service.

Other items under this head are provisions for new staff and staff already employed under temporary arrangements in the Post Office, Social Services and Cayman Brac.

New Revenue

Due to the delay of the Budget Session from November 1976 to March 1977 it became necessary to recommend new revenue measures in

HON. V.C. JOHNSON: [CONT'D]: December 1976. The forecast of revenue deficits at the end of 1976 and the corresponding deficit for 1977 puts no alternative. One of the disadvantages of the present revenue system is that we have a very narrow with which to provide the services and facilities needed. This indicates the system under which we operate is not very elastic and so we find that for most increases in service, there is an additional revenue measure. However, these can only necessarily be based on the dictates of fiscal position, we must maintain and support the present fiscal system, to the best advantage of the community. In collecting new measures great care was exercised in ensuring that the economic position was not disturbed and neither would there be strong political objections. Of course it is not an easy task collecting new measures from a normally viewed tax system and any measures, therefore, is mainly to increase tax on current measures. The new measures estimated to produce a total of $700,000 are the following:-

(a) Bank License Fee: $421,000

(b) Liquor, Beer and Wine: 153,000

(c) Cigarettes: 20,000.

Capital Projects

Of the four big capital projects approved under the Loan Law 1973, the Government Administration Building, the Roads Programme, the Port Project and Airport Terminal, only the Government Administration Building was completed in the beginning of 1976. The port project will be completed in 1977, and the roads programme may also be completed by the end of the year if funds are available. No progress has yet been made on the airport terminal building, but consideration will be given to the project this year as stated by His Excellency in his Throne Speech.

The cost of the Government Administration Building is not yet known, as the contractors final statement is now being examined. If the final cost exceeds the amount approved by the Legislative Assembly, the additional cost will be presented for approval.

The port project will cost approximately $4 million excluding the cost of land which is to date $337,135. The total cost of the port at the end of 1976 was $3,130,830, which leaves a balance of $1,207,107. Caribbean Development Bank provided $3.5 Million toward the cost and the balance will be contributed from local revenue resources. However, because of the deficit position in 1976, this Government requested Caribbean Development Bank to consider an additional loan of $500,000. The application is now before the Bank.

Provision for this additional financing from Caribbean Development Bank is made under loan expenditure in the 1977 Estimates. Provision from local revenue in 1977 is made in the sum of $800,000, which together with the proposed loan of $500,000 make a total of $1,150,000. There is still a small difference of $11,107 which may or may not be needed.

The road project was first programme in 1975. At the end of the year 20 miles of paving was completed at a cost of $1.6 Million. Originally it was proposed to undertake 28 miles of roads, but on grounds of economy this was reduced to approximately 25 miles. The Newlands and Batabano roads were dropped from the programme and these have been reinstated and surface-dressed instead. The traffic is not very heavy on these two roads so they should last a few years until finances improve when the hot mix carpet can be applied. There are 5 miles of road left to be completed, mainly in the George Town area.

Capital projects and other works in Public Works Department were very much curtailed in 1976 because of the shortage of funds and this state of financial affairs should improve. However Public Works Department performed very well with the limited funds at its disposal and at the end of 1976 after settling all its outstanding commitments, still found balances in some of the votes, which was unlike other years.

The police substations in the Eastern districts and the extension of the West Bay Station which were programmed to be built from

Mr. V.G. JOHNSON: (CONT'D): two years ago are still very much in mind. The recession came along and interrupted the programme and as yet funds are not available for the purpose. It is likely that this programme will now be put forward for financing under British aid.

Public Debt.

The total outstanding Public Debt as at 31st December, 1976 was $7,782,482 made up of British Government Intercolonial and Exchequer loans $594,931, British Government Aid loans $587,888, Caribbean Development Bank $3,300,000 and local commercial banks $5,200,122. Public Debt increased considerably within the last two years when large capital projects were undertaken by this Government. The two largest loans came from Caribbean Development Bank in the amount of $2.2 Million to finance approximately 55 percent of the cost of the port project and a consortium loan from five local commercial banks in the amount of $3,500,122 to finance the Government Administration Building and Roads Programme. Commitments for 1977 will be $882,881 but does not include the principal repayment element of the Caribbean Development Bank loan and British Aid loan which have a further period of moratorium. The repayment liability on outstanding loans is now 10 percent of current ordinary revenue, although the percentage may very downward by the time full repayment is due as the level of revenue may then increase. An old principle which should be adopted by this Government as a guideline for borrowing is that servicing commitments on public debts should not exceed annually 10 percent of ordinary revenue. If it does then other services will suffer and Government may eventually find itself in difficult financial circumstances. The practice of over commitment in public debt is not uncommon today and the Cayman Islands must do its very utmost that it does not follow this trend. Money is fairly easy to find now and the temptation is great, but we must invest cautiously.

Vehicles Funding Scheme

Government established a Vehicles Funding Scheme on the first of January, 1977. The scheme will assume responsibility for the maintenance and replacement of all Government vehicles. This was formerly a function of the Public Works Department. In the past, replacement of government vehicles was a problem as only seldom could the annual budget afford the demands of the various departments requiring new vehicles, the larger users being the Police, Health Services, Agricultural Research and Control Unit and Public Works Department. Attempts to obtain vehicles under British Aid were not always successful because the rule is that replacements cannot qualify for aid, only new services. The British Government however considered an aid project in 1978 for replacement of vehicles, but recommended the funding scheme system for future location [illegible]

The Funding Scheme is operated by a Management Board under the Chairmanship of the Financial Secretary. The Principal Secretaries of the various departments are members, as well as heads of those departments which most frequently use the vehicles. The former Mechanical Engineer of Public Works Department is the Manager of the Vehicles and Equipment Scheme and Secretary of the Board. The principle under which the scheme operates is the hiring of vehicles at a charge which covers maintenance and replacement cost. However of the restricted revenue position the replacement element of cost will not be included in the hire charge for 1977, but if funds become available a separate claim will be submitted to Government. Maintenance and administration staff have been drawn from the departments who were involved in maintenance services in the past. The hire charge will cover the cost of operation including staff. A useful purpose of the funding scheme is that it controls the use and movement of all government vehicles, a matter which was of some concern in the past. The scheme has many advantages and should be fully supported.

Port Authority

Under the terms of agreement with Caribbean Development Bank for the port loan, this Government was obliged to separate the operation of the ports from the Customs Department, which constituted port operations in the past. The Bank insisted on the separation because as a rule all projects financed by them must provide independent financial and administration arrangements. The

HON. V.G. JOHNSON: (CONT'D): port authority will be responsible for the day to day operation, controlling the movement of vessels in the port, collection of all revenue due for port services, and payment of all overhead costs, together with the servicing of the port loan and other commitments. Because of the requirement of Caribbean Development Bank the Port Authority Law was brought into effect in 1976. It provided for a Management Board to be known as the Port Authority to administer the affairs of the port, and a staff headed by the Port Superintendent to manage the affairs of the port and to carry out policies laid down by the Port Authority.

The Port Authority will not be fully operational until the port project is completed in mid 1977, and new port fees brought into effect. In the meantime the port is functioning under the Port Authority. The Principal Secretary for Communications, Works and Local Administration is the Chairman of the Port Authority; other members are drawn from Government and from the Shipping and Commercial sector of the private sector.

The new port will improve the handling of ships and reduce the time in port. Fees will now have to be introduced, and this is inevitable in order to meet the cost of loan servicing and overheads of the facilities. Increased benefits to operations should compensate for the increases and not serve a risk in freight rates. I hope those directly concerned will bear this in mind.

Conclusions

The year 1976 was described in the last budget address as the worst year economically since the depression of the late 1920's and early 1930's, but it can now be stated that 1976 was optimistic. It is the hope that during 1977 there will be a brighter outlook and a steady surge ahead to another period of prosperity. One of the greatest enemies to plague us during this period is inflation. As I have stated on the past no Government measures will effectively contest inflation: it is for all concerned, commerce and industry and all other active bodies in the country to join forces with Government and play an active part in suppressing any inflationary trend which is seen to be within our control.

Mr. President, the recent election brought significant changes in this Legislative Assembly and in Executive Council. Changes are inevitable, but should cause no disruption, especially as the Honourable Members look to upon themselves to declare publicly their dedication to the preservation of the country's stability. The challenge will be great but with courage, co-operation, and genuine interest in the welfare of Government and the people, success is bound to follow.

Mr. President, I recommend the Appropriation Bill 1977 seeking authority to spend in the financial year 1977 a sum of $13,820,050 which does not include an amount of $1,109,807 already approved by other laws. The total budgetary expenditure for 1977 is therefore $14,929,857.

SECONDED BY HON. P.J. FOSTER

MR. PRESIDENT: The question is that the Appropriation Bill, 1977 be now read the second time. In accordance with normal procedure the debate on the second reading will be deferred to give Members time to gather their bouquets or brickbats as the case may be, and the debate on this Bill will be resumed on Friday morning.

Tomorrow is Thursday, Private Member's Motions etc., have precedence.

MR. CHIEF MINISTER: Mr. President, if I may interrupt, it was the feeling and expression of Members that we would like to have had the week end to underline the two addresses presented this morning and start the debate on them on Monday morning, with your permission if we may, Sir.

MR. PRESIDENT: If that is the wish of the House we can certainly continue with other Government Business until Friday.

CAPT KEITH F. TIBBETTS: Mr. President, I will second that motion.

MR. PRESIDENT: Well, I put the question that we resume debate on the Second Reading of the Appropriation Bill, 1977 on Monday morning.

QUESTION PUT: AGREED. SENATE ACCORDINGLY DEFERRED UNTIL MONDAY MORNING.

MR. PRESIDENT: There is one procedural slip up this morning, technically the Estimates of Revenue and Expenditure should have been laid on the Table before the First Reading, but laying of papers was not included on the Order Paper. As the Estimates have been circulated to Honourable Members I think we can rectify this technical error by laying the papers formally first thing tomorrow morning.

GOVERNMENT MOTION NO. 1 - CINEMATOGRAPH AUTHORITY

HON. D.H. FOSTER: Mr. President, I would like to move Government Motion Number 1.

WHEREAS under Section 3 of the Cinematograph Law, Cap.IX provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly nominated annually by the Legislative Assembly and one Member nominated annually by the Governor to carry out the stipulations of the above-cited Law and Rules made thereunder

BE IT RESOLVED that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 2nd March, 1977 -

Mr. Cruddock Ebanks
Mr. George C. Smith
Mr. John B. McLean

MR. PRESIDENT: The question is that the Assembly do resolve that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 2nd of March, 1977.

Mr. Craddock Ebanks
Mr. George C. Smith
Mr. John B. McLean

The Motion is now opened for debate.

HON. JAMES M. RUTLEY: Mr. President, I move that we accept them by acclamation.

QUESTION PUT: AGREED. THE MOTION WAS PASSED.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House 'till 10:00 A.M. tomorrow morning Sir.

MR. CRADDOCK EBANKS: Mr. President, with your permission on this adjournment I would like to make some comments. It is with regret that the Clerk of the Assembly has not been able to attend the opening owing to ill-health as we have learnt, and we trust that it will be possible that she will resume her work tomorrow morning. But in the meantime Mr. President, if so be the case that she is unable to attend I feel that Government ought to make an appointment temporarily to fulfil as a Deputy Clerk in the Clerk's place.

I think that it's very embarrassing to an extent that this Department of Government being one of the leading Departments of Government of running the country that it found itself in the position this morning that it didn't have a qualified Clerk to fill the place of the Clerk. I think it's unusual a reproach, and I trust that Government will make every effort to fill this appointment for tomorrow morning providing the Clerk is unable to attend, owing if she is still sick. And I don't feel that we should have anyone less than have had years of experience in the field as a Deputy Clerk into this

MR. CRADDOCK MARKS: (CONT'D): Department, because it's very very important. And at the opening Session to deal with matters arising, it ought to be somebody who is qualified and competent to deal with the notes and what not that needs to be taken to be dealt with after the sitting. And I repeat Sir, with due respect, I trust Government will find it possible to make a temporary appointment for tomorrow morning if the Clerk is unable to attend.

Last but not least, I must congratulate the young lady from the Clerical staff to be picked up this morning and put into the position that she's in, and on behalf of the Assembly I take this opportunity to thank her very much for her effort in the way she conducted and carried out the business in the absence of the Clerk. I thank you, Sir.

HON. D.F. FOSTER: Mr. President, on that Sir, I would like to say that it only came to my attention that the Clerk was sick at 9:30 this morning, it gave me exactly a half an hour to try to make alternative arrangements.

I don't think it was an embarrassment, I think it's something that we should be proud of that this young lady has done such a fine job, and it shows that we are fit to be in all sorts of circumstances when emergencies arise. If Mrs. McLaughlin or the Clerk is going to be fit tomorrow, we will see that somebody capable is put there, Sir.

MR. CRADDOCK MARKS: Mr. President, on a point of clarification, I didn't want those remarks on the young lady at all I meet it on Government, not the young lady sitting.

HON. JAMES M. MORGAN: Mr. President, ...

MR. PRESIDENT: I think the Lady Member has the floor.

MISS LINTE H. BODDEN: Mr. President, I would like to say that it appears to me that I am pushed in the back ground in this Assembly, but I am not taking it of course. I maintain that I have been a Member of this House fifteen years and I do not intend to take any back seat at this stage.

I would like to say Mr. President, that I feel we should be very grateful to this young lady on her home component for her courage to face such an audience, and I feel that we as a Government should make every effort to have both a proper Clerk of the Assembly which we have got and a Deputy.

Now, there is rumour, Mr. President, that we have a qualified person who has in the past acted in the capacity of Deputy and at some stages Clerk of the Assembly. But for some personal reason some of the Government staff feels that this particular person should not have a chance, and that is foolishness, selfish, are we going to embarrass this Government because one or two people do not like somebody who can fill a job, I feel that is ridiculous. And I would on behalf of this Assembly say, that while I am very proud of the young lady having that brave, I feel that no personal feeling should be expressed whereby any Department of Government should suffer because somebody does not like somebody. Thank you.

HON. JAMES M. MORGAN: Mr. President, I am afraid I will have to echo the similar sentiments to what the two Elected Members have already said, in that I compliment the young lady very much, I think she was very bold and has done a terrific job. But I would go one bit further Sir, and I say that this is the seat of Government of our country, it is representative of many thing we do, and I do not know who is responsible for this but I feel that it should not be a temporary appointment but it should be a permanent appointment so that the Head of Government can actually be properly staffed.

HON. C. HAIG BODDEN: Mr. President, I am not going to say what it is expected I will say, I just wish to point out that the Annual General Meeting of the Local Branch of CPA was fixed for this evening at 6:00 o'clock and so the Clerk is sick and the Clerk is the Secretary of the CPA Branch here you may want to consider whether we postpone the meeting until a later date.

MR. SPEAKER: I had intended to suggest to the Assembly that the meeting be postponed until further notice until the Clerk is back with us and we can take the business under his guidance.

On the matter of the discussion, I don't want to stop this debate as it were, but I know that a permanent appointment to the post of Deputy Clerk is under consideration by the Public Service Commission. This does not rule out a temporary appointment being made without prejudice to the Commission's wishes if the Clerk is not back with us tomorrow morning.

I am certain that the Leader of Government Business has listened very carefully to remarks of the Assembly and will take the necessary action before we next convene.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. G.E. MADDISON

QUESTION PUT: AGREED. THE HOUSE ADJOURNED AT 13:56 P.M. UNTIL 2ND MARCH, 1977 AT 10:00 A.M.

MINUTES

FIRST MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 3RD MARCH, 1977 AT 10:00 A.M.

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON. E.H. FOSTER, MBE., JP.	FIRST OFFICIAL MEMBER
HON. G.K. WADDINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. HODDER	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. DONOVAN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. BALMAIN D. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST-BAY
MR. JOHN CARSTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE E. DONOVAN, OBE.	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, JP.	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDER OF THE DAY

THURSDAY, 3RD MARCH, 1977

1. PRESENTATION OF PAPERS:-

(i) DRAFT ESTIMATES OF REVENUE & EXPENDITURE FOR 1977 — by Financial Secretary

(ii) ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR 1975 — by Financial Secretary

(iii) ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEAR 1975

THE FINANCIAL SECRETARY WILL MOVE THAT THE ACCOUNTS BE REFERRED TO THE PUBLIC ACCOUNTS COMMITTEE FOR STUDY AND REPORT THEREON IN DUE COURSE

(iv) POLICE ANNUAL REPORT FOR 1975 — by Leader of Government Business

(v) DRAFT DEVELOPMENT AND REPORT THEREON — by Honourable Member for Agriculture, Lands, etc.

PRIVATE MEMBER'S QUESTIONS:-

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FINANCIAL SECRETARY.

Would the Member say what steps are to be taken for the control of Insurance Companies who after operating in the Islands, wind up their business and policy holders cannot collect paid-up premiums, etc.?

TO ASK THE HONOURABLE THIRD ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS, ETC.

2. So far no legislation has been enacted to make provisions for the proper operating of buses within these Islands; would the Member say what consideration is being given to the drafting of legislation whereby proper bus stops, etc. can be established on locations which would not be hazardous to the general public, pedestrians and motorists, as well?

3. What has been the expenditure up to the 25th of February, 1977 on the present dock facilities being constructed?

CAYMAN PRONOUNCE:-

PRIVATE MEMBER'S MOTION NO. 1

WHEREAS the sale of automobiles has decreased since the import duty was changed from 20% to 11 1/2%.

AND WHEREAS the automobile industry has fallen with recent unemployment.

AND WHEREAS Government's revenue has decreased as a result of the new duty imposed.

BE IT RESOLVED that consideration be given by Government to amending the Customs Law to reduce the duty on automobiles to 20%.

MOVED BY: JOHN McLEAN

SECONDED BY: CRADDOCK EBANKS

GOVERNMENT BUSINESS:-

BILLS:

(a) The Supplementary Appropriation (1976) Bill, 1977, First and Second readings.

(b) The Tourist Accommodation (Taxation) (Amendment) Bill, First and Second readings.

(c) The Misuse of Drugs (Amendment) Law, First and Second readings.

(d) The Animals (Amendment) Law, 1977, First and Second readings.

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THURSDAY, 3RD MARCH, 1977
10:05 a.m.

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

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1977.

HON. V.G. JOHNSON: Mr. President, and Honourable Members, I beg to move that the Draft Estimates of Revenue & Expenditure for 1977 be laid on the table.

MR. PRESIDENT: So ordered.

ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR 1975.

HON. V.G. JOHNSON: Mr. President, Honourable Members, I beg to move that the Accounts of the Government of the Cayman Islands for the year 1975 be laid on the table.

MR. PRESIDENT: So ordered.

ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR 1975.

HON. V.G. JOHNSON: Mr. President, Honourable Members, I beg to move that the Accounts of the Government Savings Bank for the year 1975 be laid on the table.

MR. PRESIDENT: So ordered.

REFERRAL OF ACCOUNTS TO PUBLIC ACCOUNTS COMMITTEE.

HON. V.G. JOHNSON: Mr. President and Honourable Members, I beg to move that the Accounts of the Government of the Cayman Islands for the year 1975, and the Accounts of the Government Savings Bank for the year 1975 be referred to the Public Accounts Committee for study and report thereon in due course.

HON. D.H. FOSTER: Mr. President, I second it.

MR. PRESIDENT: The motion is that the Accounts of the Government of the Cayman Islands for the year 1975, and that the Government Savings Bank for the year 1975 be referred to the Public Accounts Committee for study and report thereon in due course. The motion is opened for debate.

QUESTION PUT: AGREED. ACCOUNTS REFERRED TO PUBLIC ACCOUNTS COMMITTEE.

POLICE ANNUAL REPORT 1975.

HON. D.H. FOSTER: Mr. President, I beg to move that the Police Annual Report for 1975 be laid on the table.

MR. PRESIDENT: So ordered.

DRAFT DEVELOPMENT PLAN AND REPORT.

HON. G. HAIG BODDEN: Mr. President, I beg that the Draft Development Plan and Report thereon be laid on the table.

MR. PRESIDENT: So ordered.

HON. G. HAIG BODDEN: Mr. President, this is a short statement. The Plan being presented is contained in four documents, one, The Proposed Development Plan as originally published in 1975, two, The Modification Statement published in December 1975, three, The Tribunal Report completed in April 1976, four, The Central Planning Authorities Comment on the Tribunal's Report completed in July 1976. In addition the zoning maps are appended as well as a short document which summarizes the main points contained in the plan. Although the law did not make provisions for any further scrutiny of the plan by the public it was been decided to give a two months period during which time the plan may be examined. The aim of the plan is to encourage development in an orderly fashion having due consideration the wishes of the majority of the people who will have to live and work in these Islands.

HON. C. RAIG BODDEN (CONT'D): It is recognised that the original plan was too restrictive and inflexible.

There will be no development plan for Cayman Brac and Little Cayman, instead specific guide-lines will be laid down. These guide-lines will follow the recommendations of the Development Committee of local residents of the area who met with the planning team.

Several amendments will have to be made to the existing law so as to allow for the desired flexibility in planning. The Cabinet has suggested that provisions be made in the law for departures from the approved plan.

At the close of this meeting I will arrange for the Director of Planning to have a briefing meeting with the Members of the Legislative Assembly so that the plan may be explained to them, and so that the Members in turn may be able to explain the plan to their respective constituents.

In keeping Standing Order 19 (1), I am giving notice that debate will take place on the plan at the meeting of the Legislative Assembly which will be held in May of this year.

MR. PRESIDENT: We'll proceed next to a Private Member's questions.

PRIVATE MEMBER'S QUESTIONS

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FINANCIAL SECRETARY.

Would the Member say what steps are to be taken for the control of Insurance Companies who after operating in the Islands, wind up their business and policy holders cannot collect paid-up premiums, etc.?

ANSWER:

At the present time there are no local laws other than the Motor Vehicle (Third Party Risks) Law governing the operation of Insurance Companies in the Cayman Islands. These Companies, other than Motor Insurance operate under a Trade and Business Licence granted by the Caymanian Protection Board. Government is in the process of preparing an Insurance Law to control the local operation of Insurance Companies. It is hoped that the draft Law will be ready for presentation to the Legislative Assembly at the next meeting.

MR. SPEAKER ERSKINE: Mr. President, a supplementary question. The Third Official Member, would he say that in what he has given as an answer regarding no law to cover these, does he feel that that is fair to policy holders to allow Insurance Companies to operate without a law to protect its customers?

HON. V.C. JORNSON: Mr. President, once the Caymanian Protection Board grants the Company a licence to operate in the Cayman Islands and the Government has no other control over the operation of these Companies. However, as far as Insurance Companies are concerned we have been investigating Companies reported to us as being in financial difficulty and other difficulties and we have reported so far what has been discovered.

MISS ANNIE E. BODDEN: Mr. President, if I may be permitted to ask a supplementary question. When these Insurance Companies are formed in the Cayman Islands or they are subsidy of another Company, is it not that they must deposit a substantial amount of money to take care of their liabilities when they happen to have to pay off.

HON. V.G. JOHNSON: Mr. President, this applied only to motor insurance when the law was first introduced. But that section of the law was also amended to remove that particular provision from the law. There's no requirement under the Motor Insurance Law for these Companies to make a deposit, and as far as the other general operators are concerned, as I said before, there is no legislation governing their operations here.

MR. CHADWICK FRANKS: Mr. President, this is not a straightforward question or supplementary question. I can only repeat what I have said on here on many times, why should our people suffer and be taken for a ride by all of these kind of business people, it's regrettable.

MR. GEORGE C. SMITH: Mr. President, a supplementary question, Sir. Would the Member care to say that this has shown, I should say slackness in somebody's point in Government not to protect the persons of the Cayman Islands who have purchased insurance from these Companies.

HON. V.G. JOHNSON: Mr. President, it's not a question to be answered but I would say that we have very reliable insurers here and if I were seeking to take out a policy or to insure, or to seek some form of insurance I would go to a very reliable insurer. Because we have many of them operating in the Island, but there are other operators here as well who are perhaps not as reliable as the big operators, and it's entirely up to the individual what he chooses.

MISS ANNIE S. BODDEN: Mr. President, I suppose I must have been in the House at that time but I certainly cannot see why the stipulation in the law that they must deposit a certain amount of money should have been taken from the Motor Insurance Law. I think that was the whole gist of the matter, that they had funds to pay off.

MR. GEORGE C. SMITH: Mr. President, another supplementary question, Sir. Would the Member care to say how many Companies have failed to pay up on insurance policies and their names please?

HON. V.G. JOHNSON: Mr. President, in 1970 there were two operators who were faced with difficulties. One was forced to wind up its business and the other went into financial difficulties and was unable to pay its liabilities. These are still under investigation, one of them is controlled by the Government of Jamaica, the other by the Government of the Bahamas.

MR. CHADWICK FRANKS: Mr. President, one last supplementary on this. Will the Member say that Government will endeavour to see that these depositors, whatever difficulties they may have got in, to see that they are rebursed with their money that they have spent on these policies?

HON. V.G. JOHNSON: Mr. President, the Government has no control over that, but one of the Companies, the one that went into liquidation, all the premiums that were paid after the Company went into liquidation are now frozen in the bank account here by the Cayman Islands.

MISS ANNIE S. BODDEN: Mr. President, this is rather an amazing question I'm going to ask. Is there any hope of getting any money in return from an insurance when the headquarters are in Jamaica whose money seems to be frozen there?

HON. V.G. JOHNSON: Mr. President, the latest report I had from the Superintendent of Insurance in Jamaica and the controller of exchange was that there are no difficulties in repatriating any claims to the Cayman Islands.

HON. V.G. JOHNSON (CONT'D): Quite recently a case came to me and I wrote to the Control of Exchange and he sent me evidence to show that the Bank of Jamaica had released the funds about two months before. But the process of payment was being held up by the Insurance Company itself.

MR. SPEAKER: Have we had much question.

TO ASK THE HONOURABLE THIRD ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS, ETC.

So far as legislation has been enacted to make provisions for the proper operating of buses within these Islands; could the Member say what consideration is being given to the drafting of legislation whereby proper bus stops, etc. can be established in locations which would not be hazardous to the general public, pedestrians and motorists, as well?

ANSWER:

Government is in the process of preparing legislation to cover all forms of public conveyance, including buses. The necessary legislation will soon be brought before this Honourable House. Provision will be made for such safety measures as bus stops and pedestrian crossings.

SUPPLEMENTARIES:

MISS ANNIE H. DODDE: Mr. President, if I may be permitted to ask the Honourable Member, is that legislation being draft so that it can be brought to the next session of the Legislative Assembly?

HON. CHARLES L. MCKENZIE: Mr. President, yes, legislation is now being drafted and will be brought at the next meeting.

MR. GEORGE C. SMITH: Mr. President, a supplementary question, Sir. Would the Member care to state whether the Chief of Police in his own right has the power to do this without more legislation, that is when I say has to designate bus stops, pedestrians crossings etc.?

HON. CHARLES L. MCKENZIE: Mr. President, pedestrians crossings as I understand it, the police can under the present law establish pedestrians crossings, but the bus stops, I am not sure of.

MR. CRADDOCK STANKS: A further supplementary, Mr. President. Did the Member say in the preparation of the Bill to be brought to the House how is it planned to operate the crossings, by traffic lights or by some other mechanism or what?

HON. CHARLES L. MCKENZIE: Mr. President, at the start there will not be any traffic lights, there will be the simple pedestrian crossing and it will be the duty of the motorists to give way to pedestrians who may be using these crossings.

MR. PRESIDENT: We'll proceed to next question.

TO ASK THE HONOURABLE THIRD ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS, ETC.

What has been the expenditure up to the 15th of February, 1977 on the present desk facilities being constructed?

ANSWER:

$3,100,438.78

SUPPLEMENTARIES:

MRS. ESTHER L. SHANKS: A supplementary, Mr. President. Would the Member care to give us a break down on that figure?

HON. CHARLES L. KIRKCONNELL: Mr. President, the break down is as follows: Consultants fees, two hundred and fifteen thousand, four hundred and seventy dollars and ninety-four cents, construction fees, which are six contractors mount to two million, four hundred and ninety thousand, one hundred and ninety-nine dollars and eighteen cents. There was a material reserve also in connection with the dock which amounted to one hundred and thirty-three thousand, eight hundred and twenty-six dollars and thirty-one cents. The land paid for to date, three hundred and forty-eight thousand, nine hundred and forty-two dollars and twenty-six cents.

MISS ANNIE H. MORSE: Mr. President, if I may be permitted to ask the Member. The price for the land and the money paid thus far, three hundred and forty-eight thousand, nine hundred and forty-two dollars and twenty-six cents, does that include the payment to the Presbyterian Church for the land which was purchased, I mean the full amount, the eighty thousand dollars?

HON. CHARLES L. KIRKCONNELL: Mr. President, yes this includes the total amount paid to the Presbyterian Church, the two amount being eleven thousand, five hundred and seventeen dollars and twenty-six cents.

MR. DAMIAN D. EBANKS: Mr. President, a supplementary I'd like to ask the Member. Is there a time limit of completion of the dock?

HON. CHARLES L. KIRKCONNELL: The time limit on the last extension of time was February the 28th. A new extension at the moment is being negotiated because of bad weather and other reasons for delay.

MR. CHADDOCK EBANKS: Mr. President, a supplementary. I wonder if the Member can say who of the six contractors or sub-contractors, I would say or something another, that is embodied into this project.

HON. CHARLES L. KIRKCONNELL: Mr. President, Kellaloms Limited are the main contractors, then we had Florida Dredging Industries, we had Florida Steel Buildings, we had Bolden and Bolden who supplied the marl fill, W.K. Walker who supplied rock fill and W.K. Rich who supplied rock fill as well.

MR. CHADDOCK EBANKS: Mr. President, could the Member say if he has any knowledge of what the indebtedness owed to these contractors was put out for or of what extent has the cost gone with the sub-contractors?

HON. CHARLES L. KIRKCONNELL: Mr. President, I'm not too sure what the Member is asking Sir, or what figure he is asking. Would you please clarify Sir?

MR. CHADDOCK EBANKS: Mr. President, with your permission if I may ask it this way then. The Walker contractors you mentioned with rock fill, how did that come into the contract if I understood before the docking facilities were started Government paid to have this rock step, pile and what not? I gathered that this was paid out of Government's revenue and not out of the contract money. I don't know if you were aware of that or know anything about that.

HON. CHARLES L. KIRKCONNELL: Mr. President, the purchasing of rock fill and marl was the duty of the Government. The transportation of the rock fill and marl was paid by Hoffpine under the contract.

MISS ANNIE E. BODDEN: Mr. President, if I may be permitted to ask the Member a supplementary question. I am wondering if he is aware of what the original figure was for this contract. As I understood it was something in the vicinity of a million and a half but I'm wondering now how this extra money has been arrived at because as I understood first Sir, it wasn't anywhere near four million dollars, but I know it would be eventually.

HON. CHARLES L. KIRKCONNELL: Mr. President, coming late into this or inheriting of this dock problem I am only aware of the contract as it now stands, Sir. The original price in the contract was three million, nine hundred and sixty-four thousand, fourteen dollars and twelve cents. This included the maximum variation which would have cost five hundred and fourteen thousand, three hundred and sixty-five dollars, forty-six cents. The Customs Administration building which would have cost three hundred and ninety-two thousand dollars, nine hundred and forty-eight, which was for the Customs Administration. This contract was in three parts, a, b and c, the Government having the option to delete b and c which was the northern extension and the Customs Administration building which brought the figure back to three million, fifty-six thousand, seven hundred dollars and sixty-six cents.

MISS ANNIE E. BODDEN. Mr. President, this question, if I'm out of order please rule me out. Is this dock being built with cement reinforcement or is it marl and asphalt?

HON. CHARLES L. KIRKCONNELL: Mr. President, the main portion of the dock is being built with reinforced concrete blocks, they have key-ways in them and they are interlocking, and then there is a coping which goes on top of blocks tying them together and steel is put into this coping and on behind the block wall there is rock fill and marl fill. The dolphins have been poured and from the main dock to the dolphins there will be prestressed concrete blocks which will measure fifty-four feet, six inches each, there will be twenty of them which will connect the finger pier which will form the finger pier and will be the connection between the main dock and the dolphins.

HON. CHADDOCK EBANKS: Mr. President, a further supplementary. I wonder if the Member can say when or to the five hundred thousand that Government is hoping to further borrow from the Development bank, what that money might be used for.

HON. CHARLES L. KIRKCONNELL: Mr. President, the five hundred thousand dollars which is being requested from Caribbean Bank will bring my share loan from 1.2 million to 1.7. The total cost of the dock project is in the vicinity of four million dollars. The remainder of one million, three hundred thousand dollars will come from local revenue, when added together 1.7 and 1.3 this will give us approximately four million dollars excluding the land.

HON. CHADDOCK EBANKS: Mr. President, one further supplementary. Will the construction of the Administration building, be this embedded or it will come under the contract of the dock as is now, or that will go out to a private bid or what is the plan of it?

HON. CHARLES L. KIRKCONNELL: Mr. President, the Custom Administration Building will be a separate contract. It is not being embodied in the present contract and it is not contemplated that it will be given to the present contractors.

HON. CHARLES L. KIRKCONNELL (CONT'D): This Building, so far as I understand how will be given to local contractors or the Public Works themselves will do it.

MR. PRESIDENT: Perhaps we should move on to Other Business, and under Standing Order 14 (2), this being a Thursday Private Member's business takes priority over public business. There's one Private Member's Motion standing in the name of the Honourable Member for East End.

PRIVATE MEMBER'S MOTION NO. 1

WHEREAS the sale of automobiles has decreased since the import duty was changed from 20% to 33 1/3%.
AND WHEREAS the automobile industry has fallen with recent unemployment.
AND WHEREAS Government's revenue has decreased as a result of the new duty imposed.
BE IT RESOLVED that consideration be given by Government to amending the Customs Law to reduce the duty on automobiles to 25%.

MOVED BY: MR. JOHN McLEAN

MR. JOHN B. McLEAN: Mr. President, I have presented my motion but with second thought I ask leave of this Honourable House to amend the motion by requesting that we lower the percentage .....

MR. PRESIDENT: I think the Honourable Member must allow the motion to be seconded first, the question is then proposed on the original motion from the Chair and he then may move an amendment. I think I'll allow his motion to be seconded.

MR. JOHN B. McLEAN: I'm sorry. I beg your pardon.

MR. CRADDOCK HANKS: Mr. President, I second the motion.

QUESTION PROPOSED: DEBATE INSUED.

MISS ANNIE E. BODDEN: Mr. President, I know that this is a very unusual thing for duty to be decreased after it has been set at a certain figure. I am not going to pass history, but it is a well known fact that at that stage when this increase was made we did try to get it down to 25% and unfortunately we lost that motion and I now feel Sir, since it has been proven that our revenue coming from import duty on motor cars has been decreased that we should take this step. I feel Sir, that we should do everything that we can to remedy the bad situation. And if it has been proven that people have ceased to import new cars then we must correct our mistakes. I've only heard of one really expensive car coming to this Island since this new duty has been introduced, and I understand that car cost in the vicinity of thirty to thirty-five thousand dollars. Well I had to struggle to get nine thousand to buy a car, a struggle. I mean a struggle. So it appears to me anything there must be in circulation, at least to some people. A motor car in these days more or less has become a necessity. If you have three or four in your yard then I would say they are luxuries. But I feel that we should do everything possible to assist the poorer class people and if this twenty-five percent, which I am sure it will help, we should consider it. Now I believe, Sir that since we have decided on twenty-five percent there is no use of going half way, this twenty-seven and a half percent. I would say put it to twenty-five, if we at a later date discover that we are losing money put it up to the twenty-seven and a half. But I would say at this stage that twenty-five percent is a good figure. Thank you, Sir.

MR. JOHN B. McLEAN: Mr. President, I have presented my motion, but I now ask leave of this Honourable House to amend the motion by requesting that we lower the percentage from 55 1/2% to 27½ instead, for two years from the time the law can be amended with a view to increasing to 55 1/2 two years from the date of the amendment coming into effect.

HON. JAMES M. BODDEN: I second it, Mr. President.

MR. PRESIDENT: Under Standing Order 35 (2) two days notice is normally required of an amendment, but the Presiding Officer has discretion to permit an amendment to be moved and I accord my permission.

HON. JAMES M. BODDEN: With your permission, Mr. President, I'd like to speak on the amended motion and I think it's a very good idea, I think it should be accepted by the House, and I would ask that during this sitting we present to the House the amended Bill so that it may become law during this sitting. Thank you, Sir.

HON. V.G. JOHNSON: Mr. President, and Honourable Members, I rise to speak on Private Member's Motion No.1 as amended, and I would like to say first of all, Mr. President, that I support the motion but I will also make certain observations on the statement made in the minutes of the motion.

The statement that the sale of automobiles has decreased since the import duty was changed could be so. But, Mr. President, we must remember too that over the past two years we have experienced a period of recession, and the recession has affected many things in these Islands. Six months before the Government proposed this amendment Bill the men inclined in these Islands wrote to me and they intimated at that time that their orders for 1976 for new cars and spares would have to be slashed by approximately forty-five percent. We knew from then that the import duty and motor car for 1976 was going to be decreased.

The Government introduced the amendment by increasing the duty because it was the view of the Fiscal Committee that this was perhaps a reasonable recommendation. It was reasonable, Mr. President because there was such a rapid flow of vehicles and cars into the Island. The streets were congested with traffic and as a result many other vehicles you see on the road had a bump or a crash, and so it was the opinion that beside the need to increase the duty on motor cars there was also the need to control the flow of vehicles into the Island.

Secondly, Mr. President, because of the congested traffic and because of the many accidents and bumps the Insurance Companies were faced with heavy claims and this was, perhaps one of the reasons for the rising cost in insurance premium.

I would say, Mr. President, that the Government revenue for 1976 increased as was stated in the budget address yesterday. Although various import duties decreased during the year if an examination of that particular item was carried out it would reveal that the decrease in import duty was caused from the hull in the construction industry. There may have been a few people who took exception to the increase in duty on motor cars and would not buy a new car, that is quite possible. But, Mr. President as money in the economy has recovered and people are in possession of money again, 55 1/2% is not going to hinder them from buying their cars. However, since the increase in the import duty on cars was a matter of much debate since the law was enacted I am willing to support the motion as amended that the import duty be increased from 55 1/2% to 27½% for an interim period of two years by which time it is reintroduced to 55 1/2%. Thank you, Sir.

HON. C. HAIG BODDEN: Mr. President, I support the motion before the House and if I can go back into the past I would say that I have been one of the early advocates of this particular motion. On a close examination of the motion I notice that it reads that they have reduced the duty on automobiles, I think that should be changed to motor vehicles and perhaps when the Member is winding up he can have that amendment made so that the duties can be reduced on all motor vehicles rather than on automobiles.

HON. TRUMAN M. HUNTON: Mr. President, I support this motion. I must say that the economy which was given by Mr. Johnson seems to go back to different economy and a different Government, and a different time.

It appears very clear and I have spoken at times to people in the motor vehicle industry and undoubtedly this has affected the import of cars. I cannot see where the question of arabia and bumps came in too well into why we should perhaps help the poorer people in the Islands, and I find nothing wrong with it, if the last Government didn't like it, well that was different time, different people and a different type of economy. I thank you, Sir.

MR. CARLTON J. SMITH: Mr. President, of this House, I rise this morning to give my whole heartily support to this Amendment. From the introduction of this Bill, Mr. President we all know that this Bill has caused much unrest amongst the public of this Island. I feel this morning, Mr. President that legislatore who pass this Bill, if they had communicated with their constituencies a little bit more they could not have conscientiously presented this Bill in this House.

Mr. President, we as legislators must not underestimate the public whom we represent. Mr. President, they are the people who put us here to represent them and when we forget them they have the right to replace us whenever they wish. I feel this morning, Mr. President by reducing this Bill to 25% all parties will benefit from this. So this morning, Mr. President I support this amendment quite whole-heartedly. I thank you very much, Mr. President.

MR. CRADDOCK EBANKS: Mr. President, I noticed this morning there seems to be some change in the atmosphere of the House, it does not seem like the Government Bench wants to give the Opposition the opportunity to say anything first, it was the other way around the other time, they tried to squeeze all they could out of us before they would speak.

I think it must be nearly the first time since being a Member in the new House or the old House or the old Vestry, or whatever it might have caused them, that an attempt or a somehow successful attempt is being made to reduce the taxes after they had been imposed for some time. I remember over the past few years on a couple occasions talking with the Financial Secretary generally over some of these things, about taxation and what not, and it's been quite a number of years now when duties were imposed on freight that made it that much harder for the small importers, particularly. Full the reason for it, they needed, as I told, I wasn't in the Assembly then, they needed money to run Government and they thought that was another way of getting it. But after for many years what the Island experienced and went through such a boom that money was flying in every direction, I discussed this particular importation of vehicles with the Financial Secretary on a couple of times, if he thought that the exemption of duties on the freight on motor vehicles imported in the Island wouldn't be lifted because the way I looked at the John Bruce would order or go buy a used car that could probably last him three to four, five years and it would help, but in our discussions he felt that it was not reasonable but wouldn't be profitable and all this kind of it.

MR. CHADDOCK EVANS (CONT'D): Nevertheless, be it as it may, I am glad to see that this came about and I support this amendment, and I don't think that the revenue will suffer that amount for what it might lose or if it loses anything, from the importation of vehicles or none from what we'll lose in duty.

What I am somewhat concerned about, Mr. President, along the lines we have opened up our doors for business and investment in this Government has entered some franchise and contracts with people to operate the utilities, but I don't see that Government should continue to let the free rein exist with all the corruption, which I'm not going into that part of it, I'm just referring to it as in connection with duties, because I am going to elaborate at length and very strong on these things when dealing with the budget speech and what not. But when hundreds of thousands of dollars worth of vehicles can be brought into the island duty free and one poor man wants to put bank and forth to his work, he is pressed with duty before he can get one, it's pretty hard for the poor man to provide luxury and conveniences for somebody else to enjoy that don't take any part in it, which I said I'm not going to go into that at this time. So I trust that the reduction of this 33⅓% to 15%, it will not cause any strain on the budget and it will go with proposed estimates, I hope it will increase or that this will come out in the wash or not found and it will be possible then for vehicles to be on the market or imported or going to be bought and they will be able to save a few hundred dollars on the duties when they are clearing it with customs. I thank you, Mr. President.

HON. CHARLES W. TURNBULL: Mr. President, I rise also to support this motion and I think we are rather in a unique position in that we have in the light of inflation and in the light of what is going on around us to take this step, that is to reduce a revenue earner for the Island at this time. We hope that this will have the desired effect and that it will stimulate and that it will encourage those who need cars to take advantage of it over the short period of two years when the duty will again go back to 33⅓%. I believe that today for Government to stand up and admit that it has made a mistake by increasing the duty and is now willing to reduce the duty to help its people is a commendable effort. I thank you, Mr. President.

CAPT. KEITH P. TIBBETTS: Mr. President, I move to support this motion. I feel like our Government when they raised the duty to 33⅓/35/40% all in good faith, they needed the money, it has shown that it has not done what Government really hoped it would do. Now that the motion has come back to drop this/20% importation of cars I'm supporting it in good faith that it will cause the importation of cars to go up whereby our Government will make more money than what they have done or what they would do if it was left at 33⅓/35%. Thank you, Sir.

MR. PRESIDENT: If there are no more speakers to the motion, before I ask the Honourable mover to exercise his right of reply perhaps I might read out the amended motion. There has been a proposal that the word "automobiles" be changed to "motor vehicles", if that's the wish of the House I would include that phraseology in my reading out of the motion. Is that the general view?

CAPT. KEITH P. TIBBETTS AND MEMBERS: Yes, Sir.

MR. PRESIDENT: Well, the amended motion on which the first question is put is "Whereas the sale of motor vehicles has decreased since the import duty was changed from 20% to 33⅓/35. And whereas the automobile industry has fallen with recent unemployment. And whereas Government's revenue has decreased as a result of the new duty imposed. Be it resolved that consideration be given by Government to amending the customs law to reduce the duty on motor vehicles to 15% for an interim period of two years at the end of which duties should be increased to 33⅓/35%".

MR. PRESIDENT (CONT'D): That is as I understand it the substance of the amendment. And perhaps the Honourable Member would like to sum up the debate before I put the question on the amendment.

MR. JOEL J. MOLLAN: Mr. President, going back to what the Third Official Member, the Financial Secretary said concerning motor vehicles and seeing them going around with bumps and what not, I think that is beside the point what I am trying to get around highening the custom duty as at 33⅓% and the motor car industry, drive it still does not mean that Government is making the money, and to clarify/I have checked that the large importers of motor vehicles to this Island, such as Vamos Motors, Kirk Motors, Cayman Economy Cars and each one has told me that this 33⅓% has caused the drop in importation of motor vehicles to this Island. As a result, Sir of my views I'm asking this Honourable House to drop the rates to 27½%, I do trust that this will bring back the industry and the importation of motor vehicles to this Island and by the means our Government will be making a large revenue. Beside the large motor companies that import motor vehicles to this Island there are some small ones which I will say have suffered more. In one case I could speak where a guy had to give up and go back to sea. So Mr. President, with these few remarks again I ask the full support of this House. I thank you.

QUESTION PUT: AGREED. THE MOTION WAS ACCORDINGLY PASSED AS AMENDED.

MR. PRESIDENT: The motion as amended is carried and I shall ask the Honourable Attorney General if it's possible for his chambers to prepare a Bill to put before this House at this present sitting. This might need the concurrence of the House to waive Standing Orders in order that the Bill may be taken at the present meeting. This may be a suitable time to suspend proceedings. I'll suspend for fifteen minutes...

SUSPENSION

AT 11:25 A.M. THE HOUSE WAS SUSPENDED.

AT 11:40 A.M. THE HOUSE RESUMED.

THE SUPPLEMENTARY APPROPRIATION (1975) LAW, 1977

MR. PRESIDENT: Please be seated. Proceedings are resumed. We'll continue with Government business and the order of the day, "Bills".

CLERK: THE SUPPLEMENTARY APPROPRIATION (1975) LAW, 1977,

FIRST READING

MR. PRESIDENT: The Supplementary appropriation (1975) Bill, 1977 is deemed to have been read the first time.

SECOND READING

HON. V.C. MORRISON: Mr. President, I move the second reading of the Bill entitled the Supplementary Appropriation (1975) Law, 1977. Mr. President, this Law seeks to allow and confirm certain expenditure during the financial year of 1976 set out in the schedule to the law. These expenditures are expenditures over and above those approved by the Appropriation Law for 1976. During the course of financial years it is found necessary to present supplementaries to Finance Committee and this Legislative Assembly in the form of motions. But at the end of the year after the accounts have been audited it is a requirement that the excess expenditures be covered under the authority of a law, this law seeks the authority to cover these excess expenditures during the year 1976. The sum which is shown in the schedule to the law, that is six hundred and seventy-four thousand, six hundred and seventy-four dollars comprises the excess expenditures under the various heads shown in the schedule committed during 1976.

HON. V.C. JOHNSON (CONT'D): These expenditures, Mr. President, were already presented to Finance Committee and the Legislative Assembly in the form of motions and which were approved, and it is now more or less a formality to have the proper authority covering the sum expended. A close examination of the amount approved by motions will indicate that those sums were perhaps in excess of what is being requested under this Supplementary Appropriation Law. The exercise to that after the audit of each year's account the total of the heads of expenditure is examined against the total of the heads approved under the Appropriation Law for the year and the difference to what is put forward in the Supplementary Appropriation Law. Very often, as I said, the supplementary sums required are less than what have been requested by motion and it is because there are perhaps savings under various sub-heads under a head which automatically reduces the total sum under the head requested by motion.

Mr. President, the law as set out here shows the final results after the audit of the 1975 accounts and I therefore ask Members to consider the Bill and approve it as being a correct analysis of the expenditure for the year 1975. It is a usual request year by year and therefore it appears to be in order Thank you, Sir.

HON. D.B. FOSTER: Mr. President, I second it.

MR. PRESIDENT: The question is that the Supplementary Appropriation, 1975 Bill, 1977 be now read the second time. The motion is opened for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: In accordance with Standing Orders 68 on the Supplementary Appropriation Bills we do not move into committee once a debate and the second reading has been agreed, the question has been put. The question on the third reading is that the Bill be now read a third time and that's decided without amendment or debate. But we shall defer the third reading until a later day to confirm with Standing Orders. We'll proceed with the next Bill.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) LAW

CLERK: THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) LAW.

FIRST READING

MR. PRESIDENT: The Tourist Accommodation (Taxation) (Amendment) Bill is deemed to have been read for the first time and is ordered to be put down for a second reading.

SECOND READING

HON. V.C. JOHNSON: Mr. President, Honourable Members I move the second reading of a Bill entitled The Tourist Accommodation (Taxation) (Amendment) Law.

Mr. President, Honourable Members is to amend the five percent imposed on tourist tax in so far it has been applied to meals consumed by tourists, and also the opportunity is taken to correct certain anomalies brought about by the influence of time. It was a request during last year, Mr. President, that because there were certain hotels operating in the island who had devised certain means of avoiding to pay tax on the food and drinks element of tourist accommodation tax that Government should perhaps examine the possibility of amending the law to remove tax from that element of accommodation tax by all hotels. In the original law the definition of accommodation was that any hotel, lodge, club or house in which tourists are ordinarily provided with accommodation that a tax would be imposed on board and lodging. And this new amendment has sought to amend that definition to read that accommodation means the charge for overnight accommodation and services connected therewith made in any establishment where tourists are accommodated for reward, inclusive of the cost of food, drink and other commodities applied to such tourists.

HON. V.G. JOHNSON (JUST'D): In that case, Mr. President, the hotels will now pay the tax on the lodging element of accommodation and not on food and drinks.

During last year the Tourist Tax Law was amended to increase the tax duputant and at that time the Government made the decision that during this year the amendment to the Tourist Accommodation (Taxation) Law would be reconsidered for this particular amendment. The Legal Department in preparing the Amendment Law found that it was necessary to also consider amendment to other countries which are contained in sub-section (b), (c), (d) and (e) of section 2 of the Amendment Law. I hope, Mr. President that Honourable Members will support this, I think the industry is looking forward to this amendment so that it will become an equitable tax to one and all and not be that one hotel will be paying the tax on the food and lodging element while other hotels are free of tax on the food element. I therefore support the Bill and ask Honourable Members to give their equal support to it.

HON. L.F. FOSTER: Mr. President, I second it, Sir.

MR. PRESIDENT: The question is that the Tourist Accommodation (Taxation) (Amendment) Law be now read the second time. The motion is opened for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE MISUSE OF DRUGS (AMENDMENT) LAW, 1977

CLERK: THE MISUSE OF DRUGS (AMENDMENT) LAW.

FIRST READING

MR. PRESIDENT: The Misuse of Drugs (Amendment) Bill is deemed to have been read the first time and is ordered to be put down for a second reading. Is the Honourable Minister ready to proceed on the second reading?

REFERMENT OF SECOND READING

HON. PRIVAN M. HODGEN: Mr. President, I would ask that the Bill be put over to be dealt with in the second reading after we going into the debate. There will be some amendments to it, Sir, and it's a bit of an intricate law and I would need some time to go through it.

MR. PRESIDENT: Is that amenable to Members, to defer the second reading of this Bill until Monday morning?

HON. V.G. JOHNSON AND MEMBERS: Yes, Mr. President.

MR. PRESIDENT: If there are no voices against them I shall arrange for the Clerk to put this down for the second reading on Monday. We'll proceed with the next Bill.

THE ANIMALS (AMENDMENT) BILL, 1977

CLERK: THE ANIMALS (AMENDMENT) BILL, 1977.

FIRST READING

MR. PRESIDENT: The Animals (Amendment) Law, 1977 is deemed to have been read the first time and is ordered to be put down for second reading.

SECOND READING

HON. C. RAIG HODGEN: Mr. President, I move the second reading of a Bill entitled The Animals (Amendment) Law. This law will have the distinction of being amended before it actually came in the force. The Animals Law was passed by the Legislative Assembly in 1976 and has not yet gone into operation.

HON. O. EALD BODDEN (CONT'D): It has been found desirable to amend this Law, there are three amendments proposed. The first one in section 2 will amend the definition of biological products. In the Law as passed in 1976 biological product meant anything that came from a living organism and was used for the diagnosis or treatment of animal diseases. This amendment will substantially change the meaning of biological product so that biological product will not be anything that comes from a living organism. The second amendment will repeal the Animals Importation Law, this was an oversight or perhaps it might have been a typographical error when the Law was passed in 1976. The third amendment will limit the powers of the Chief Agricultural Officer in certain sections of the Bill and will make him subject to certain directions from the Governor in Council. I would like Members to clearly understand that by changing the definition of biological product what can actually happen under the Law is that items such as milk, eggs or other products of animals could be controlled by Regulations if this was found to be necessary. The reason for doing this is to give some measure of support to people engaged in agriculture. However, this would not be done unless there was a good reason for doing it. It was thought best to have these amendments made so that the full Law could come into operation.

HON. CHARLES L. KIRKCONNELL: I second this, Sir.

MR. PRESIDENT: The question is that The Animals (Amendment) Bill, 1977 be now read the second time. The motion is opened for debate.

QUESTION PROPOSED: DEBATE ENSUED.

MR. CHADDOCK EBANKS: Mr. President, it is not very much that I can or intend to say on this, but this is not anything new to me, this having brought to the House to be debated and argued about and there was some stiff argument in certain sections of this when/were dealing with the Bill recently. But like we use the phrase from time to time, "before the ink is dry you bring it back for amendment". The Executive Member that's brought forward this, he has made it clear that it hasn't been gone into sufficient when it was discovered that these amendments were necessary to make it an effective law. So I suppose it is just as simple as it is that as human beings we'll make mistakes, we'll overlook things. But I trust that this amendment then, when it's made that the Bill becomes law or the amendment made to the law, that the law will then go into effect and serve the purpose that it was intended for. So I can only say that I give my support to these amendments and I trust that within the very near future that the law will become effective or in use.

MISS ANNIE H. BODDEN: Mr. President, I too will support this Bill when it comes down, but I want it emphatically clear it's not only in 1978 or three or four years prior to that that mistakes have been made and the corrections had to be made on Bills. I remember when the Honourable W.A. McLaughlin was in this Assembly, oh! twenty years ago, I'm sure it was, I always heard him with that very popular phrase: "before the ink is dry we have to amend these laws". So mistakes have been going on over the years and they will continue to be made, I feel sure but all we can do is to correct mistakes when they are brought forward. Thank you, Sir.

MR. PRESIDENT: If there are no further speakers, does the Honourable mover wish to reply?

HON. O. EALD BODDEN: Mr. President, I would like to say that when we have completed the exercise on this Bill every effort will be made for it to come into operation and I would like to thank the Members for the support they have given.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: That concludes the Order of the Day with the exception of the Misuse of Drugs (Amendment) Bill, the second reading of which will be taken on Monday together with the committee stages of the Tourist Accommodation (Taxation) (Amendment) Bill and the Animals (Amendment) Bill, 1977 followed by the committee stage of the Misuse of Drugs Bill and the four : third readings.

HON. D.H. FOSTER: Mr. President, do I understand it then, Sir, that you don't propose that the House meet tomorrow and that we adjourn until Monday, Sir?

MR. PRESIDENT: This is very much for the House to decide. I understand from the Member presenting the Caymanian Protection (Amendment) Bill that he will not be ready to proceed with it tomorrow so the only business we would take tomorrow are the three questions and a very limited amount of formal business on the Bills before us so that if Members so wish we could adjourn until Monday morning, proceed with these Bills and then continue the debate on the second reading of the Appropriation Bill and the throne speech. And at the end of that Members would have to move into Finance Committee to consider the estimates.

HON. JAMES M. BODDEN: Mr. President, I would move that we suspend until Monday and I would ask that the Clerk prepare us a full agenda for Monday and Tuesday, God's willing so that we will not have to stop the session around midday, that we will have enough that we can go on for the full day.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. V.G. JOHNSON

QUESTION PUT: AGREED. AT 12:25 P.M. THE HOUSE ADJOURNED UNTIL MONDAY THE 7TH MARCH, 1977 AT 10:00 A.M.

MISS ANNIE A. BODDEN: Mr. President, I may mention that I may be late on Monday because I have to go court.

M I N U T E S

SECOND MEETING OF THE (1977) SESSION OF THE
LEGISLATIVE ASSEMBLY

~~TUESDAY~~ 7TH MARCH, 1977 AT 10 A. M.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, O.B.E. PRESIDING OFFICER

GOVERNMENT MEMBERS

HON. D.H. MISTRY, M.B.E., J.P.	FIRST OFFICIAL MEMBER
HON. G.K. HADDINGTON, C.B.E., Q.C.	SECOND OFFICIAL MEMBER
HON. W.C. JOHNSON, O.B.E.	THIRD OFFICIAL MEMBER
HON. TRUMAN HODGEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. H. HAYS WATSON	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. BODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. DALMAIN FRANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT WEST BAY
MR. JOHN CARETON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT WEST BAY
MRS. ESTHERLEEN ROBINS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT WEST BAY
MR. GEORGE SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT GEORGE TOWN
MISS ANNIE S. BODDEN	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. KEITH P. TIBBETTS	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CHADWICK FRANKS, J.P.	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ORDERS OF THE DAY

MONDAY, 7TH MARCH, 1977

PRIVATE MEMBER'S QUESTIONS:-

THE FIRST ELECTED MEMBER FOR THE WEST ELECTORAL DISTRICT OF WEST B/T TO ASK THE HONOURABLE FOURTH ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

(a) Would the Member say what steps are being contemplated by Government to ensure the safeguarding from theft of valuables of visitors to these Islands while they are enjoying the sand, sea and the sunshine?

(b) Will the Member say if there are plans afoot for the expansion of the present Customs area at the Terminal Building at Owen Roberts Airport to speed up the immigration processing and luggage claims of passengers of arriving aircraft?

(c) Would the Member say what are the number of hours required to be put in by hotel staff, such as waiters, waitresses, cooks, bar-room maids etc. and whether there exists any legislation covering these hours and overtime payments?

GOVERNMENT BUSINESS:-

BILLS:

(a) The Supplementary Appropriation (1976) Bill, 1977 - Committee Thereon and Third Reading.

(b) The Tourist Accommodation (Taxation) (Amendment) Bill - Committee Thereon and Third Reading.

(c) The Misuse of Drugs (Amendment) Law - Second and Third Reading.

(d) The Animals (Amendment) Law, 1977 - Committee Thereon and Third Reading.

OTHER BUSINESS:-

Debate on the Throne Speech and the Budget Address.

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MONDAY, 7th March, 1977

10 a.m.

MR. PRESIDENT: Proceedings are resumed.

PRIVATE MEMBER'S QUESTIONS:

THE FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

HON. D.H. FOSTER: Mr. President, this question is asked by the First Elected Member from the West Bay constituency to the Member responsible for Tourism, Aviation and Trade. The question is in three parts, Sir, but the first part really concerns my portfolio so I will undertake to answer Part A and the Member Part B and C.

QUESTION:

(a) Would the Member say what steps are being contemplated by the Government to ensure the safeguarding from theft of valuables of visitors to these Islands while they are enjoying the sand, sea and the sunshine?

ANSWER:

C.I.D.

THE DEPARTMENT IS ENGAGED IN THE DETECTION OF CRIME AND HAS BEEN SUCCESSFUL IN DETECTING A NUMBER OF OFFENCES AFFECTING THE VISITORS TO THE CAYMAN ISLANDS, AND IN SOME CASES ENSURING RECOVERY OF PROPERTY.

IN VIEW OF THE INCREASE IN THIS TYPE OF CRIME IN THE CURRENT SEASON SPECIAL OBSERVATION HAS BEEN KEPT IN THE WEST BAY AREA WHERE THIS TYPE OF CRIME IS PREVALENT.

UNIFORMED BRANCH:

CO-OPERATION BETWEEN THE TWO DEPARTMENTS ARE GOOD AND ASSISTANCE IN THE PREVENTION OF SUCH CRIME IS COVERED AS FAR AS MANPOWER PERMITS, THIS COUPLED WITH OBSERVATION IS BEING DEVELOPED.

PUBLIC LIAISON:

... A GOOD LIAISON IS BEING DEVELOPED WITH THE PRESS AND NEWS MEDIA AND INFORMATION FROM THE PUBLIC HAS BEEN OBTAINED AS A DIRECT RESULT. DET./SUPT. STOWERS HAS ALREADY MADE CONTACT WITH THE PRESIDENT OF THE HOTELS ASSOCIATION TO DEVELOP IDEAS.

(b) WILL THE MEMBER SAY IF THERE ARE PLANS AFOOT FOR THE EXPANSION OF THE PRESENT CUSTOMS AREA AT THE TERMINAL BUILDING AT OWEN ROBERTS AIRPORT, TO SPEED UP THE IMMIGRATION PROCEEDING AND LUGGAGE CLAIMS OF PASSENGERS OF ARRIVING AIRCRAFT?

HON. JAMES M. BODDEN: Mr. President, I have a written answer for it, I'll give it in just a minute, Sir.

MR. PRESIDENT: I think it should be read out nevertheless.

HON. JAMES M. BODDEN: I will read it, Sir, when the Serjeant-at-Arms brings it to me.

ANSWER: FUNDS ARE PROVIDED IN THE 1977 BUDGET FOR THE EXPANSION OF THE PRESENT TERMINAL BUILDING AT OWEN ROBERTS AIRPORT, IN AN EFFORT TO UPGRADE ALL AIRPORT SERVICES.

SUPPLEMENTARIES:

MR. CRADDOCK BEARKS: Mr. Treasurer, I wonder if the Member responsible could say in what manner or to what extent it is expected to extend the present Airport terminal?

HON. JAMES M. BODDEN: We were only able to put into the Budget this year $50,000 for work on the Airport terminal. It is planned to enlarge the waiting area in front of the two airport offices as well as to relocate some of the present liquor concessions and so forth, which will probably give us enough space on the eastern end to have one more line for the Immigration and Customs.

MR. CRADDOCK BEARKS: Mr. President, a further supplementary. If I may ask the Member what is contemplated or where as to the concessions then on the front, back or wherabouts?

HON. JAMES M. BODDEN: Some of the concessions will be moved on the west side of the present building which will give really more protection to the concessionaires as well as making it more easily accessible to the public.

MR. PRESIDENT: We'd probably move on to Part III of the question.

(c) WOULD THE MEMBER SAY WHAT ARE THE NUMBER OF HOURS REQUIRED TO BE PUT IN BY HOTEL STAFF, SUCH AS WAITERS, WAITRESSES, COOKS, BED-ROOM MAIDS, ETC., AND WHETHER THERE EXISTS ANY LEGISLATION COVERING THESE HOURS AND OVERTIME PAYMENTS?

ANSWER: THE MAJORITY OF HOTELS OPERATE AN 8 HOUR SHIFT - 5 DAY WEEK SYSTEM, IN RESPECT OF STAFF SUCH AS WAITERS, WAITRESSES, COOKS, BED-ROOM MAIDS, ETC. THERE IS NO LEGISLATION COVERING HOURS OF WORK AND OVERTIME PAYMENTS. A COMPREHENSIVE LABOUR BILL IS NOW IN DRAFT FORM.

MR. PRESIDENT: If there are no supplementaries we can move on to the next item on the Orders of the Day, Government Business, Bills.

THE SUPPLEMENTARY APPROPRIATION (1975) BILL, 1977

MR. PRESIDENT: In accordance with Standing Order 88 the Supplementary Appropriation (1975) Bill is not committed to a Committee but is proceed straight to the Third Reading of the Bill.

CLERK: THE SUPPLEMENTARY APPROPRIATION (1975) Bill, 1977.

THIRD READING

MOVED BY HON. V.G. JOHNSON
SECONDED BY: HON. D.H. FOSTER

QUESTION PUT: AGREED. BILL READ A THIRD TIME AND PASSED.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1977

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.H. FOSTER.

QUESTION PUT: AGREED.

MR. PRESIDENT: The Assembly is in Committee.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1 - SHORT TITLE

QUESTION PROPOSED:

HON. V.C. JOHNSON: Mr. Chairman, I beg to amend Clause 1 after the end of the section "Law" the full-stop be removed and a comma and "1977" added.

QUESTION PUT: AGREED. CLAUSE 1 PASSED AS AMENDED.

CLERK: CLAUSE 2 - CHAPTER 168 AMENDED.

QUESTION PROPOSED:

HON. V.C. JOHNSON: Mr. Chairman, in subsection (b) of Clause 2 delete the "a" between the words "for" and "word" and insert instead the word "the". So that the subsection will read "by substituting the words "Governor in Council" for the word "Administrator" wherever it appears." And the full-stop after "appears" is deleted and replaced by a semi-colon.

Also in subsection (c) at the end of the sub-paragraph delete the full-stop and substitute instead a semi-colon. And the same is done in subsection (d).

QUESTION PUT: AGREED. CLAUSE 2 PASSED AS AMENDED.

CLERK: A LAW TO AMEND THE TOURIST ACCOMMODATION (TAXATION) LAW.

QUESTION PUT: AGREED. TITLE PASSED.

HOUSE RESUMED

REPORT THEREON

HON. V.C. JOHNSON: Mr. President, I have to report that a Bill entitled the Tourist Accommodation (Taxation) (Amendment) Law, 1977 was considered clause by clause by a Committee of the whole House and the following amendments were made:-

In subsection 1 the full-stop after the end of the paragraph "Law." was substituted for a comma and "1977." added.

In section 2 subsection (b) the word "a" between "for" and "word" was replaced by the word "the". And in (b), (c) and (d) the full-stop at the end of the sub-paragraphs was replaced by a semi-colon. These were all the amendments.

CLERK: THE TOURIST ACCOMMODATION (TAXATION)(AMENDMENT) LAW, 1977.

THIRD READING

MOVED BY: HON. V.C. JOHNSON

SECONDED BY: HON. D.H. FOSTER.

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

CLERK: THE MISUSE OF DRUGS (AMENDMENT) LAW

SECOND READING

HON. TRUMAN BODDEN: Mr. President, I move the second reading of a Bill entitled the Misuse of Drugs (Amendment) Law.

Mr. President , this Amendment is one which will increase the penalty in relation largely in relation to hard drugs and it is one which we hope will be a means towards reducing down hard drugs in this country.

Mr. President, hard drugs are largely killers in themselves and in every society it becomes necessary to take strong steps to deal with anything which can be this extreme.

As an Attorney I realise that the imposition of a minimum penalty in a law is one which should only be exercised in cases of necessity. But, Mr. President, in this specific Amendment I believe that we have found that it is one that the society as a whole wants and requires.

I have just been told by one of my colleagues that a very large amount of ganja has been found in one of the other islands, some, I believe, two hundred and fifty kgs and this is one of the crimes that are now becoming somewhat more prevalent in our society.

The aim of the law is to discourage and as far as possible to bar hard from the penal point of view on anyone, especially anyone who has been caught in a position of importing or trafficking a hard drug.

Mr. President, I have not had an opportunity of reviewing the Schedule with expert help and I hope to have the Schedule in the course checked by experts on drugs in the U.K. as well as in the U.S.

The definition of hard drugs is one that we rely on our Medical Practioner within the Government hospital to give us a definition of. I believe that it undoubtedly covers the hard drugs which are being brought into this country. Further, Mr. President, one of the amendments is for the addition of the word heroin in the list as this apparently was left out when this law was passed.

Mr. President, beyond that I do not feel that I could go at this stage. I would just indicate that I will be asking that your indulgence at a later stage, Mr. President, for us not to go into Committee on this until at the end of the Budget addresses, so that I could make certain amendments, Mr. President, which I will circulate across to all of the Members on this. I thank you, Sir.

SECONDED BY: HON. J. H. FOSTER.

QUESTION PUT AND AGREED TO.

MISS ANNIE H. BODDEN: Mr. President, at last it has been brought to the attention of this Government that hard drugs are in this island. I have fought, I have asked questions only to be told that we are not aware of the fact that these hard drugs have been distributed.

I have gone as far, at the risk of my life, to go to Government and say certain things are happening and some of it is happening in the area where I live. But, of course, nothing was done about it. Now this law is a necessity and the sentence cannot be too harsh because people who will destroy other people for the love of gain should be put in jail and as the old saying goes the key thrown away'..

I feel, Mr. President, that it is our bounden duty to have a law to stop the importation, the use, distribution, the anything of these hard drugs. Now when this law was passed, 13 of 1973, there is a list at the back that I don't think call the names much I can know what they mean, but I notice that the word 'heroin' is not in this. It could be a derivative from some of these things I do not know. But I feel, Mr. President, that we should do everything in our powers to get this law in effect as soon as it is humanly possible, because this thing is destroying our Island. Only in Court this morning there was a man there who had an appeal because they were saying

MISS ANNIS H. BODDEN: (CONTINUED): ... he was planted to say that he had drugs when he did not. Now I do not believe in anybody doing anything under-hand to accomplish anything. And I had to tell the family of the man who was speaking to me I feel very confident with our court now as it is constituted that if this man is innocent he will not go to prison. But if he is guilty he should go. That is exactly how I feel about all of it.

Mr. President, I feel that those sentences here in this Grand Cayman in the case of an offence involving the hard drugs the sentence imposed shall include a term of imprisonment, it says 'at least one year', I think that should be two years. Because the fear of what they can get into will certainly have some deterrent on what they are doing.

I have gone to that court here and have heard people with hard drugs, cocaine, one day and $100 and go about your business. While others who have had less amounts than hers have got prison sentences ranging from three years to may be more and a fine. Now this thing has to stop and regardless of who is importing this ganja, heroin, LSD, or call it what you like into this Island he or she must be punished. We cannot bleak him, and that is what we are doing. And I feel, Mr. President, that we as Legislators should do everything in our power to stop this.

Not too very long ago, and this was reported to the Police Department, that there was in this Island nine pounds of cocaine, sixty pounds, not 5.5.D. pounds weight. It was distributed and the people who distributed it they got between three and one thousand dollars to put it in a certain place to have this distribution made. Now that thing should have been investigated. And with all due respect to those in authority we need professionals to deal with this drug racket - professionals. And that I would say, Mr. President, if I had the money I would donate as much to Government to have this eliminated. And I feel, Mr. President, that we as Legislators should make the law strong enough that it would be a deterrent to people who are engaged in it.

Mind you I feel, Sir, that it is the big men who should be caught and punished, not the little boys who smoke what they call a stick, they are the least of the apostles. It is the men who are coming here and have this Island as a point where they ship it from. All these boats, all these planes, I only wish we had men who were taught enough in detective work to detect what is going on. I know a man now before the court, he has been in this trade six years and finally he has been brought, I hope, to justice. Because when people who are able to get the necessities of life will go to extremes to bring ganja by the cocoa bags off of ships then they should be prosecuted.

And, Mr. President, I am one although I have no sympathy for people who are going wrong to get money, I have no sympathy, none whatever, but I have sympathy for the people who suffer thereby. One of my next door neighbours Miss Bush a few Saturday mornings ago a man came into her house 6 o'clock in the morning. It could have been a case like the late Mrs. Parkin, had Hugh not brought her from her sleep and she was able to scream. Prior to that, one week before that a man had went to her house and took four rings from her dressing table. And I am saying that this thing is going on continually. And it is time that we get awake, it is time that Government stepless people. If it was Annis Beulah Bodden selling ganja or causing me LSD or what it is, I feel I should be in prison. Not one soul should be [illegible] this - as we as Legislators must oppose it to the hilt.

Now I am sure the rich people are getting richer and the poor poorer because it must be something that entices people - when you get hooked on it they say you can't resist the temptation, and they will go to any extreme to get money to purchase this damnation, that is all it is damnation.

Christmas Day a young man came to my house. He asked me to give him $10. I said I will not give you $10 I will give you $2 and you can take it and buy a stick. He said, 'no Miss Annis I am not going to do that'. I said 'now I want you to tell me the truth this afternoon. Are you or are you not engaged in this traffick?' He said, 'yes I am but not the hard one, the ordinary ganja.'. I said, 'you know what

MISS ANNIE R. BODDEN: (CONTINUING): I am going to report you to the ... Police'. He laughed, 'Police!' I said yes'. He said, 'Well you would be wasting your time, because I sell it for Police.'. Now I don't know if that is correct or not, I hope it is not true but that is exactly what he told me or I am the biggest liar that ever breathe the breath of life. And I am confident that what he was saying in part was true because he is not the only one that has told me that. I asked him', I said 'How do you make these contacts? Do you go out on the broad road?' He said; 'so you think I am a fool. I stay right in my home and certain of my connections tell certain of the others and we sell it right where I live.'. Now I believe things like that must be stopped. And it is up to us as a Government to see that it is stopped. And make this law please gentlemen and the new Lady Member from West Bay make it as strong as possible that a minimum penalty of at least two years be put on people who break the law. And when it comes on those who import it a life-time is too short. Thank you, Sir.

HON. G. HAIG BODDEN: Mr. President, This Bill seeks to impose a minimum sentence for trafficking and use of hard drugs. I believe that I am correct in saying that this will be the only law on our books to carry a minimum sentence with the possible exception of murder. In the other laws it is left to the discretion of the Judge or the court to give a minimum sentence of maybe one day or one week, but this law will now have in it for certain offences a minimum sentence of one year. This should bring home to the public the gravity of the offence.

In Cayman we only hear about drugs. The hard drugs like cocaine and heroin have just appeared here and the public as a whole does not know anything about the effects of these drugs. I am made to understand that when a person becomes addicted to hard drugs his life is limited to five years. Even when he uses drugs under controlled supervision if the drug is used indiscriminately and without control he may die from the effects of a single overdose. But the suffering to the person's love life and to his immediate relatives is not the only suffering to society as a whole. These drugs are very costly and I understand that right now cocaine is being sold for $75 a shot. One can easily imagine if a person becomes hooked on this how much money he will need to satisfy his desire. If he has to get two shots a day we're talking about $150 a day, just to supply himself with drugs. The person will have to steal, nobody is earning that kind of money, the person will have to kill in order to obtain the money to buy these drugs. And even if Members are criticised for being harsh I think it is time that we take a positive step in making the law sufficiently hard so that if it is not even a deterrent to the use it will put some people out of circulation for some time if they are caught.

Now this law distinguishes between the hard drugs and drugs like marijuana that has lesser effects. But it seems to me if this morning's report is true that in doing this amendment we may have to consider a minimum penalty for the importation of ganja. I understand that the Police have just discovered a large shipment, something like 12 tons of ganja, on one of the islands. Now we know that ganja in these quantities is not intended for local consumption because there is just not enough people here to smoke 12 tons. We can only believe that this is intended for shipment to our neighbours in the United States. And as a Government we are responsible not only for ourselves but for other countries as well and we must co-operate with the authorities in the United States and we must do our part here to stop this traffick which must be very lucrative.

In 1973 I was instrumental along with my colleague from Bodden Town in bringing a motion to this House asking that our Drug Laws be updated. The Legislative Assembly at that time turned down the Motion flat. But they must have had second thoughts and very shortly afterwards a new Drug Law which is our present Drug Law was brought into being and that law really had some teeth in it. Today it is necessary to update the present Drug Law and this Amendment seeks to do that.

I have high support for this Bill and I believe

HON. E. MAE DODDS: (CONTINUING): that it will pass by a unanimous decision.

MR. CRADDOCK EBANKS: Mr. President I don't know if I can agree all the way with the first remarks of the Lady Member from George Town when she said at last it has been brought to Government's notice about the hard drugs. I believe about nine months ago when there were some questions on hard drugs in this House one of the top figures in Government service he was not of the opinion that there were any hard drugs in this country. Still I couldn't expect him to say that he knew and he didn't but there have been hard drugs even before nine months ago.

Mr. President during the campaign the Campaign period with more circumlocution asking candidates if they were elected what they would like to look back over their four years as an achievement, any one thing or things that they might have been able to sustain or attempt to achieve. And I think, Mr. President, that I made the comments on the drugs that I felt within myself that if I was elected and during my four years, if life lasts, if I could see drugs eradicated from this country or these three islands for the sake of the young people, teenagers I would have felt within myself that I would have achieved more if that could have been accomplished that what I might have done over all of my other years as a Member.

No one has to look around or wonder if our young people are being affected some way or another. When boys and girls still leave home where they are well cared for, good parents provide for them all the necessities, the amenities that they need in their youth as a boy and a girl and they still leave home and see them roam the streets in the most deplorable, dehydrated condition and state that on can look on young people – why does Government have to be told or probed that our young people are being dragged down by something and Government is not aware of it.

Mr. President, I am a father and I really have to stop and think sometimes if I should say all that I would like to say. Because I have the same respect for every other father, their children are their same flesh and blood as mine, they ought to mean as much to them as mine mean to me, but I can tell you, Mr. President, if the twelve that have been elected to this House do not make some firm stands to make some things hurt to have some thing then, as far as I am concerned, our time will be wasted.

I know it has been said, remember human man you change or will it do any good to send a boy or a girl to jail, that is not the right thing to do has been said. I would like to ask the question then, what is the right thing? Many of these young people not even in their late teens, in their early teens, are determined to leave their mother and father and a good home to roam the streets and be prevalent in these things how will you curb them? Is it by saying that we'll build a boys home or a girls home? I agree these two things are very good, they would do a lot of good but when we have people that are determined, their mind is made up to do one thing and one thing only that is the wrong thing then there is only way to try to curb it and that is the hard way. I wouldn't like to see a young man 18, 19, 20 sent to prison for a year, I don't like to see him sent for a day. But like many of our young people money has been spent on them to give them a reasonably good education where they could obtain a reasonably good job but they say no I don't want that, let me take the other side of the street.

Now we are aware or I am of the cases that end up in court of the innocent boy or the thugs looking boy, he is in a way of speaking, the innocent suffering for the guilty. He has just been handed a little bit and a few dollars you push their around and the big boy is not seemingly bothered with.

It is true the importers – and, Mr. President, I am aware of the fact that when I understand about the price of this hard drug like cocaine and what not just an ordinary person can't deal with –

MR. CHAUNCEY BENNIS: (CONTINUING): In other words you have to have a good background of good financial standing and all the rest of it so that you can get it through where you want it and connections mule, and the boy on the street can't do that.

I know we are developing, we have a lot of visitors coming to the Islands, we have a lot of tourist ships now visiting the Islands, I don't think that is a very easy one to cope with because no tourist ship would want to visit an Island where 500, 600, 700 or 1000 passengers have to be processed. I don't think it would work. We have all these multi amounts of little private planes flocking in and out, we have these fishing boats that aren't fishing, we have the little yachts, we have this and that; Government has to wake up to this. In fact those that are responsible for seeing to the carrying out of these and investigations carried out should try as far as possible to cope with them: drugs that are piling into the Island. We know that we are small and not too much of it will be distributed or used up here but it is a good finding ground for passing through. And it would be shocking if we knew today the amount of drugs in this country. I am not talking about ganja, that is getting like grass piece now. Even in the schools, this is just as common in the schools as a hamburgher. Less than two weeks ago when a child in a class said that somebody in this class has stolen my pen the teacher said straight I am going to search for it. Soon as the teacher started searching one boy started to move around and dig into one pocket and then the other. When he searched him he had his hands on him. That's why our boys aren't learning, that's why our girls aren't learning. I am not going to talk about that now, Mr. President, tomorrow probably.

I want to give my support to this proposed amendment. How can any family think that if their boy is sent to prison for one year that is one of the most dreadful, dreaded things that a Judge could do. I know the family circle will be broken, I know the chair will be empty for a while but what about the parents, the home that has our people take that boy or girl and put them in some place where that table will never be filled or that bed will never be filled with that one again. That is the concern about it, Mr. President. Sending some one to jail for one year to save someone's life or many lives that they do not become a burden, a drag on this country, on the Government, on the morale - you know we are being highly commended for the way our Island is from more or less all the other Islands - there are many plans that come to me 'try to keep the Islands the way they are'. But it is not remaining that way. The morals are slipping, slipping and if we don't do something about it by drastic measures then when it is gone you don't bring it back - I don't think it is be that case. And if we don't use the opportunity now while it seems to be in its infancy, then God help us.

I, Mr. President, will give my support to the amendment proposed. I don't know when we go into committee stage if there won't probably be some vision expressed as to one year, two years, three years or what as a minimum. I could better go along with expressing my feelings then as to a time rather than saying just at this present time. But I am saying, Mr. President, without fear or favour if we don't carry out some drastic measures on the drug problem, pushers, and importers - I would like to be the Judge for the importers - then we are in trouble. And I would like Members to look at this very seriously. You know when we got 100, 110 or 115 young people graduating from school at the end of a year and I don't know if we don't get even five out of them for scholarship you know it doesn't speak very good. For our young people are bright and they are intelligent and I can't see why them other than these things that are going around, they are dabbling with it and it is ruining their educational future as well as their health, bringing burden to their parents causing heartaches, a burden on government, trouble to government - then when you get all of these many people that are not working then we talk about we are not going to increase taxes where are you going to get money then to take care of them.

MR. CHADDOCK EBANKS: (CONTINUING): Mr. President, I could go on but I trust Members will look into this very seriously and only in the light to do what they feel is best for the young people of this country in try to save their future and the future of the Islands. I thank you.

MR. CARSTON SMITH: Mr. President, while I support this amendment this morning I really don't know, Mr. President, if we will ever get the answers of how to handle this dope business right.

But, Mr. President, the point that I would like to make here this morning we sit here, we spend a lot of time making amendments and what not and they get as far as the books and these laws are not carried out.

I don't want to be too critical this morning on any one personally - the Police Department - but I just want to draw your attention to one instance I had recently here on West Bay since I became elected as a Member of this House. One night at 8 o'clock I had a call from a resident of my constituency stating that a boat about 30 feet long had entered the channel at Barkers just after dark which looked very suspicious, no lights on and what not. So I said back to the person have you notified the police? Yes the Police have been notified but they say they can't do anything about it until tomorrow morning. Now, Mr. President, after hearing this morning about so many hundred sacks of ganja being landed on the other Island can we sit down when we see something like this before us and leave it until tomorrow morning. In that particular case I say, Mr. President, something of this same nature might have happened right here in our district of West Bay.

What I am saying here this morning, Mr. President, is that I feel we need to get to the point and when we make laws we need to see that they are carried out promptly.

Again I say I support this Bill wholeheartedly this morning, Mr. President, and I think it is time that we do something to oust the drug traffick in our Islands. I thank you very much, Mr. President.

MR. GEORGE SMITH: Mr. President, I too rise to support this Bill. However, I must agree with the Member from West Bay that I query the ability of Government to enforce the penalties set forth in this law.

I am not sure whether I should say I am fortunate or unfortunate to be raised in the area of Cayman that I grew up in but I have occasion to come in contact with these problems daily. I make it a point to go to these areas daily because it has enabled me to see the world, to see Cayman, to see the people from a different point of view.

I spend a lot of time in the area of George Town in the back of this building known as Matilda Corner. I spend a lot of time in the bush. But the thing that bothers me most, Mr. President, is that in doing so I have seen many of the key persons in our society visiting these areas. I have seen dentists, I have seen lawyers, I have seen Key Civil Servants visiting these areas. I have seen Policemen.

And I wonder, Mr. President, if we can honestly blame the children for the use of these drugs. Is it the children to blame or is it the parents of these children or is it society itself that has failed? I cannot honestly believe that because a child is born in 1970 or 1965 that his desires will wonder in this dimension just because he was born during this time. I feel that the problem is not with the children. Society over a period of time has determined and drugs is one of the ways that the children have found to fight the hypocrisy in our society. We tell our children why don't they grow up to be like Mr. X or Mr. Y Member of the Legislative Assembly or should I say Principal Secretary in Government or Doctor So and So but when these children grow and they look around and they see that Doctor X and Mr. Y whatever you want to call him is indulging in these things they ask themselves am I doing right or wrong, my parents tell me to grow up to be like

MR. GEORGE SMITH: (CONTINUING): these people and this is what these people in our society are doing.

As I said I will support this Bill but I wonder just how much use it will be. In the past we have seen persons prosecuted for use of drugs, possession of drugs and cases of importation of drugs but has it really curbed the use of drugs in our society. I say not. I think it is time that we stop kidding ourselves, it is time that we look at children the way they are and realise that they are not idiots, they are intelligent. As a matter of fact I would say that the children in our society today at 12, 13 or 14 years old are twice as intelligent as the parents were when they were the same age. The children are not prepared to be fooled and until the preachers, the people in this country stopping pitching up in Church and preaching the same thing over and over every Sunday, preaching to the same people over and over every Sunday and get out in society and really expose the evils and the hypocrisy in our society these laws will mean nothing.

I would like to close this by saying this much, Mr. President, if we remove the hypocrisy from our society we have removed the desire from the children to use these drugs, and in so doing the problem itself will be removed. I thank you.

MR. JOHN MCLEAN: Mr. President, I too rise to support this amendment to the Drug Law and I would like to add to what the Member from George Town just finished saying. I really wonder if it is going to be the answer to the problem.

I am deadly against drugs and more so when I get on the street at night and see the way this is destroying our young people. I am a father trying to raise up my son as good as anybody else but sometimes I really wonder what sense it makes to try and to yours to come my son goes on the street with those that mixed and through bad company, perhaps, becomes as one of them.

However, Mr. President, in trying to get rid of this drug problem we need to categorise this into three parts, that is the importer, the one that pushes it and the consumer. We hear on time goes by about cases where the consumer is caught and severely punished and there ends the case. I do not think this is fair. What good is this doing to the public? I feel we need to get to that importer and like the Lady Member said throw the key away with him. That is the one that is creating the problem. If these hard drugs are not imported therefore, they would not be able to be consumed.

So again I say I give my fullest support to this Drug Amendment Law and I do hope as time moves on it will be the answer to getting rid of this drug problem in our Islands. I thank you, Sir.

MRS. ESTHER EBANKS: Mr. President, I rise in support of this Amendment.

I would just like to say a few words. I think that a lot of the problems are caused in our Islands for the lack of education. A lot of our young people get involved with hard drugs and do not realise the dangers. I think that our Government should take a stand while enforcing these laws, and I agree with them, to educate our young people of the damaging effects that hard drugs can have on them. And in doing this it might help to prevent them from using them and these laws would not probably have to be used. I feel that it is time that we must enforce strong laws against it because in the District of West Bay I see many young people rushed after using drugs and I think it is time that we should take a firm stand against this.

I do hope that with the enforcement and the amendment to this Bill that we will be able to curb some of this use of drugs in the Islands. Thank you, Sir.

CAPT. K. P. TIBBETTS: Mr. President, I am in full support of everything that has been said here this morning in regards to this amendment to the Misuse of Drugs Law.

I know what drugs can do through the matter of my life from time to time. I have seen families wrecked not necessarily with the hard drugs but when they sell, I suppose, the easy going drugs such as marijuana or pangi you want to call it. I have had ship mates that within a year after they start to use it their family life was finished. Men born and raised of good family of good culture once they get on that within a short time their family life is finished. I always remember a real good friend of mine that got involved two years after that he was a bum on the street.

Therefore, we cannot make our laws too hard. As far as I am concerned the harder they make them in this case the better they are. But the long penalty for the misuse of drugs is not the only answer. If you look around you'll see a certain category of people living in these islands, visiting these islands and look at the deplorable state in which they carry themselves. Their clothes are ragged, clothes are dirty, they're unshaven, their hair not combed. To me that is an international code one to the other to know who uses drugs how and when and where. I feel within myself that that type of attire of carrying yourself about is just as applicable to the drug users, the drug pushers as the code between the Masonic lodges. You can watch them anywhere you run one of them dressed in that rig as soon as another one appears in the same attire they will make friendly. They automatically get together once they are dressed in that way.

I am standing here today to support this bill but I am wondering if we shouldn't also draft laws to stop people coming into our islands or living in our islands conducting themselves in that manner. I know that I am one that preaches freedom of the Press, freedom of speech, freedom of religion but this may be one way that we may be able to adopt to help fight the use of drugs. If it is necessary we must take away that freedom. If it is necessary to stop the use of drugs through seeing that our people carry themselves in a proper manner and those that arrive here to visit carry themselves in a proper manner well I would say take away their freedom.

I know on different occasions or at least I believe on different occasions that certain people have been framed, had to punish for the use of drugs through not being able to really convince the Judge that they were innocent and it was framed with them - but by any some dope was put in their car or put in their pockets or put in their houses as the case may be, but I believe that is few and far between.

I say here that a mandatory jail sentence should and must be put in this draft law. The only thing I want to add to it is that we must have our own jail. That we must not send our people off to penitentiary or to jail in places in Jamaica where drugs are common as an order of the day. So I stand here to support this Bill if either Members would like to make it harder then I am here to support it. In my language it cannot be too hard. We must stop this.

And I would also like to say that I am not too concerned that it should only be the hard drugs mentioned. As you have heard from the floor here this morning some of the disturbing news that didn't even there by accident. That was planned and arranged. I am saying here this morning that we should not only use the word hard drugs. The same marijuana, pangi whatever you want to call it should be included in this law. And anything that fights drugs I am prepared to support. I told my people that in the campaign meetings and only Friday night I had a meeting with my constituency and they questioned the use of drugs. So I am here to support it to the full extent and the stronger they make this law the more I will be for it. Thank you.

MR. DALMAIN EBANKS: Mr. President, I have seen the damage that drugs can do to people - not only here in the Islands but abroad. And I am always in sympathy to the users.

I know that a law has to be enacted out to punish law-breakers and using drugs is a way of breaking the law. But I am not all in favour of these drastic sentences being put on the user, he is the sufferer. He is already suffering by using it. I don't know if we could separate them from the importers or the pushers but if something could be done more drastic to these people I would like to see it done.

But at the same time I will have to support the law because there has to be a law made. But I feel to help our young people in drug using, Sir, as my colleague from West Bay said, there should be the time to have some sort of school or something to educate pupils on the danger of using drugs, really what drugs mean to society. I feel that society one should take a step towards this to help to educate drugs in general mean danger to the whole society, the whole Island. And there is nobody that wants to see our Island destroyed I know. But I think we are sorry late in society and what not in trying to help cure this drug traffick in the Islands.

As I said I'll have to support it and I hope that it'll be the means of curing it, Sir, I don't know. Again I would support my colleagues from the Lower Islands said I would like to see a prison here in our Island where we don't have to send people abroad. Because I know again sending them abroad is bad in more ways than one because I am made to understand that when over there they get - the use of it, soon in prison. But at the same time I feel if they are punished here where their own people can see them working and what not it would put a shame and a dread to go to prison in your own Island for things. And again I will advise the Government in that we won't be paying for that expense to send them abroad. So with this I really hope that in the near future I will see a prison in our own Island. Thank you, Sir.

HON. JAMES M. ADDEN: Mr. President, I consider it a great privilege this morning to be able to speak on this Bill.

I would like to preface what I am going to say by saying that our country and our society have suffered long enough. I am very much in sympathy with the poor person who becomes addicted to drugs but we must realise that in most cases he has done his own undoing.

Mr. President, how this problem has surfaced in our community I guess no one knows but if ever we were willing to face anything and face it bluntly now is the time for us to do so. Whatever it costs, whoever is involved or regardless of what the outcome of it be this problem must be brought under control. I wish I could say eradicate but I don't think that is possible. But I do feel that this problem is so grave today that we must bring it to the schools. It is time that we started showing the kids films or something to make them aware of the danger that lies in this thing. We must also do it as a public campaign in the Town Halls throughout the districts. Everybody must be aware of how great this problem is. Our police must become aware that they have got to tackle this and not shirk from it to get involved in it themselves as some people say.

This is a grave problem it must be faced and I think we are prepared to face it now. If I get no other recompense for the result of the recent election this is the biggest one I think I could get. Because I remember my colleague and myself some years ago in this same Chamber beginning to strengthen this arm and push for something to be done and we were nearly ridiculed out of this Chamber. Thank God I have lived to see the day when it has been returned and when I can come back in here and support this Bill and support it to the fullest. Thank you.

HON. CHARLES L. KIRKCONNELL: Mr. President, the disturbing statistics which I have heard this morning leave me feeling rather empty. And I must say that in addition all of the other efforts that the present Government is trying to do, that is, to build a better Cayman.

... How is it possible for us to build a better country with alcoholism, drug addictors and all the other moral decadence that follows. This is absolutely impossible. We have got to get the church, the home, every member of this community to help fight this problem. This is not a problem for the school, for the police, this is my problem, this is your problem and this is a problem which concerns each and everyone of us. It is our responsibility to do whatever we can and no matter however small it may seem to stop this moral breakdown which is taking place in our society.

I am asking this morning that each and every Caymanian rise up to their responsibility. If they know of any incidents do something about it. If they report an incident and it is not handled do not stop at that keep right on until some results have been attained. I assure you one and all that the present Government will do its utmost and we hope if any in this Government are involved that they too will be brought to justice. I will leave no stone unturned to expose any thing which may come to/Mr. Speaker's and I hope that the public and all Members of this Legislature will do the same. I support this amendment, Mr. President.

HON. V.G. JOHNSON: Mr. President, I too rise to support this amendment Bill, amendment to the Misuse of Drugs Law.

Mr. President, hard drugs is a menace of many countries of the world today not only the Cayman Islands in which there is great concern for this problem. I remember not so very long ago reading a report from a close-by large country and the report was dealing with the external payments of that country and an indication was given that a large part of the external payments went toward the payment of hard drugs imported from countries abroad.

It was a very disturbing report and that Government was then endeavouring in every way to tackle the problem. It is a great problem no doubt about it. A Member said this morning that the Cayman Islands has much to be proud of and that is quite true. We have over the past few years achieved a great deal, but, Mr. President, in a very short time we can lose much of what we have achieved. We can lose it if we allow the country to be ruined by hard drugs.

The young is the concern of most of us I shall say. The concern goes to the school and it goes to many areas of the society. Mr. President, parents have a great deal of responsibility as far as children are concerned. They go to the school and teachers have certain responsibilities but the love of the home is not in the school. As the last speaker said that we Members of the Legislative Assembly, parents have a great responsibility. And while it is not possible to control the actions of all children I know that once the foundation is laid in the home that it goes a great way in controlling the future discipline of children.

I have no doubt, Mr. President, that the amendments to this law will bring a great amount of result. But results will also depend on the alertness of the Police. And I have no doubt either, Mr. President, that the court will award its sentence according to the provisions of the law, but again a good sound case must be put before the court.

All these things will bring results from the legislation that is being proposed here today. And I have confidence, Mr. President, that there will be results. A minimum sentence I think has its effects and I, therefore, support the law. It is a good law, there is room for improvement mentioned in it and I am sure that it will in the best interest of the Cayman Islands. I thank you.

MR. SPEAKER: If there are no other speakers I'll ask the Mover if he wishes to reply.

HON. CHARLES BODDEN: Mr. President,

A complicated problem is never solved by a single simple answer. And I have taken cognizance of what the other Members have said. I believe that the speeches on this morning have once again brought to light that the whole answer must come from a reversion within our community as a whole. And it must be a joint help and a joint protection from everyone including the parents, the Church, the police.

I may mention that there is a possibility that within the not too distant future, funds being available, we may have a prison service on the Island and I once again regard this as a priority.

It is felt that the schools and our society be diverted towards the danger and the destructive effect of drugs. Mr. President, I have been a prosecutor on this Island for about three years and I too have been in fairly close contact with the problem both within the Juvenile Court and within the High Court as it then was, and I assure Members that when the amendment does come to this that it will be misinterpreted and that the heavy sentences will be geared towards the big dealers so to speak and then being somewhat lesser on the smaller traffickers and lesser than on persons who are consuming or as it is commonly called using this drug.

I am very aware and I was very happy to see in the discussion that the Members realise that there are many other areas which we have to tackle. However, I believe that this amendment will be one of the large deterrents in this and will undoubtedly be a large help to it. I thank you, Sir.

QUESTION PUT: AGREED. WILL READ A SECOND TIME.

HOUSE SUSPENDED
HOUSE RESUMED.

MR. PRESIDENT: Proceedings are resumed.
If Members have no objections at the request of the Honourable First Member of Executive Council the committee stage on the Misuse of Drugs (Amendment) Bill will be deferred until later on in the proceedings. If that's agreeable we can pass on to the Animals (Amendment) Law.

THE ANIMALS (AMENDMENT) LAW, 1977

COMMITTEE STAGE

MOVED BY: HON. E. HAIG BODDEN.
SECONDED BY: HON. D.E. FOSTER.

QUESTION PUT: AGREED. HOUSE IN COMMITTEE.

CLERK: CLAUSE 1 - SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - LAW 8 OF 1976 AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE ANIMALS LAW (LAW 8 OF 1976)

QUESTION PUT: AGREED. TITLE PASSED.

HOUSE RESUMED

PAYMENT THEREON

BY HON. G. HAIG BODDEN.

MR. PRESIDENT: The Bill to be deemed to be set down for the Third Reading.

CLERK: THE ANIMALS (AMENDMENT) LAW, 1977.

THIRD READING

MOVED BY HON. G. HAIG BODDEN
SECONDED BY: HON. D.H. FOSTER.

QUESTION PUT; AFORESD. BILL READ A THIRD TIME AND PASSED.

MR. PRESIDENT: We proceed next to Other Business the debate on the Budget Address and the Throne Speech which was deferred last week is now resumed.

DEBATE ON THE BUDGET ADDRESS AND THE THRONE SPEECH

HON. JAMES M. BODDEN: Mr. President, it is indeed a great privilege and pleasure for me to be able to stand here once more and debate the Throne Speech and the Financial Address as given to this House by the Honourable Financial Secretary.

Mr. President, I am pleased to know that the Foreign Office has seen fit to extend your tour of duty for another year and I hope and trust that during that time you will find it a very enjoyable time for you and your family as well as that you will not have too much difficulty in keeping us in order in this House.

The great pleasure that I have this morning is in feeling that this is truly one of the finest Budgets that has ever been presented to this House that can truly be called an elected Members' Budget. I say this, Mr. President, because in the past there has been a lot of bickering and confusion in this House and I admit that I was guilty of doing so as well as anyone else. But what I appreciate is that you as President of this Assembly gave us permission that we could meet and examine the other elected members of this House of the budget that we were bringing forward for 1977.

When you gave us that opportunity it went a long way to taking care of some of the ills of the past. And that when this budget is presented here this morning I think you will find that there can be but very little bit of adverse comment on this financial bill. Because the Members of this House were all asked to meet together in the Administration Building and put together their ideas to spend the little bit of money that we did have to spend. Unfortunately, at that meeting three Members were unable to attend, namely, the Third Elected Member of Georgetown, the First Elected Member of Cayman Brac and the Elected Member for North Side. The day after the meeting in the Administration Building the Elected Member for North Side was able to come in and the Third Elected Member of Executive Council and myself went through this Budget with him. I will admit it was a very short time because we were all pressed for time at that meeting. But he was able to get an idea of what we were attempting to do.

Since that time I have had a short talk with the First Elected Member from Cayman Brac and I think that he concurs with what has been put forward in this present Budget. In addition to that I have heard him speak on two political platforms in the future endorsing the plans that have been set down.

When we attempted to go into this Budget, Mr. President, the time was short and I want the Elected Members and I want the people of this Island to understand that this year the finances are limited. We are limited in more ways than one. We are

HON. JAMES M. HODGES: [CONTINUING]: limited in that the small amount of money that is available to be spent that we were not able to prepare and shape a budget that would have been in complete accord with the views of the elected representatives. But I think that when the budget is understood the people of this island will be able to appreciate that we are attempting to do what we told/in the recent elections that we would do.

The harmony that exists in this House today and has been existing in the results, Mr. President, of participation. Participation by a group of dedicated people and this could have been accomplished in the past administration if it had not been due to unwillingness on the part of people as well as a vision that Executive Council really represented the Body of Belize. Since we have been able to occupy this position I can truthfully say that we have not found it to be the Bed of Roses. We have found it like the job of a human on a ship. But, Mr. President, we are dedicated and trying and attempting to try to cure some of the ills of our society.

This Budget that is being presented carries an increase to the Civil Service branch of Government of between $2 and $3. I would not like for anyone to get the wrong idea of this. I would not like for them to think that they are getting this increase just because of the longevity of service but I would like that they will be thinking they will get this raise because of their work and their dedication to their work. In the past that would have been the only way to climb to that top ladder was by longevity of service. I would like to think that there is some other incentive in climbing that ladder rather than just sitting in a chair and just keeping it warm. It is time, Mr. President, that all of our people in this country realize that to make this country prosper and grow everybody must attempt to do dedicated service.

I am not afraid to say that in my opinion today that in many areas of the Civil Service we are getting only 33 1/3 cents worth of work for every dollar that is spent. I think that must improve. I am not saying that we as Elected Members can do anything much about the Civil Service, Mr. President, but I am hoping that attention is going to be paid to this shortly. I hope again, Mr. President, that when we get down to the restructuring and the regrading of the Civil Service that something can be done about many of the square pegs that now exist in round holes.

Later on this year, as has been mentioned in the Budget, there will be a review of the housing allowance and the gratuities which are being paid to unmarried officers. I do not want those officers who are affected to think that we are going to cut them out of anything. Those who have valid contracts with our Government will be honoured 100%. But this has to be done, Mr. President, in order that we can find the money to spend for the upgrading and training of our own local people. If this is not done we will find ourselves twenty years from now coming into this House and voting ever larger increases in the amounts of gratuities and housing allowance. Any country that is going to solve its problems must exist at the labour of our own people and no person in our country, Mr. President, should be hampered in pursuing higher education through lack of funds. This has happened in the past and we are suffering for it today. Our people have not had the attention to education that should have been paid. Those who could have gotten training in many cases did not exercise it because sometimes until they did not like them or for reasons of that nature.

I am saying here today that if there is anyone be it in the private sector or be it in the Government Service who may think that they are going to block or retard our plans towards the upgrading and the re-educating of our people they had better get it out of their minds and get it out quick.

We have got to begin to train more teachers, this is a priority. The youngsters who are leaving school must realize that they owe to their country a lot of good when they agree to go abroad and train and come back to be teachers and lead the youth of our country.

HON. JAMES M. BODDEN: (CONTINUING): Another avenue which has to be explored and worked on quickly is to broaden and enlarge the view in regards to career guidance and counselling in our schools. Also vocational training. They must have direct training for specialized subjects.

I say this, Mr. President, because I am a firm believer that if a child has an inclination to be a mechanic you will rather make an Attorney out of him. By the same token the child who has the ambition to become an Attorney will never be hampered even though he may become a mechanic for a short time. But we have to think about everyone and that is why our educational system must shortly have some revamping, and some more teeth put into it.

I believe that it is no use of us bringing 747 to 800 kids out of the school system every year and of the 250 240 of them not knowing where they are going. They must have the guidance, they must be briefed before so that they will know the type of jobs they are aspiring to get.

What is happening at the present time is that we put them out of the schools they take the first job that comes to their mind just to be able to get a pay cheque. When they get that pay cheque they leave and then they become bums on the street. We cannot completely blame the kids we must blame the system to a certain extent.

In following this, Mr. President, I will indicate that it is my intention as the Member for Tourism to shortly begin a hotel training school. Don't ask me at this time how it is going to be done because I cannot tell you. At the present time there is no money to do it with but somehow or the other we will find the money because it is a priority. We have people who are going into the hotel trade and as we grow with tourism more and more people will be needed, but it is no use of us sending the people down there and they are not qualified to do the jobs or they don't have the incentive to try to learn. I say the incentive to try to learn because in most cases they can only go so far under the present system because they are not qualified. So those today who can become qualified we must put together a system to whom they can be qualified to take the higher positions. Until we do that the hotel industry will never have the appeal for the boy or girl coming out of school that it should have because they feel like when they get so far they are blocked and they can go no further. God willing we will attempt to change that this year.

Mr. President, a lot has been said here this morning about the drugs. And I am sure that if there were any doubts in the minds of the people it is getting out of it by this time. I hope they will see that we are intending to raise the battle against this dangerous serpent that exists in our midst. And we are declaring that no one is going to be immune from the effects of these laws. We feel strongly with this, Mr. President, that you should not only try to put in stiff sentences that may deter people but that we also should spend some money and time and effort in educating the youngsters of our community as to just what the dangers are in regards to drugs. This can be accomplished in many ways but one of the ways that it can be done quickly is through a film showing and depicting the life of a drug addict to these children. You might say it might come blunt to some of them but believe me in the next few months if things are not done life itself is going to be much blunter to them than what they will see in that type of film.

Following along the lines of that, Mr. President, this must also be taken to the parents in each district. They must learn that the danger exists and that their children are no longer immune from it.

We are asking for these penalties, which in some cases people consider to be too high, and I will agree that this is not going to be the only answer and in some cases they may be too high. But if we do not do something about this this will devour us.

HON. JAMES M. BODDEN: (CONTINUING): None of us will be free from it in the years to come if we don't face up to it today.

Mr. President, I am hopeful that during this year my new colleagues here who do responsible for Education, Health and Social Services will be able to give an indication to the National Council of Social Services. And, Mr. Presidents, I do not mean a dinner either. Bermuda that is a department that needs a very strong vital injection. It is so much that the National Council of Social Services could do for this country and I feel in the past it has not done it.

We must begin to pay a lot of attention to the sports facilities in the various districts and the schools. I am going to touch lightly on some of these subjects as my colleagues on this bench here will be in reserve to answer should it be any direct questions. I will only touch lightly on them as I go by.

This year we hope that we can get the enactment of a new shipping law with an amendment to the old one. This is now being actively pursued and this should add a lot of money hopefully to our budget this year. I will tell you that we are looking on it as really something that will be helpful to us because should a stumbling block develop that we do not get this then we may be in a lot more trouble in regards to our budget this year. Anything further that can be done by the Government this year will have to come out of the money that would come from this law.

We are aware that in the past our British Government has been very generous to this Island and has from time to time made quite a bit of money available in the form of aid schemes. We have been very reliably informed that this will cease in the 1972-1980 year. This will come because our per capita income in the Cayman Islands is now fast approaching those of other developed countries and we should be very thankful of this. We should be glad that we have been able to pull ourselves up by the boot straps to the extent that we do no longer qualify for this type of aid from the mother country.

During this year the completion of the hospital facilities will become a priority. And the overall planning, structure and operations will shortly be reviewed.

The Development Plan which was looked on by most of us as a destructive plan will be dealt with, as you know, in the next session. When we deal with this plan we must keep in mind that this must be a flexible plan which will be representative of the people's wishes. And it must be enacted giving due attention to the desires of the people and the economic well being of this country. The electorate throughout the Islands must have adequate time to consult their elected representatives. And from the elected representatives them with their input from the people in their different districts we will be able to put together, we hope, a worthwhile plan.

In our present state of development it would not be in the best interest of our country if we did not have a Development Plan. We have gone that far that it must come. But ladies and gentlemen as you are all aware of it must not come in the form that it was in before. When it comes this time it must be truly representative of what the people want and representative of the future growth of this country so that it will not be stifled.

The development plan was used to a great extent to economically cripple this country, and we must be sure that the structure do not get that idea again.

In order that the mosquitoes do not become the national pest that they have been in the past during the year additional money may be needed to intensify the physical controls and it may be later on this year, as the Member handling that will tell you, that we will have to come for a supplementary budget.

HON. JAMES M. HORDER: (CONTINUING): We hope that during this year the Little Cayman oil off-loading terminal operation will commence. This again coupled with the maritime law we spoke of awhile ago should go a long way to boosting Government's revenue this coming year. In addition it should be a boost for employment.

In Cayman Brac this coming year we will be paying attention to the airport there. It will be lengthened further than what it is now. We hope that with the money in the Budget we may be able to lengthen that approximately another 1,000 feet. When this is done this should add greatly to the tourist trade in Cayman Brac and Little Cayman. This should help that economy very much. They have waited this for a long time and I hope that it can accomplish what we hope it will.

In conjunction with that a small amount of work will be done on the Owen Roberts Terminal in an attempt to alleviate the present congestion that exists there. It is impossible as bad as we need it to find the money to build a new terminal. That will have to come as the Government's good old saying in due course. It cannot be done right away.

In regards to tourism we are looking towards a booming year this year. But I would like to stress that our present facilities are stretched to the limit with some hotels having an 82% occupancy. This is an unheard of rate and we are very hopeful that due to the hotels having this type of occupancy that investors will now come forward with firm building proposals so that we do not see further congestion.

Our tourism business can only expand a very small amount under the present conditions unless someone comes forward to make a large investment in the tourist business. It is true that for many a year the hotels in the Cayman Islands have not made any money or if they made any it was a very small amount. I think that trend is changing a bit and the hoteliers are becoming much more happy with the results of their labour.

I stressed awhile ago about the hotel training school because with the increase in tourism the people who are employed in the hotel trade must begin to look on this as a career. If they do not look on this as a career and are not willing to fill these jobs then our country is going to be in a bad position because we will have to continue to import people from abroad to fill these posts. And we must remember that most of these posts are the type of jobs that have to be filled by the Caymanians when they come out of school because they do not have the training and the education to fill the other jobs. That should be where they should come in for their basic training.

During this year we will be reviewing the advertising policy of this Government in regards to the way we advertise to bring the tourist to our country.

We will also be doing some bill board advertising. We will still continue to advertise in the magazines and our sales manager who has recently been hired, Mr. Farquharson, he will be doing a lot of travelling this year from city to city on what we call person to person contact. This should add tremendously to the exposure of person that we should be attracting to this island in the tourist trade. In addition to this we will be giving consideration to our public relations policy. With more effort being put into the local side of it. This is where we need public relations, this is where we need our reports to emanate from because this is the place that we are advertising. I hope that we can accomplish quite a bit in that field this year the way that it is being set up.

As was mentioned in the Throne Speech we will be opening two other areas in the North American continent, one in Toronto and one in Houston. It is not planned at this time to have the Toronto operation as a full office.

HON. JAMES M. DONNINI (CONTINUING): To accomplish all of this we are going to need a lot of co-operation. And I am asking on the airlines, the hotels and the financial community to link together and work with us in Government so that we can bring these plans to fruition. We are all working to one common goal.

There has been in this year's budget a small amount saved from the regular advertising budget. Some of this has come about because of magazines themselves that we will not be using this year. Some of it has come about because of a small subsidy of approximately $8000 which was being paid to the Northwester which will no longer continue.

Mr. President, along with tourism we are talking a further look on the broadening of our economic base. And in line with this we have brought new incentives under the Customs Law to encourage small industries. This was the only way that this could be done because this was the only law we could work under. We did not have an industry law. But by cutting the duty and offering this as an incentive we have been able to encourage several would be investors to come to the Islands. Some of these have submitted proposals and some of the proposals seem to be quite good. Some of the proposals are waiting on finances and if they are waiting on finances like some of the other people in the country have to do then they could be waiting until the good lord comes. But over the whole thing we do feel that it is accomplishing something and that it will be of tremendous help to this Island if we can get small industries established here. I am not talking about the industries that some people would be worried about as polluting the atmosphere and the sea and on earth. I am talking about very small industries, probably in most cases not employing more than 10 or 20 people. But if we can get a dozen of those then we have employment for quite a few people.

During this year we will be involved in the Budget we plan to employ another Labour Officer. This is necessary because the work load is becoming quite heavy for one officer and it will become even worse later this year when we bring forth our new labour legislation. Because at that time there are going to be new people that are going to become very busy. Any time you have to deal with labour you do not have an easy task.

But let me stress again that our people must realise whether they work for Government or whether they work for the private sector that they must put out a good day's work for a good day's pay. The days of slumbering are past. By the same token the employer must remember that the field of employee is a two way street.

In regards to my fellow colleagues in the Executive Council we will encourage meetings with the representatives of the financial community, the Hotel Association, the Chamber of Commerce and so forth. We will do this because we believe it will give us a chance to learn something as well as maybe they can learn something from the four of us.

In the past few days we have heard a vicious rumour going around the Islands that the U.K. team which will shortly visit our Island is coming because the present Government wants full internal self Government. This is as ridiculous as some of the other statements that these two well known pieces of literature have put out in the last year or so. This is ridiculous, Mr. President, because we all know that the mother country is a part of the United Nations and we have all heard about their Committee of 24 and the actions that they take. And we cannot risk it, Mr. President, if they want to come here to see us. We can only hope that when they come here they will be told in no uncertain terms the way that our people feel. And we will make every attempt to see that they have a chance to meet with our people and let the people in the street tell them that we are satisfied with our way of living.

I really take this as an insult when I hear people trying to make political hay out of something of this nature. Because I am

HON. JAMES M. BODDEN (CONTINUING): certain that if the Cayman Islands never advances into Independence until the four of us put it into Independence it will always stay where it is.

This year, Members, we are restricted in our finances as to what we can do. We therefore this shortage and I wish to take the time this morning to review the present position with you. The following part of my speech will I am sure be quite boring however I will be spouting off a lot of figures.

For this year we have $11,485,050 to spend plus $1,140,870 which is already approved and committed by our Law. This together makes a total of $12,625,920. And better than half of this amount is for wages and benefits to the Civil Service, so this has become a very large part of our budget. This is why I stressed several times in my speech this morning that this raise and so forth to the Civil Service must be taken by them as a challenge that they will be willing to do more for what they are getting. It is very difficult for us to do anything that would alter that item.

The total debt outstanding as of 31st December, 1976 was $7,182,492. This total amount was spent in excess of collection over the last four years plus a surplus brought forward from 1973 of $557,719.08. And surplus from revenue in 1973 of $1,718,430, and $11,005 surplus in 1974, and Development Aid of $814,757 in 1973, $744,800 Development Aid in 1974, $252,688 Development Aid in 1975 and $38,851 Development Aid in 1976. A total of $11,338,033 plus the capital that is committed this year of $1,140,870 with $1,190,000 of this being already committed for the port project. The total spent and committed by the past Administration in excess of revenue collections was $13,768,093. And now, fellow Members, you must put your shoulder to the wheel let us pay for this. That is why in this Budget today we cannot really present the Budget that we would have liked to have shown. Because even with the kinds of cuts that we are presenting today it all comes out of deficit spending. Literally every penny that is in the Government's Budget from local revenue and from Development Aid is already committed and was committed before the twelve of us got into this House. [MISS ANNIE H. HOWARD INTERJECTED: I was there]. I was also there last year but I didn't agree with some of it.

Capital Expenditure in 1973 from local revenue was $1,084,898. From Development Aid $413,127. 1974 from local revenue $1,489,471, Development Aid $744,800, loan funds $1,243,305. 1975 local revenue $1,977,414. Development Aid $252,233. Loan funds $2,104,650. 1976 local revenue $1,094,183, Development Aid $38,951, loan funds $2,636,220. The grand total in the four years is $13,992,784 plus what is already committed for us to spend this year of $1,414,870 or a grand total of $15,351,414.

This came about because in 1973 the local revenue was $2,125,911. 1974 $3,456,053, 1975 $5,444,000, 1976 $7,481,655. Or a grand total of $18,240,819 plus loans and Development Aid as I mentioned a while ago.

We are faced this year with a salary raise in this Budget of approximately $427,500 and a brought forward deficit from 1976 of $177,116 and our projected deficit this year of $574,246 which is roughly the additional amount that we are spending and which I will outline in a few minutes. This is a total projected deficit at the end of this year of $751,362.

This year local revenue plus the statutory expenses, capital debt etc., of $1,140,870. Loan and aid funds are $1,838,748: so this year, Fellow Members, you cannot start to build monuments to yourselves. Our Budget this year is a social budget realizing the problems that confront us and attempting to do something about it.

During this coming year an effort will have to be made to change the structure of Cayman Airlines and make it a more viable business proposition. There is no money in the present Budget for this and

HON. JAMES M. BODDEN: (CONTINUING) ...we may have to return to you to ask for a supplementary budget.

The problem areas of expenditure this year as seen by our present legislature and areas that we have increased the spending on are as follows: (and this was done as I said at the beginning of my speech mainly by participation between all of the elected representatives).

The increase in Widows and Orphans and compensation awards has been $1,900.00
The increase in spending to equip the Public Library with more books is 3,200.00
The increase for a Staff Nurse to staff the Bodden Town Clinic about 2,400.00
The increase in staff for one Physiotherapist about 6,000.00
The increase in staff for one Labour Officer about 5,700.00
Poor Relief in this Budget is set at 30,000.00

And I can remember when I first took my seat in this House in 1972 the fight that my colleague for the Bodden Town District and myself had to increase this from $700 to $1200. So this is one area that has been asking a fairly steady increase. But again it must be used and administered very wisely.

We have increased Child Care and Protection from 24000.00 to 30,000.00
We have increased burial of paupers from 3500 to 5,000.00
We have increased the upkeep of Cemeteries in Grand Cayman from $6500 to 10,000.00
We have provided for a Cattle Dip in the Frank Sound Area 5,000.00
We have increased the Poor Relief in Cayman Brac to 8,000.00
We have increased the amount for the Cayman Brac Bluff Road to 50,000.00
We have increased the airfield maintenance in Cayman Brac to 6,000.00
We have increased the maintenance of cemeteries in Cayman Brac to 8,000.00
We have put in 50,000.00
for school furniture.
We have increased the expenditure on playing fields within the districts to 5,000.00
We have increased Minor Works expenditure to 40,000.00
The land for cemeteries we have allocated 22,000.00
in the Budget for these.
That will mean $17,000 for the cemetery at East End, $5,000 for the cemetery in Savannah.
Under Government Buildings we have increased the expenditure to 92,600.00
That is $15,000 for Savannah and Bodden Town playing fields, $7,500 for the purchase of a piece of land in the north side of George Town to be used as a park, $20,000 for additional lands for the lengthening of the Cayman Brac Airport, $10,000 for the Breakers Community Hall and $5,000 for the playing field in the East End School.

Under Buildings we have increased it to 110,000.00
this is $14,000 for the Breakers Community Hall, $XX,000 for the East End Clinic, $70,000 for the Cayman Brac Hall and $5,000 for the South Sound Community Hall
The Airport Building in Grand Cayman we have allocated 50,000.00
for the expenditure of that.
Road maintenance in Cayman have to increased to 20,000.00
And 6,000.00
has been put into the Budget for the renovation of the Town Halls in each District.

HON. JAMES M. BODDEN: (CONTINUING): We have allocated $3,000.00 for medical facilities and the Member in charge will be able to give you a full idea on that.

We have allocated 3,500.00
to Public Cemeteries in George Town.

We have allocated 5,000.00
to cemetery fencing in the Islands.

Airport construction in Cayman Brac has been put at a figure of 150,000.00

And 60,000.00

has been put into the Budget to build walkways at the Comprehensive School here in George Town. This is so that the kids will have a little bit of protection when it rains.

So, Ladies and gentlemen, it is no one that can come forward today and tell us that this budget is being presented has any monuments into it. This is a fair and realistic budget that is dealing with the social problems of the community and before we can progress much further ladies and gentlemen we, I priority is to deal with our social problems. If we do not deal with them they are going to deal with us.

So, Mr. President, in winding up I would like to once more say that I thank you very much for giving us the opportunity as Elected Members to get together and put a budget before this House. I am hopeful that this next year's Budget, God willing, we will be able to have some more money to spend and other things that we can do.

I would like to thank all the Members of the Elected House who helped us in putting this Budget together. Thank you very much, Mr. President.

MR. PRESIDENT: This seems to be timed very nicely to coincide with a luncheon break. So I'll suspend proceedings until 3.30 this afternoon.

HOUSE SUSPENDED AT 1.03 P.M.
HOUSE RESUMED AT 3.30 P.M.

MR. PRESIDENT: Proceedings are resumed.

MISS ANNIE E. BODDEN: Mr. President I am very happy to be here this evening or afternoon to take part in the debate on your Throne Speech as well as the speech made by the Financial Secretary.

I am very happy, although I must say I am not pleased to have been the Third Elected Member for George Town. Nevertheless, I am happy to be here and to be associated with you further, Sir.

I am pleased that it has been arranged that you will be here with us for another year after the expiration of your contract. I feel, Sir, that with your able guidance we shall be able to do as you have said in the end of your speech. I pray that under divine guidance Honourable Members will continue to guide this country on the successful voyage through time and that the year 1977 will come to be remembered as one of progress, prosperity and happy relationships.

I must say, Sir, that if anyone in this Chamber expects to hear me have nothing but criticisms for all our former Legislatures and the Government they will be sadly mistaken. Because for 300 years this Island has been guided with poverty, hardships and anything successfully that we have now reached a climax where we can be proud of what we have accomplished.

And I feel, Sir, that in the past a lot of mistakes have been made, nevertheless we had people who tried. Now up to a few short years ago women were not mixed up with politics at all, that was the job of the men. And while I am not going to say anything good for a man unless I can't say better do I am going to say they have successfully guided this Island to where we have it today. And not one

MISS ANNIE B. BOLDEN: (CONTINUING): of us in this Chamber can take credit that we have accomplished so much. We have only built on the foundation that was laid from our old ancestors and why they were successful was this, they were God-fearing men. Nowadays family life is thrown to the four winds. They have no respect for home life, they have no respect for wives, children, old people, nothing. They are living in this modern age when my pleasure comes first regardless of who I hurt and that is what is causing a lot of our trouble today. I feel, Mr. President, that if we will get back to the old time religion where family life is upheld, honour and dignity of the marriage vows, children trained as they should be trained that we would not have so many problems. But our whole problem begins with the breakdown of family life in our islands and I feel that that is one of the main points that we must try to correct.

Now, Mr. President, I will agree that we are somewhat indebted but what has being in debt meant to us. Was that money wasted? No. I am saying we have this beautiful building, we have the glass cage as it is termed, we have the Court Rooms, we have Asbestos, we have roads it must not leave that and we have a lot of things in the past few years that we did not have before.

We can thank Her Majesty's Government for the aid which they have given to us and which we do appreciate. Nevertheless we have gone a long way in our own efforts to get the things which we really want. From the time that I can recall all I could hear we want to have proper roads. We have got them proper roads. Nevertheless the people are not satisfied, they are saying too much was wasted. We could have done without this, we could have done without the other thing but I am saying that Government at the head of the Island they must be in the driver's seat and to be in that driver's seat we cannot house our Civil Servants in thatch huts. Everybody in this Island today regardless of the coat wants to have a proper house, want to have all the facilities that go with this house, they even shrivel it as far as to want $1000 curtains across their front windows. And they go to any extreme to get that house properly furnished. What is wrong with our Government using its best common sense and having proper facilities for the people?

I will have to repeat, Sir, on one occasion I went to the old Government House and while waiting there a very prominent gentlemen came up. He said to me, 'Miss Annie as a Legislator are you not ashamed to have your Civil Servants and the head of Government housed in such a building.'. There was a word like neat alone that wise on the staircase. I said 'of course I am ashamed of it but what can we do, we have to raise some money to correct it.'. Well God in his wisdom, because sometime he has to use very drastic means to bring us to our senses, a fire happened. That old Government House was destroyed and while I regret the destruction of so many valuable documents which were housed there, nevertheless it opened the eyes of Government and the people that we had to have a new building. And we have got that glass cage as it is termed, of which I am very proud. And I feel that every citizen of this country who has any civilized words say that the Government did not make a mistake to have a proper house to house the Civil Servants.

We needed a court house and we have got one. The only mistake in this that it is not properly divided up. It should have been made with the court Chambers somewhat larger whereby all the jury box sit . . . at the regular Grand Court openings and spectators if there are any, could be comfortably seated. Nevertheless, I am sure that can be corrected if they went to the trouble to remove the partitions. Nevertheless, it is a great accomplishment. I have/judges say that they are very proud of this building and it is the best court room in the West Indies. Aren't we very proud of such a statement? I know I am.

Then come on the roads. When the last Jubilee Celebrations came, I am not sure how many years ago, and the roads were opened in the eastern districts we managed to get enough funds to hire a car to go to North Side from there on to East End. And believe you me, Sir, when I got home the roads were so bad that it made me sick. Now we can drive from West Bay, North Side, East End over smooth beautiful roads.

MISS ANNIE M. BODDEN: (CONTINUING): And I feel that while we had to go in debt for such thing that nevertheless it's worth it.

I am very sure most everybody in this Island now would be in debt. However it is one of two things they're either borrowing the money to build these palatial homes or selling rum. They are not working for it with ten fingers. So if they want the best whih in going with our Government getting what they can even if they have to borrow the money.

Now, Mr. President, these roads must be finished. I understand that there is about five miles left to be finished with this black topping or asphalt. Well it might not all be done in a hurry but over this year I hope that we shall have the roads complete. Everywhere we go strangers in our midst, our own people appreciate the work that has been done on these roads. And I feel that we should not be always criticising.

Mr. President, I feel that commendation is better than criticism and if all of us in the past, I include myself in the past Government, and I feel that we have accomplished a lot, while I will say we have made mistakes but I am very sure that under the circumstances a lot has been done that will redown through the ages.

When the Fourth Elected Member to Executive Council speaks of monuments well I think that there is only one monument that should be erected and that is to our good Governor, if he was in these days would be called, and that is the Honourable A.C. Panton. He did more for this Island as a Commander in politics and to Government, I feel, than any other human has done. And if we are going to erect any monuments that is the only one that I would recommend to have such an honour.

Now, Mr. President, this port facility. While I do not understand how a dock should be built but I know that I for one wanted that dock located in George Town. However where else could it have been put? If you had put it on the southern part of the Island year round almost it is rough there and if a hurricane had ever come like we had in 1932 and 1944 those who were advocating that it should have been on the south coast would have found their mistake. Now had we had the money the Great Sound was the place. But where would $15,000,000 come from to put this harbour facility in the South Sound. We just did not have it. And I have always heard if you can't get the best you must quit the next best and George Town is the next best place to put that dock.

I knew from the start that it would be more expensive than this $14 million . Well it costs $2million, $3million or what it costs it has to be finished. My only disappointment is this I thought the finger or whatever you call it would extend out so far that large ships could tie up by it. I understand that is not the case. Nevertheless I am certain that it is an improvement of what we used to call McCallie's dock. And I hope and pray and trust that whoever authorises will remove the minds of those who are employed that they will give anything but the best on that job.

Now Tourism. Tourism is a great boom for our Island. It has been so and I hope it will continue to be that. Nevertheless we can't put our all into tourism. There are other avenues that we have to investigate and try if possible to get other ways and means as money earners.

Now I was a bit surprised this morning to hear that a subsidy was paid to the Northwester. I don't quite understand how that came about because I have always heard the Northwester was more or less ignored and they hadn't, I should say, financial assistance. But I would really like to have the true fruit of this subsidy which I heard mentioned here this morning. Because I feel that things should not be done underhand. If a subsidy is being paid to any paper it should be a public fact not concealed, not just known to a few people. I feel that this Government should be open and above board and when I hear statements like that it really makes me wonder.

MISS ANNIE B. BODDEN: (CONTINUING): There all kinds of talks on the street about the Tourist Board $750,000 cannot be accounted for. I fail to believe if we have proper auditors and those auditors are auditing the books certainly they must know if the Tourist Board funds are short $150,000. And I do not believe it, I cannot accept it because I don't see any reason for people to do underhand work like that.

Not quite two months ago I saw a brochure presented here and the statement was made that there were 15,000 of these brochures printed. They were coloured and a receipt was presented here in what something like $600 or $700. Now that is not true you couldn't get 15,000 brochures and have them printed on breadfruit leaves it would cost more than that. So that is not correct. And those who are responsible should have gone into it, computed it and whoever had these 15,000 brochures printed advertising only the Southern Airlines and some particular hotel that should have been investigated. We have auditors and the job of an auditor as far as I am aware is to dig out facts.

I am quite an old lady as I have quite often said, I have a lot of experience. About ten years I audited for Government along with Mr. E.J. Lyons who was about twice my age, and we took that thing from the start. We went into every voucher and to see that that was properly made out, the payee signed and that was entered into a cash book with the number of the P.V., the amounts tallied up. When it comes on the revenue side we went very thoroughly into that. And I am saying that if auditors of today and those responsible are doing a proper job we wouldn't hear of all these shortages, we wouldn't hear of all this misappropriation of funds. It would have been gone into and corrected and it need not come to the ears of the public because the public is ready waiting to grasp any little mistake and they really go to town when they get this stuff.

Now we cannot control inflation. Just can't be done. Last year regretfully I have to say I had to dig into my little savings to meet my ordinary expenditure. I am one woman today that try to live within my means and to meet my ordinary expenditure last year I had to go very, very deeply into my savings. Thank God this year I haven't started that as yet and I hope that it will continue. So all of us can get involved if we need things we have to get involved somehow to get the money honestly.

And I feel that our Government has gone about in an honest way to get the funds needed to do the jobs.

Now this Planning Law which everybody knows I have opposed it from the hilt because there were Regulations, stipulations in that law that I did not agree with. Well, of course, I was beaten down cost me a lot of money to get out of some difficulties but I still say now that it is working out fairly well. The only trouble is that a lot of people have gotten lands which they never had to start off with. And there is only one human being barring Annie Huldah Bodden that I would put my hand on a stumping block for that wouldn't go overboard to get lands wrongfully and that is the Rev. George Hicks. I am telling you, it is disgraceful. I went to Gun Bay about a week ago and presented a case, and I was right and the abuse that I had from I believe it was an Elder in our Church. It was terrible. He said, 'Look here, Annie Bodden you will not go back to Georgetown like you came up here if you call my mother a liar.' I said, 'Lady I have never spoken one word!'. She published. She went on disgracefully about land. And the whole substance of that was she was trying to take somebody else's land but she thought that I was a weak person and she put it out on me. But I didn't take her height, I just kept my mouth closed and let her move on.

Mr. President, this land from this Planning Board has caused a lot of dissension and I would say, Sir, that more people have gone to hell stealing land than have gone to hell drinking liquor although as much as I hate liquor. I feel I have missed more sin

MISS ANNIE H. BODDEN (Grand Cayman): In this behalf, then anything of Manchild belongs has ever done.

Now the construction business has fallen off regrettably but it appears to me that it is on making back again. And with proper management we should put on an even keel.

The ships' registration, I am not too familiar with that. I only know that for years we have been talking about it and I haven't seen very much progress. But if it is possible for it to be worked out I feel certain that Her Majesty's Government will help us. But we don't want any curvy'laps here, we don't want these ships coming that are rejected and can be passed without hesitation and all the rest of it. We have to have a high standard of safety for those who go to sea. Not too long ago we had a ship burnt up and I understand that it wouldn't have been classed anywhere else except it, it was classed here. And so do not want anything like that to happen. We want the safety of our men preserved and the one thing that will do this is to have proper equipment on board the ships.

When I used to work for the Caldon company yearly they had a class and to get that class they had to have proper lifeboats, they had to have rail guards, all kind of facilities so that lifeboats, food etc. stored where they could meet the requirements if they had to abandon the ship and go in those lifeboats. I wonder if those sort of precautions could now.

Now the currency which the Financial Secretary mentioned. Now I would like to see our present Government do something that would bring the returns in that that Sunday of currency did. I would like to see them do that. When that was about to be gone into my colleagues opposed it to the hilt. My only opposition was this everybody wanted their picture on this currency, everybody, everybody, they dead and yet to be born, everybody wanted to get their picture on this currency. It was a fad almost. That's all you could hear everywhere I went in the stores, they say well so and so has done so and so for the country, let's have his picture put on it. No women were mentioned. I said there is only one effigy that I would like to see on our currency and that is Her Majesty the Queen of England. No other woman on it - not even Annie Bodden and as for all these men who were saying to get their picture on it that was a joke.

I feel, Sir, that we have accomplished a wonderful thing to have our own currency. Look at the prominence it gives us. This little Island as we are called, I heard a man remark once a clothes pin island but we could have our own currency. Just imagine that. That took a lot of work and thought and now we have gotten that. I only hope that we could think of something else that would bring in that much revenue to our country.

Now the Agriculture Department. I feel that agriculture should be encouraged but the alarming thing about it is this that locally grown produce they demand equal price for that as the imported foodstuff. Now I just can't see that that is right because the importers have to pay a 20% import duty and they have to pay that duty on the cost plus insurance, freight c.i.f. (cost insurance freight). Now I feel that the locally grown product could be somewhat cheaper and that would be a great benefit. But it is no use, if I can drink better milk that comes from America to buy three tins for the same price. I don't know about milk because I don't drink it personally but I feel that if we got exterior stuff imported at the same price as locally grown stuff that the local people must come down and reduce their costs.

Now education. I feel, Sir, that we have accomplished a lot in education. The trouble in this that these school leavers, the majority of them, are not satisfied to take a job down the ladder. They want to go top from the start.

Mr. President, I was supposed to leave school when I was fourteen years old but to stay one other year in school while I could take the Third Year Pupil Teachers Examination I had to teach

MISS ANNIE E. BODDEN: (CONTINUING): school one year for absolutely nothing. Well, I did pass my Third Year when I was fifteen years old. I went to work when I was not sixteen and from cleaning the office windows to scrubbing the floors to sweeping the streets I did for one twelfthlings a week. Now you could not pay one of these ladies that work in an office to take up a broom to sweep the floor much less to get in the street and sweep it. But that is how you got on in life, you start from scratch, not afraid of work and go ahead and if you do right God will help you.

Today I pride myself that although I was raised without a father that I am the smartest business woman ever been born in the Cayman Islands up to date. That's a pride I take for myself. And I have done it on my own with my mother's help. I didn't have anybody that I go home and get this and that and the other I had to work. And that is the only how we'll have success. If mothers will do their job, fathers would keep the home together and the children disciplined and taught to work. I got freckled hands on account of those works but I am not ashamed of them because they are honest work. And I have to say this I wasn't alone but I was the first woman that started out to work, but I wasn't a woman a child, other people worked in stores two pounds ten a month scrubbing their floors, cleaning their glass windows, doing all sorts of work and they have made good women and we are very proud that we had such parents.

Then is Miss Frances Bodden who ran this Government, I would say, alone, she did today what it would take twelve people to do. How she accomplished it I don't know. But in those days I will agree that it was not the amount of work that we have now. Nonetheless she had a grit and she stuck in it and although she is old like myself now she has accomplished a lot in her day.

Now the Postal Department. We have good services there but I would like to see, Mr. President, the work carried on to such a degree that there is no criticism from the public. I am quite cognisant of the fact that regardless of how much you do people still expect more but let us try together to work to see that everything runs smoothly.

Now the Police Department. I feel, Mr. President, if I had the money that I would restet Government to get a proper investigation force going. Because let us face up to it in everything else in the world you have they need education, need experience well we just can't pick up a boy or a woman off the street who hasn't got proper 'O' levels or 'A' levels etc., and expect them to do what a trained person would do. And I feel, Mr. President, that our job is to get properly trained police. Now I must tell you, Sir, I can't agree with these little dwarfs I'd like to see six footers but they might be sorry for me too with my size. They might say well I am overgrown, well I feel that respect in a policeman will come if they have proper qualified big men and family men. And I feel, Sir, that when we can get the funds together we should try to get at least three or four properly trained criminal investigation officers who will be able to do a better job than is being done now. Because, Mr. President, I feel that with all this dope trafficking that if we had a more alert police force we could do better. They might be afraid of the people too because I verily believe that big-shots are involved in this racket and you know a little small policeman, a policeman who mightn't know all the whereabouts might be afraid to do the job that he would intend to do if he had a better foresight into how to do the job.

And I feel, Sir, that we must make this one of our priorities that we get good trained police. Now I believe in quality rather than quantity. And I have always said that if we had half the force fully trained we might be better off.

Now the Judicial Department. I see here, Sir, that we have about 12 or 20 laws to come into effect. I am going to say, Sir, respectfully that we have quite enough laws now. Our problem is this

MISS ANNIE U. BODDEN: (CONTINUING): that we are trying to get into these sophisticated Bills that we might not be able to handle. The Ammunition Bill. I don't know if that means more money to be paid out by these - call themselves white lawyers or what it means. But I will say that the majority of them are making enough money that they could contribute some to Government. The Accounts and Auditors Bill I don't know exactly what that means. Contracts Bill I don't know if that includes that the Government contracts should be stronger. The Insurance Bill now I really feel that this insurance business should be straightened out. It appears to me that insurance is one of the biggest rackets that was ever instituted in the Caymanislands. You know, maybe in some where a pedestrian is hit and so I understood the Third Party Act that was to take care of certain people. But if you have a case you try to get a penny out of these insurance people, they will hide behind the buck, they will tell you it is not this, it is not the other thing and it's while we 9 times out of 10 that the people never get one penny. I feel that should be a very strong Law and it must apply to all and sundry.

And if these insurance companies are to operate here it should be mandatory that they deposit a good large sum in a bank to take care of these damages when they occur.

Now this Liquor Bill. We need that terribly because I must say George Towners, I am not talking about any Cuban district people, haven't got very much civic pride. They will throw cans all over the place and it seems a big job to keep this George Town how it should be kept.

In my humble way I have tried to get the White Hall Cemetery cleaned up and believe it or not not one penny being in this George Town has ever given me one penny for that job. I don't know what they think. I am sure it is no benefit to me because I keep where my mother and sister and uncle and aunt and grandmother are buried clean. So it doesn't appeal to me just for my sake. But I feel that a cemetery is a sacred place. Look at the West Bay cemetery. Look at the Williams' cemetery in Prospect they are like gardens and look at our cemetery. And I feel that that is one thing that George Towners are sadly lacking.

The other day I asked a man, I said I am trying to get the cemetery cleaned up will you give me a small donation, he said that's the Government's job. I said the Government's job. The Government has one burial down there I feel they are responsible for and that is where the Commissioners burnt is buried, I feel the Government should take care of that but apart from that it is the duty of those people who have their beloved laid to rest there to take care of that cemetery. Because some of them have left millions of dollars worth of land and they use it up and misuse it and those graves are as flat as a flounder, that is not right. And the Government's duty is not to clean that cemetery, it is the public of George Town's duty but they will not.

Now the Liquor Licensing Amending Bill. That should have some corrections and I hope in the right time this will be brought to pass.

The Building Regulations Bill I am not too sure exactly what that means. And the Essential Services, the Postal Workers Bill all those will come in due course but they are not a priority as far as I am concerned.

Our priority is this to get this Companies Status bill corrected. To get laws enforced that we will have better behaviour. And last but not least to get proper prison facilities where we can house our prisoners.

Now, Mr. President, we have in the past sent long term prisoners to Jamaica and I understand that when they come back they are worse than when they went. Their behaviour has certainly not improved. So I would say that one of the priorities ahead of playing fields, ahead of anything we need proper prison facilities. Playing in what has rained this island today I am afraid, they have too much time to

MISS ANNIE H. HOSKEN: (CONTINUING) play, instead of working they play and I am sure that causes a lot of trouble, because idleness is the devil's work shop. And I am afraid that is what is wrong with these youths today, including parents mainly mama and no mark time to play. They get everything they want without any bother whatsoever. And instead of getting playing fields I may bet we get a prison. And that prison to house people, and I would say I would hope there would not be one inmate in that prison. Nevertheless let's have the facility and that will be far better than playing fields.

Now, Mr. President, in you Throne Speech you said that steps were being taken to create a Registrar General Department. I believe that is a good move, Sir, because the Registrar of Companies, Ombudsman etc., has quite a big job and it might help if you could separate these units and make them individual offices. Nevertheless for the time being we have to be very thankful that we have competent Caymanian who can take care of the jobs.

Now the Education Law. I feel that we have gone a long way with education. It is not the fault of Government because Government provides beautiful buildings, the transportation, the buses - if you walk a half a mile now the children think they have done a wonderful feat - we had to walk to school half the time barefoot but nowadays they do not appreciate what Government has done.

Now I feel if there is one field that the Government has exceeded in it is the education field. But it is like the old man captain once told a young boy. He said captain I want to learn navigation what shall I bring. The captain replied bring yourself your own feet which you haven't got. Well if these children have the brains the facilities are there to do the job. And we cannot blame the Government we cannot blame the teachers we must blame the children who never take advantage of the opportunities they have.

Now another thing, Mr. President, that I am not happy about is that it is rampant far and near that this dope is in the school. I even hear that they keep it under their fingernails and must suck it out - I don't know what they do with it - but nevertheless these sort of things must be corrected. When we went to school every morning we had to place our hands out to see if our fingernails were properly cleaned. And if that is where they are storing their cocaine I think that rule should be applied now.

Another thing is this. I feel that the teachers and the scholars should be properly dressed. One thing that we have an improvement on this year and that is in the court now with the dress of people attending court. Our new magistrate compels the people to dress according to a court room. We never had such behaviour in court since Albert Panton's time as we have now with regard to dressing and I certainly appreciate that.

Now another thing is this Cayman Airways. All you can hear over the plane is the service is no good. Well, Mr. President, we had the service from B.W.I.A., they folded up and went about their business. Leeward, a foreign company I would call it, did their best to keep the service going. In turn we had this Cayman Airways and I feel that we have done a good job. People talk about buying our own plane, that's easily said but where would we get the maintenance and the service that we now get if Leeward takes care of all these emergencies.

I feel that we should not try to walk before we just try to crawl. And in the meantime, unless we can get funds suddenly from Heaven or somewhere else to buy planes of our own, I think we better keep the service.

Now I have heard it that Government is about to take over L.A.C. This is another mistake. Where would the Government get these funds from? We are just hobbling along now in debt trying to get the requirements. Let us leave well alone and be content with the service which is being rendered. And I feel that trying to grasp for the shadow we might lose the reality.

MISS ANNIE E. BOURNE: (CONTINUING): I understand that we pay eleven thousand and odd dollars for this I.A.L. business and they are wasting maybe three times that amount. But is it not better to try to salvage up the $30,000 and keep the service as it is, getting maintenance etc., as I understand it then to rush just because we have to pay a little more and destroy what we have. I do not know exactly what this I.A.L. service covers but I would imagine it must be for the protection of planes, directions and so on and we can't afford to lose even one life much less a whole plane load of maybe 100 people because we have incompetent people who may run this I.A.L. If we have a good service now let us hold on to that at least for the time being.

Now, Mr. President, all of us have to, some time or another, compromise and I feel that we have come a good deal thus far. Let us keep up the good works, let us try instead of criticising to correct. Each and everyone of us have things in our lives that we don't like but we can't do anything about it we have to accept it. And I feel this Government have had the privilege of having good service in the past.

I am not going to criticise the last Government too much because I was a part of it. And when I say that the Government wasn't any good I am thinking myself and I am a good woman nevertheless if anybody else thinks so, or not, I think so. And I feel that we have done the best we could have done under the circumstances. What I want to see now is the job going on and trying to go from strength to strength. I feel that with unity we can do this.

One thing I am pleased about, Sir, is that we have not got so much bickering in the Assembly now. I don't know if everybody is of one mind on what is the trouble. But I tell you one thing, Mr. President, as long as these four brethren behave and do what they should do I am with them one hundred percent. If they go wrong I oppose them to the hilt.

Now I feel that we have in our official Members people who are like us striving for the good of the Cayman Islands. And with you as our leader, Sir, I feel confident that we shall go from strength to strength. But let us be united because if we are not united, if we try we will each on a different string we will go down. Let us be united, let us plead God first because righteousness exalteth a nation and sin is a reproach to any people. And if we are truly Christians we do not see only faiw in our brethren we see the good points. Let us all work together in harmony, peace and goodwill and try to make a better Cayman Islands. Thank you, Sir.

MR. GEORGE SMITH: Mr. President, first of all I would like to say thank you very much for such a comprehensive coverage of Government in the past year. And thanks to the Financial Secretary for his contribution relative to the Budget Speech.

With regards to your speech, Sir, the one thing that sticks out most in my mind is the mention of the fact that the year 1977 will be referred to as being the year of education.

I will say that it took me seven years to qualify as an Engineer and at the end of that seven years I found out that many of the formulae, principles and theories that we were taught were not really as stated. In conjunction with that I will say within one week after being a politician or being an elected politician I should say, I found out that politicians in general have no control over the money spent in our Government, and I must credit this, I must say, to getting older and learning a lot faster and should I say just being generally a bit wiser.

Mr. President, I'd like to say that if I as a politician am required to tax the people of the Cayman Islands I feel that I reserve the right to question the Civil Servants as to how the money that we tax the people for is spent. However, I must say if the Civil Servant wishes to be responsible wholly for the spending of these monies I am really not prepared at this time to argue about it. However, as I said I feel I have a responsibility to the people of the Cayman Islands and that I have the right to be told by the Civil Servant when asked

MR. GEORGE SMITH: (CONTINUING): as to what the money has been spent for.

Mr. President, I will confine my debate to the training, promotion within the Civil Service. Training of young Caymanians and reserve one slight comment on the subject of education. I realise that training within the Civil Service is done internally. I realise that promotions of Civil Servants or new appointments of Civil Servants is done within the Civil Service Commission (Public Service Commission). But, Mr. President, what I wonder about is the question is a PublicService Commission honestly presented with all the facts, are they given the full applications of the full amount of persons applying for these positions or whether it is the choosen few that finally reach the office or the desk of the PublicService Commission?

Mr. President, I feel that it is very important that we utilise the already trained auxiliary help within the service. For example, I see that one Mr. Brian Tuer has been appointed to the Civil Service. We have three Caymonians, now already in the service and one is working for a private firm who have already qualified themselves as Civil Engineers. Mr. President, I see no reason why one of these three persons can not be recruited or trained, what courses of necessary to fill this position.

Another thing that I would like to comment on I see in the Budget where funds will be available for the appointment of a new Deputy Chief Immigration Officer. Mr. President, I would like to ask why is it that the next in line, who I understand is Mr. Scott, has not been sent overseas to undertake this position.

Another question on Immigration. I know that one member of this present Civil Service, Mr. Mal Solomon, has in the past applied for the post of Deputy Immigration Officer. This young man has distinguished himself in his academic career by obtaining a degree in Economics, I think, and Business Administration and I wonder if this boy has shown himself so successfully in comparison with the many other individuals that he went to school with to come out with a degree why is it that this boy has been given a brush off and told will the post doesn't even exist.

I see that thirteen policemen were promoted just recently. Three of them being Caymanians only. This particular ad, Mr. President, upset me in a way that I was prompted to investigate on my own why something like this was happening. In asking one policeman said to me, he said 'George I am a Caymanian and when I prosecute six persons and I see five of them being Caymanians in the courts the following week and the guy that comes from overseas and is friendly with one of the police officers is not there it disturbs my interest in the police force.'. So I said 'what is happening?' He said 'on top of that I have been chewed out by my superior officer for prosecuting a woman', or I should say a woman who was the sixth person to be prosecuted on the same day for speeding.

Another day I was on my way into town and I happened to be riding by a road block and I was still upset with the fact that 13 police officers had been promoted and only three of them Caymanians - and it just happened that I decided to stop and have a word with one of the officers on duty and a vehicle came up and the young officer said to the individual may I see your insurance papers and license. The person driving the vehicle said to the Constable I am sorry I don't have it but my superior officer, I may be wrong, I think he used the word Mr. McCam authorised me to drive my vehicle without license and insurance. And the young policeman said to me you see Mr. Smith if I was to prosecute that man now I would never hear the end of it.

Another incident I'd like to comment on is the loss in the Civil Service of an individual by the name of Galyn Solomon. This individual was recruited in Government quite recently. He also has a degree in Business Administration. He was employed, he went to work for Government and a person with this capability was given a

MR. GEORGE SMITH: (CONTINUED): post such that he was supposed to be assistant to the Building Supervisor or maintenance supervision or something like this. I think that is ridiculous, Mr. President. If an individual goes overseas and demonstrates amongst foreign persons that he has the ability to cope with them I see no reason why when he come back and work for our Government he can be treated as second class or treated as though. And this is one of the reasons why the quality of service provided by the Civil Servants today is lacking.

I have mentioned these things - as a matter of fact there is another incident I would like to mention I happened to be up at the Government House two to three weeks ago. There was a young nurse in there and she really was representing herself. And I made it a point to go and ask her what was the problem. And she said to me, 'Mr. Smith I am disgusted. I just graduated from a nursing course in Jamaica, I wanted to do a course in midwifery and now a letter has been sent to my department that I can't get that course.

Mr. President, why is it that our Caymanians are not allowed to be trained? On one hand they are saying they are not doing, they are not that, they don't have the ability and the one or two that seek to better themselves, the one or two that excells in any particular category is then turned around by our own Civil Servants. I think it is ridiculous, I say so and I will continue to say so.

And I have chosen these persons that I have mentioned by name because I feel that they have some distinction. In each case the individual has had a degree be it in Business Administration, Economics or some related field. If I am correct, I think it was one Confucius who said 'Measure of knowledge is to have that knowledge when one needs to use it'. And I feel that the persons mentioned here have done well in gaining the knowledge necessary to go ahead.

Mr. President, the next item I would like to comment on is training external to the Civil Service. It appears to me that the better remuneration or rewards that our Government has given or awarded in the last ten years have gone primarily to key Civil Servants' children or persons in the immediate family. I will not comment on this too much right now because I hope to bring it up in another session under another guise.

However, I would like to state that I feel that Government in general has been neglecting the individuals who may qualify for such things as waiters, barbers, bartenders, secretaries, non-academic technicians, trained mechanics. The things that require eight to ten weeks of specialized training after they have graduated from school whether they have C.S.E., A Levels, O Levels or not, if the individual wants to do these courses Government has no facilities so that they can go overseas to do these specialized courses and, Mr. President, I think it is very important for these services can provide a lot of jobs for the students leaving school in the past and will be leaving school in the near future. And I honestly feel that funds should be made available so that these persons may be able to go overseas to qualify so that they can come back and earn an honest living.

And, Mr. President, one more comment on that issue. If the services mentioned here are provided in our society today people can earn anyway from $150 to $200 per week. I know a bartender at the Holiday Inn right now whose basic salary is $50 per week but yet I have seen a number of them take home as much as $250. And I feel as a stepping and providing the essential things in the tourist industry, the things as bartenders, waiters, secretaries should be explored and used so that the children of the future can find some very rewarding occupation.

The subject of experience, Mr. President, has been used in my opinion quite loosely among Government officials, among the private sector, if I may say so. It is true that a person coming out of school may be stated to have no experience but in my opinion if an individual goes to school and learns to be a typist or secretary the period of time that they spend in school should be contributed to experience

MR. GEORGE SMITH: (CONTINUING) ...or stated an unpleasant... from in my mind. They have more experience than an individual that did not attempt to do this.

I would like to say that word 'unpleasant' should be relative to what. We have in the United States today which is a country putting out the most sophisticated pieces of machinery, the final object or intention, I should say, of companies purchasing these pieces of machinery now is to have the well experienced individual operate and maintain these pieces of equipment. They have since found that they have made this wrong move. The individual who has literally no experience relative to these pieces of machinery have done a superior job relative to the person that has had experience in that area.

Another example of misconception of the word experience is the fact that the men that have gone to the moon had no experience in going to the moon. The only experience they had was what they had in learning to operate the mechanisms to get them there. It is the basic fundamental education that makes the difference.

A person regardless of the experience is still limited. The individual that has the education has the ability to succeed as far as that individual wants to go. But regardless of how many years they work, which I say, they cannot excel the way an academically capable person would do and can do.

We talk about conviction in the running of Government, we talk about the young upstarts that come in and want to change things. Mr. President, I find this most ironical. I feel that a number of these persons coming into Government that may attempt to change things are definitely and distinctly more capable of running our Government than a number of the persons that consider themselves more experienced. And I say this, Mr. President, and I challenge the following that we do not have these persons in our Civil Service today that can hand in his resignation and tomorrow acquire a job in equal importance and salary. But I would say that many of the young upstarts, as they have been referred to on many occasions, have left Government , I for one, and have done excellent on the outside.

I worked for Government for ten months and during that period of time I was told well this is the way the system works you can't knock it. It's not right but that is the way it is. I was told that I had too much spunk, too much guts to succeed in life. But, Mr. President, I must say that I have a lot of thanks for my past head of department. And I say this, Mr. President, for if had things gone easy with me or gone the way, in my opinion, that they should have gone I would still be working with Government today, six years afterwards and making $450 a month. And as I said as a result of these inconsistencies, inaccuracies, misconceptions in our Government I decided to leave and I went out on my own and thank the Lord I am doubling the salary that the person that replaced me is making today and I am my own boss at that.

Another point that Government has used to deter the young individuals of our society today is to tell them don't go into this field, don't go into that field it is too crowded, it's too competitive. I think this is wrong, Mr. President. I think what we should be telling these young individuals that want to go into the more competitive fields is that there is always room at the top but they must be the best to make it. This is what our young people in this society need to be told not deterred because once he is deterred he loses interest and becomes a liability to our society. I think if he is encouraged such that he realizes that he has to work twice as hard or three times as hard so that he can make a success in any one particular field he has contributed more to the society.

I realize that many persons will say George what you have proposed makes some sense. Some will say will it in white insurance. But, Mr. President, I see no reason why the Cayman Islands Government Savings Bank cannot and should not be brought in under. I say this, Mr. President, for I feel that the present commercial banks in our society could contribute a very,very small percentage of the

MR. BENNIE SMITH: (CONTINUING): dollars that they handle per day per annum to our Government's Savings Bank, to provide funds for the persons wanting to go overseas to learn.

I see no reason why the ~~the~~ ~~the~~ monetary paid to contract officers remain and should not be reduced and challenged through this bank so that our Caymanians may be able to go overseas and qualify and come back.

We are told now we have lots of banks in the Cayman Islands, we have so many companies registered, but, Mr. President, this does not make any avenue to the individual or individuals who are not of a job today. Their children are crying, if they don't finish High School, which they cannot afford to send their children over-seas, they can't afford to further educate their children so they may continue to be competitive in whatever field they choose.

I feel Caymanians on the whole have been neglected. They have been told that they are lazy, they've been told that they have no initiative, they've been told, as I have said in many cases, they have no experience but, Mr. President, they can't gain experience unless they get a job, they can't get a job unless they are fully qualified. And as I have said there are many persons in our society who have the mental ability to qualify but do not have the finances available.

I am not saying that the persons in this category are asking for hand-outs, Mr. President. But I am saying that I feel that Caymanians, Caymanians' children especially, desire, need and require an honest chance to qualify themselves more fully to be more competitive in their fields. And I do hope that the other Members of this Honourable House will work along with myself to make it possible that more and more and more Caymanians within the Civil Service, external to the Civil Service, those that are still in school to help them to realize that success comes at a very high price. And let them realize if they are willing to pay that price it is well worth it.

I thank you, Mr. President.

MR. PRESIDENT: This might be a suitable time to suspend for fifteen minutes.

HOUSE RESUMED.

MR. SPEAKER: Proceedings are resumed.

MR. CARLTON SMITH: Mr. President, today I would like to add my small contribution to the debate on the speech from the Throne made by His Excellency the Governor by taking this opportunity to compliment His Excellency on the very magnificent speech he delivered from the Throne a few days ago.

Mr. President, your speech has been a very comprehensive one and one which has detailed the state and conditions of these islands. I want to say here and now, Mr. President, that once the people of these islands understand this I am very confident, Sir, in saying that there will be no misunderstandings as to what has been done and what is going to be done.

I do not intend to make this a long speech on your message from the Throne a few days because, Mr. President, I do not feel that it is necessary.

Your message, Mr. President, was straightforward and understandable. I must say how much it was appreciated and I am sure by other members of this House and also by members of the public who were present here in this gallery on that day. The dignity of the procession of the State Opening of our Parliament was really something that the people of these Islands should be proud of.

I am very confident today that with you, Sir, as our Leader you and me, Mr. President, the Members that we as Legislators as well as yourself must have divine guidance. As I have already said, with you, Mr. President, as our leader and with the help of Almighty God

MR. BANSTON SMITH: (CONTINUING): we shall continue to grow stronger and stronger.

Mr. President, we are very much indebted to Her Majesty's Government for the important part they have played in the field of education. Education is the key to success and we should endeavour to upgrade our educational system. We have to have buildings that are suitable so that they can create an atmosphere which lends itself to higher learning. We are thankful we have a reasonable variety of buildings.

Mr. President, if we expect our boys and girls to be educated right we should be expected to fulfill the needs of these facilities. If we expect our children here in the Cayman Islands to fill the higher posts in the modern day that we are living in they must be properly educated and we must give them that opportunity to be educated. What really counts today, Mr. President, is a certificate. Practical experience is very good. It plays an important part in anyones life in this modern world in which we live experience isn't counted much without that certificate. This has been the case with our Caymanian people. In fact this is happening right here in our islands today.

Most Caymanians, Mr. President, are practical people. In most cases they can do the job much better than the person that has a certificate. But we have entered into a new era. This is why, Mr. President, we should educate our children and make our educational system so that we can have young men and women who have a high standard of education so that they can fill these posts when we have to bring in people from abroad to fill them today.

Mr. President, I am very pleased to see that careful consideration has been given to scholarships and bursaries awarding. We need to give this great additional assistance so that we can equip our Caymanian boys and girls so that they can fill these managerial and key posts.

In saying this, Mr. President, I want to make it abundantly clear that I am very grateful to the people who have come to fill these vacancies but this must not continue forever. It is our job Mr. President, to assist our young people in every way we can because we must remember they will be the men and women of tomorrow.

While there has been much done in this field, Mr. President, there remains much yet to be done.

Mr. President, at this point I'll be a little critical. Over the years, Mr. President, I have advocated that we have bus shelters at the Comprehensive School. Mr. President, one only has to visit the compound on a rainy day then they would understand exactly what I am talking about. Many a day school has to be closed, transportation is being paid and I feel that until this is remedied our children aren't getting the best and I feel that they deserve the best.

As I said, Mr. President, this has always been a sore eye and I have complained time and time again to the past Administration but to no avail. The fact remains that we still remain without any shelters. But I am happy this evening, Mr. President, to say that after discussing this matter with new member whose portfolio this comes under, he has given me every assurance that this will be looked after in the very near future. So I am very grateful for this, Mr. President, because I think this is badly needed. Not only is it needed to keep the children dry but we must think of the children's health.

Mr. President, what I am trying to say is that the health of our children is really the important part and this should be preserved if we are going to achieve what we are striving for - a healthy mind and a healthy body go together.

Mr. President, before leaving this part I want to say that I am happy now that the new Government has seen the need for better sporting facilities. This has been a need over the years. Our youngsters will have some place to go and entertain themselves and no doubt will keep them away from mischief.

MR. CARSTON SMITH: (CONTINUING): I am happy to see the improvements made at the hospital in the last years. Although, Mr. President, there are some things that I do not agree with about the hospital I am safe in saying there have been improvements. But we cannot stop at this we must continue to upgrade the hospital so that we can truly say with a clear conscience that we have one of the best hospitals in the Caribbean.

Agriculture should be supported by Government as much as possible. Our recent Agricultural Show on Ash Wednesday was a great success. The many things displayed at that show only proved to you what can be grown on these islands.

Mr. President, I would like to say it gives me a sense of satisfaction to know that Her Majesty the Queen has extended your term of office for another year. May God richly bless you and enable you to continue to lead these islands through the years ahead.

Mr. President, I must like other Members congratulate the Honourable Financial Secretary for his major and outstanding Budget Speech delivered to this House a few days ago.

I realise it is a lot of hard work and I am quite sure it has taken much of his time to put all this together and to outline to this House what has happened over the previous year coming to a close and what he is looking forward to in the new year 1977.

As I said before it entails a lot of time, concentration, sacrifice and hard work to put this budget together and to put everything in its right perspective to meet what he hopes to obtain approval of this House and what will be a success for the year 1977.

Mr. President, we as Members of this Legislature are only human beings just like everyone else and there will be times when we will not see eye to eye but we must never forget that unity is strength. And if we continue to unite we shall grow stronger and stronger. None of us are infallible, we all make mistakes but it is our duty, Mr. President, to correct those mistakes when we know they are made. I know and realise it is impossible to satisfy everyone. I don't think this group here will ever live that long but, Mr. President, in any democracy the majority rules. And to the minority they should see and understand what is good or what is bad for them.

As was rightly pointed out in the Financial Speech the outlook for 1977 is good but we must never forget and Government is sure things are not looming like they were a few years ago. So, Mr. President, Government must take a serious look into the affairs of these islands. We must protect our employees, the local people or unrest could very well be created.

Mr. President, I do not desire to speak any longer at this stage so I feel that at a later date my contribution will be more beneficial. I thank you very much, Mr. President.

MR. PRESIDENT: I think with the Honourable Members' concurrence we might take this opportunity to adjourn. I have to interrupt business at half past four under Standing Order 10(3) which would only give the Honourable Member three minutes.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY: HON. G.E. HADDINGTON.

QUESTION PUT: HOUSE ADJOURNED AT 4.33 P.M. UNTIL 10 A.M. TUESDAY MORNING THE 8TH OF MARCH, 1977.

M I N U T E S

FIRST MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 8th MARCH, 1977 COMMENCING AT 10 a.m.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE. - PRESIDING OFFICER

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., J.P.	FIRST OFFICIAL MEMBER
HON. G. E. HADDINGTON, C.B.E., Q.C.	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. IRVING SUTTON	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. MAIO DOBSON	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. JAMES M. DOBSON	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. DALMAIN EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST END
MR. JOHN GRANTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST END
MRS. ESTHERLEEN EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST END
MR. GEORGE SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE R. BODDEN, O.B.E.,	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. CHADDOCK EBANKS, J.P.	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE.
MR. JOHN McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ORDER OF THE DAY

TUESDAY, 8th MARCH, 1977 COMMENCING

AT 10 A.M.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

AND FINANCIAL STATEMENT.

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	(f) Mr. Craddock Banks	
	(g) Mrs. Catherleen L. Hurley	
	(h) Hon. V.H. Walker, M.B.E., J.P.	
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TUESDAY, 2nd March, 1977
10:00 A.M.

MR. PRESIDENT: Please be seated. Prayers are read. We'll continue with the debate on the Appropriation Bill and the Throne Speech.

CAPT. KEITH F. TIBBETTS: Mr. President, it is a pleasure for me to stand here this morning to debate the Throne Speech and the Financial Secretary's Report. I like the Throne Speech, given by yourself, Sir, as a magnificent work and a great assistance to the people of the Cayman Islands. It was very comprehensive, straightforward and it covered every aspect of the life operation of the Cayman Islands. It was really good to hear that you the President of the Legislative Assembly, Governor of the Cayman Islands supported the theme, which I for one, I feel more my other colleagues here supported all through the emphasis, that Cayman must be primarily for Caymanians. You stated where Caymanians will be given preference at all times in the field of occupation and to make that more emphatic you went on to say, Sir that this is a year of education and training. Mr. President, we realize and we know that our handicapp all through the years has been through the lack of education. I strongly support the idea of educating our people more thoroughly, I for one know the need of education, probably many more here but we have got to a day and age where education means survival. Once we educate our people, and have trained in the various field that we require there's no question in my mind about us will have jobs here for them to fulfil. The only point that I have against the programme that we have set up at the present time for training and for education is sending our students to the Eastern Caribbean. It is a known fact that most of the countries here in the Caribbean have become socialistic or more further into communism. Once you send a child or a young person into another man's country it is only a matter of a short time that they begin to think and live as the people in that country do that is/part of a person's life when they can be adapted to anything. I hope it's not happening and I hope that we of the Cayman Islands can feel confident that we are getting the best training possible. However, Mr. President, I would like to intimate that I believe for the betterment of the Cayman Islands our students should be sent to colleges, universities as the case may be, in countries such as England, United States and Canada in preference to the other Caribbean. I know it will cost our government a lot more money to do this when you have to pay passages to the further away countries, the further expense is a lot higher but then I feel that what we spend on education is money well spent at all times.

Mr. President, you went on to our Development Plan. I am proud to stand here today and know that the people of Cayman Brac, particularly, took a very keen interest in this plan. I know it's a law that we must have a plan, I must be honest I don't agree that we must have a Development Plan, not of the calibre that was designed for us in the first instance. We operated on the skeleton which had been doing a fairly good job, I feel like our Development Plan has been the cause of our recession in the last two years. Undoubtedly our Honourable Financial Secretary stated that our recession had been caused through the recession in particularly the United States, I cannot agree with this statement as he plainly stated/the year of 1976 was a record year for the arrival of tourists in the Cayman Islands. We are putting alot of emphasis on tourism, what a benefit it is to these Islands. If there was a recession in the United States we would not have that number of tourists to arrive. Then again it is stated that we had more Companies registered for the year 1976, that is ordinary in the other years we had more banks opened up. So, therefore, I feel within myself that our recession was not caused by the recession in the outside world as much as through the Development Plan which we were given in 1976.

Mr. President, you stated about your interest in the Local Government. I fully support this view. I think it/will be beneficial help to the representatives of the people and to the overall Government in general. I would like to see it started and operated, if it's successful it's no reason why it can't be stopped, but I don't mention/it being stopped once it's started in these Islands.

CAPT. KEITH P. TIBBETTS (CONT'D): Our people have enough civic pride, enough civic mindset that they will go along with it, they'll cooperate and do everything possible to make it a success. Mr. Premier, I'm sure you realize with the small limited population that the Cayman Islands has, if it wasn't for civic pride we would never have attained the steps we have today, and local Government will help bring that civic pride even higher than now.

Mr. President, this is one time in the history of the Cayman Islands that I feel like the islands of Cayman Brac and Little Cayman are being considered more thoroughly, more carefully in the budget than any other time in my lifetime that I can think of. I find within myself that the people of Cayman Brac and Little Cayman now feel that they are becoming a part of the Cayman Islands and not rejected or half brothers or half sisters as the case may be, in the past years, so that was always the feelings over there that we were illegitimate and did not get our share. This is one time that everyone feels that we're being recognized, that our Government and our people in the Cayman Islands are there to help. I had a meeting on Friday night in Cayman Brac, many well attended when I told them what we were hoping to attain, they were overjoyed. I told them that I couldn't promise that they were going to get exactly what we're asking for but we would try to get as much as possible for the estimates. It really brought joy and comfort to the hearts of the people of Cayman Brac.

Mr. President, I mentioned earlier on that one of our economies is based on Tourism. Tourism is operated through aviation, primarily. Well aviation is a field in which I have had a certain amount of experience and I would like to go on to speak on aviation. The time how come when we, the people of the Cayman Islands have our own national airline which in truth and in fact is only on paper. We are reputed to have sixty percent of Cayman Airways which if I understand correctly and it is true, it's a taxing proposition. No doubt airlines in the last few years have had some tough operating expenses, not making money, but I'm saying that we could never make money under the situation Cayman Airways is at the present time. At the present time, if I understand right, I'm subject to correction, we own thirty percent, we pay sixty percent of the expenses, what we get back in return as profits I don't see anywhere in the estimates that any profit has been shown from Cayman Airways and the truth is we don't own one thing in the airline. The time how come when we must divorce / ourselves from the notion company of Lacsa, no disrespect, Lacsa has done a wonderful job with the Cayman Islands in the past years, but the time how come, just like a family when a boy or a girl grows up, it's not very long when they / on their own and leave their mothers and fathers behind. Air communications, if stopped in the Cayman Islands we would be paralyzed overnight. There is not of our food stuff coming by air, all our passengers, I don't know that there is either boat that visits the Cayman Islands that brings a passenger anymore except the tourist cruise ships. Therefore air communications is our lifeline and we must support it but we must get our airline properly organized, properly operated where it will not be a drain on our Government. As far as Cayman Airways is concerned I have been with them over the years, in fact I was agent for the first commercial operation that ever came to the Cayman Islands in 1947. So I'm not a stranger in the airline operations. But we must have the right type of aircraft doing the right job if we want it to be a success. Cayman Airways operates the DC3 service between Grand Cayman and Cayman Brac and occasional small charters on to Swan Island and such things. This plane has been on this run for several years and under her operating conditions it is absolutely impossible for her to make a profit even figure. The normal conventional DC3 operates on payload of over six thousand pounds on comparably long hauls to the one that Cayman Airways operates which is only ninety miles. Compared with that Cayman Airways DC3 which has been a good plane, very successful but the maximum payload we get is around four thousand dollars and it cost the same amount to operate that DC3 carrying four thousand pounds as it does one that carries / her thousand pounds payload. This is uneconomical and if it was a private enterprise rather than the Cayman Islands Government it would have been stopped long ago. I'm saying that the time has come when we must see that this operation is put into the right perspective and we have an aircraft that can be payable and not one that we have could never pay regardless of what the operation may be.

CAPT. KEITH P. TIBBETTS: (CONT'D): Cayman Airways operates jet service between Miami, Grand Cayman and Kingston Jamaica. I don't know the ramifications of it but I know alot about what goes on, as far as reservations are concerned, confirmation is heard. I have seen on numerous occasions where you request a seat, let's say it from Miami to Grand Cayman, you are told that they can only put you on the waiting list, I've had it happen to me, Sir. I requested space and was told we can put you on / stand by and your chances are not good, go to the airport in Miami and wait till the plane be checked out, got aboard the plane, fifty, sixty and seventy passengers. I believe I have the number, I'm not prepared to expose it here in public but I've seen it before, it'll recounts why that plane was not full. This is so full of the of the Cayman Islands people operating Cayman Airways, they don't know or didn't have Caymanians in their office in Miami. The same thing happens between Grand Cayman and Kingston, Kingston and Grand Cayman, also there. It has happened like on two occasions to me operating of the Cayman Seas but not to that extent, when it happens it is usually then only a few people failed to show up for their reservations. If there were just a few you could understand it but when such a great percentage failed to show up it had to be something wrong with the reservation department. Then again the air freight operations of Cayman Airways. We know in the past they had an operating DC3 aircraft between Grand Cayman and Miami with freight. I am not sure what the charter rate is, that Lacsa charges Cayman Airways, I have never asked about it but I have heard rumours, if those rumours are anyway within a margin of being correct it is absolutely impossible that Cayman Airways can show a profit on those / freight, the where they had a capacity load of / freight from Grand Cayman to Miami. Mr. President, I don't think this happens very often, I don't know just how much freight is returned but we have no experts to put on that plane to go back. Therefore it's a one way operation. At eleven cents per pound freight, which is the average, I don't see how it is possible even to pay the cost of the charter just for the freight, not to all the handling charges, etc., The time has come, Mr. President, when we can have purchase a suitable plane for ourselves, we may pay a dollars per a month for / lease the same as we are doing to Lacsa Airlines right now, but when that day comes that plane between the liquid assets of the Cayman Islands Government. I'm prepared to support, I hope and I trust that this Honourable Assembly will see it fit that we can start operating in that manner, whereby we can at least purchase our own plane. We know it's an expensive deal to go and buy a plane outright, especially a jet like what we need, But there lay companies operate on a lease purchase agreement, / there's no reason why we can't find money and the people to operate it. We have Caymanian pilots which are as good as any, we are all proud of them, we only have a few working in the Cayman Islands, we have them elsewhere. If the case arises or if the necessity becomes realistic it's no reason at all to suppose that these people will come back to work for the Cayman Islands rather than to be living abroad. Mr. President, I feel confident that it's the ambition of every Caymanian alive to get back to his own home or her own home as the case may be. I'm saying here, Sir, that if this becomes a reality I am almost confident that we can find our own air crews and operate any air service that we require. Mr. President, I said earlier on that aviation goes hand / and glove with tourism. It's no secret that Cayman Brac has its own locally / owned airline, they have been struggling under many adverse circumstances and conditions for the past three years but thankful to say the people that own it can afford it; they haven't showed any profit whatsoever in the three years operation, but they are willing to carry on. They will carry on as long as humanly possible providing they are treated right but at the present time they have intentions of suspending and instead of our Government helping them out they have been putting obstacles in their way in recent times. Mr. President, I hate to dwindle these things but it needs to be brought out whereby a board, I repeat board, operation will be reappraised and helped.

CAPT. KEITH F. TIBBETTS (CONT'D): Two years ago when Cayman Airways discontinued flying to Little Cayman the local owner/airline of Cayman Brac, Trans Island Airways established a place in Cayman Brac to service Little Cayman which has been a losing proposition, the record can be produced to where they are averaged/like more than eight hundred dollars for a month for the last two years and still they will not withdraw it. Mr. President, to add fire to the fury since Cayman Brac airport has been resurfaced they have been called upon/to land/ing fees in Cayman Brac which makes it unprofitable to carry on this operation without a very substantial increase in passenger fares. Mr. President, within the last few days the world class Hotel in Cayman Brac has been called upon the next six flights to Little Cayman. They collected a revenue of thirty-four dollars on those six flights. Directly out their landing fees were sixty dollars. Mr. President, I can explain why the revenue was only thirty-four dollars, it was because they were shuttling passengers and freight to Little Cayman that was brought in on the private company of the Trans Island Airways out of St. Petersburg. This matter, I feel should be carefully considered. If this continues on / indefinite where the people of Little Cayman are going to be out off. It's true we only have sixteen people who live in Little Cayman but we have our moral obligation to see that those sixteen old people are taken care of. I am one that is prepared to support air transportation in all/its phases/ that I want to make it abundantly clear, Mr. President, that we as the Government of the Cayman Islands must discontinue paying out money/for/something that we don't have; that is why I say we must figure ourselves from home, get our own aircraft and get on the right footing where we will at least have our own operations, not being guided or directed at the convenience of somebody else.

Mr. President, I'll go on to the Oil transfer facility at Little Cayman, I feel confident that you support this idea. It occurs me as a former oil bunk ship officer with a limited/ gentleman with / people I/ve try to impart to you, Sir, that the transfer of oil at sea is not a realistic idea. Mr. President, I don't have to stand here to brag, I believe I'm confident in saying I was the first Caymanian ever helped in carrying/out operation. It was just during World War II under the most adverse circumstances possible - we were standing by to supply fuel for the ships/ fighting the forces/ Germans/ and we tramped/ a wee ship at sea at night in a 60/ mile/ mile one hundred miles south of the Azores in the North Atlantic, everyone that been there knows what that means, and we made a success of it under those conditions - I have done it repeatedly afterwards on all types of ships and every time it was in the North Atlantic and we never spilled any oil. Today, Sir, with the sophisticated type of operation they have for handling oil there should be no oil spills. If we had an oil spill at Little Cayman the good Lord has blessed us with a current flow that would normally take that flow away from Grand Cayman. If it did come to Grand Cayman it would be just an act of God. As a seaman, as a navigator you can drop anything overboard from a ship or from the shore along as the coast of/ Cayman or Cayman Brac and I would venture to bet anything I own that it could never hit Grand Cayman. You take these bottles that are dropped all over the world, they are finding currents; if you dropped one of them in Little Cayman that would never ever come ashore in Grand Cayman, it's not a matter of an oil spill contaminating those shores, not from the operations/Little Cayman. I am at confident, Sir, that oil spill that we have or the oil contamination we have on the shores of Grand Cayman is not as much from tankers that are operating today and pumping oil in our waters, in our vicinity. Mr. President, I feel confident that the oil contamination we have on the beaches of the Cayman Islands/from the ships that were sunk in World War II. Time has got us with them, they are breaking up, they are rusted to pieces and now the oil they had is spreading all over. We have the same thing in Cayman Brac as you have in Grand Cayman and the same in Little Cayman.

CAPT. KEITH P. TIBBETTS (CONT'D): The Air Transfer facility at Little Cayman is a project that should be encouraged, not only because it will form a certain amount of employment. Mr. President, it will form a source of revenue for the Government of the Cayman Islands which we need.

Mr. President, I have one very sore point with your wonderful speech and that is the United Nations. Mr. President, I realize, I know that our mother country the United Kingdom is a part of the United Nations and they are morally obligated to them. But I stand here today opposed to United Nations or anything that they stand for, they are communist dominated and they want to see small progressing countries like the Cayman Islands be brought under communism rather than to progress in a democratic faithful manner in which we have been raised. I would have said to my people that your speech/ if the phrase was perfect if that paragraph on the United Nations had been left out. I have always opposed them and I always will. Mr. President, when I told my people Friday night of your speech, in fact I read it to them about the United Nations the manner one resolution that they cannot land in Cayman Brac. Mr. President, I will stand by my people and I'm asking you today, Sir that if they come here, which I hope they don't come, not to ask them to go Cayman Brac because they will not be received unless it's in a hostile manner.

Mr. President, our Ships' Registration. I have spoken of that, I have pressed for it from my earliest days in the old Assembly of Jamaica and Vestry in the late forties. I am prepared to support that in every way possible. Mr. President, I do agree that if we form this ship registration it must be one that is completely above board; it must not be a convenience operation, a flag convenience, it must be one that can be looked on with honour and respect. We have Caymanians, dozens of them that have been sailing as master, chief engineer or chief mate on the seas may be over the years, that have never had a licence, never had a certificate. These are the people that we have to consider if this ships registration comes about. Mr. President, in the Jamaica Maritime Law there is a clause or a section that says "providing a man can prove himself competent with proper recommendations he will be granted a license or a certificate as a master or a chief engineer of a ship". I have seen this happen, I know of it happening on many occasions. That is one section that I feel should be carefully considered and/make sure to incorporate in the Maritime Law of the Cayman Islands, if our ship registration become a reality which I have every hope and every confidence that it will come in one.

Mr. President, it was mentioned about agricultural products produced in the Cayman Islands being mainly or even more costly than those imported from outside. Mr. President, I am not sure but I believe that that is one of the reasons that we stopped agriculture a few years back, because it became uneconomical owing to what the people were entitled to pay for our local produce compared to what they would pay for an imported produce. I am one, I'm a big landowner, I have very few cultivations on it for the same reason, it's uneconomical. Mr. President, I am one that is prepared to support that our people be paid a comparable price with what we have to pay to the people of the outside world. If it cost us x dollars per pound or x dollars per sack from United States, Costa Rica, Nicaragua or what have you not our people should be paid the comparable rate for the comparable produce. Agriculture in other parts of the world is one of their leading assets. In the Cayman Islands, in my early days, it was the only means of livelihood. With nothing imported you may say, in the early days, in my time it was either grown in the land or caught out of the sea and we lived on it, we survived, our forefathers survived; thankful that it, we have a great country through the intelligence and the hard work of our older people.

Mr. President, I feel I have covered the few points that I wanted to cover here this morning. I want to say, Sir, I am most grateful, I am proud that Her Majesty's Government has seen it fit to leave you or to appoint you in our presence for the next year. We find that we have a wonderful Governor, one that we can talk to, one that understand our views, our problems and we look forward to you staying with us,

CAPT. KEITH P. FISHETTE (CONT'D): helping and guiding us until your time of office expires and if it seems fit to have a further secondment and you are willing, Sir, we will be glad to have you. And we assure that you and your family will find it pleasant to be with us in the Cayman Islands. Thank you, Sir.

HON. TRUMAN M. SUNDEN: Mr. President,

I am very happy, Mr. President, to know that your tour as Governor and as President of this Assembly has been extended and I wish for you and your wife a continuous enjoyable stay amongst us. I must also congratulate you and the Financial Secretary on the fine operation which you have put together and delivered and also for the hard work and dedication which I realize has gone into these. Further, I think that the Financial Secretary should also be congratulated for putting together the three hundred page booklet called "The Estimates", that is undoubtedly an exercise in itself. At least, so far he has not asked us to set up a department of estimates, but by the look of it the day may be coming soon.

Mr. President, I would like to deal generally with a few points and then go on to deal with Social Services, Education and Health which at present you have charged me with the responsibility for.

The budget which has come to us, as you have quite rightly said, is one which has recently been prepared by the previous Government and which reflects on-going concerns and projects and is really not geared or tailored towards our views in some respects, or rather does not reflect accurately our views, I would say. I believe that out of the 2.2 million dollars for capital expenditure only approximately four hundred thousand of that will reflect our views or approximately one seventh of it. One of the heavy costs in it, capital wise, has been the I.2 million that we spend on the dock project and as Mem. Member/rightly said by implication that it really does not extend the finger to where it can be used by the tourist ship. However, Mr. President, be that as it may it is a project which had to be finished at this stage. One of the concerns which I have with the budget at present is that our loans have now reached approximately 7.1 million dollars, which as the Financial Secretary rightly said it is now taking approximately ten percent of the current ordinary revenue to service these loans. I agree with the principle that he has laid down that it becomes undesirable to go beyond that with the public debt and I believe that we must therefore limit our borrowings to small amounts and not undertake a very large project which would have to be financed through a loan within the immediate future. Further, he has made reference to a reserve which I believe was spent some time in/1977 and this, once again I feel following the guide lines he has laid down should be built up to the equivalent of three months ordinary annual revenue to be used during the lean years.

I would also like to say that we are grateful to the U.K. for the aid which it has provided and also the fact that the U.K. does provide certain loans which are interest free, this is undoubtedly a great help. However, Mr. President, I believe that looking at this from another point of view that the Government and this Assembly should echo the words of Lord Denning in a case relating to what was called the old forms of common action or the old common forms of action which existed for several centuries and in which a lawyer had to a court and tried to defeat justice. In it he said "that when the ghost of the past stand in our path clanking their chackles we should pass them by undeterred". I believe that history is a very good educator, but I believe once again that history is history and it should rest its place.

Moving on to the economy which we now have, it is very necessary that we broaden this economy and I believe that the base of our economy should be extended into the region of allowing to local industries and ship registration, insurance in the area of captives especially, and also naturally the oil which would be a part of the local industry.

HON. THOMAS M. DODDER (CONT'D): I should point out that despite the premature announcement which you expressed in relation to the Conservation Association that the agreement does include the international built in wharf for the ship to ship transfer. It's unfortunate that they did not ask this question before made no bold a statement. As far as the risk goes, Mr. President, in every society we have to take risks and one has to weigh the risks against certain ideology within society and also to look at whether in reality these risks are not risks which are at present run. I understand from my colleague, captain within this House that the shipping line and a very large shipping line in the Caribbean crosses East End on the North Side area so that in my mind we have the risk at present without the returns.. Nobody would ever do anything, Mr. President, which was not seriously thought out and well planned, and in the interest of these islands.

As a past Civil Servant, Mr. President, I believe that the cost of living increase which has been proposed, I would say to Civil Servants is one while, perhaps from the economic point of view could be challenged. It is one which is necessary and appropriate at this time. There have been two years that the Civil Service has laboured through an increase in the cost of living and this increase, I would just like to point out is not one which seeks to increase the salaries in the sense of being an increase otherwise than what is a cost of living increase which is a basic necessity. I believe, Mr. President, that the independence of the Civil Service hangs very heavily on the financial independence of the service, and unless we be sure that our civil servants are adequately paid then I feel that we are allowing them to be opened to what could be detrimental influences. I also understand, Mr. President, that a large percentage of the increase or a larger percentage of the increase will go to persons who are in lower paid brackets which is usual as these persons have a larger percentage of their income paid out for basic necessities. As the Honourable Member from Bodden Town has mentioned gratuities and housing will also be looked at with a view to increasing but it will be without prejudice to this Government contractual obligations. I will voice this concern that this Government would never do anything which would detract from equitable legal obligations which it has entered into. Mr. President, I haven't said that I would like to put the onus of what I feel is very important for yourself and the persons who are involved in the Personnel Department to look very seriously at it. I believe, Mr. President, that within the Civil Service organisation there are openings for improvements and this must largely come through the organisation and methods branch of the Personnel Department. In every organisation of a large size or dealing with a large amount of staff management is a problem. However, Mr. President, I believe that we must have a very serious look at the structure in general of the Civil Service, and that improvements must be made. I believe, Mr. President, that there is at times the overwhelming or thinking that because a civil servant is in the Government his tenure must be absolutely secure. I believe in security, however, I also believe as many of the Members have expressed, that a person must put in a good day's work for a good days' pay. I am not saying, Mr. President, that within the Civil Service we do not have persons, or most of the civil servants are not good, I am merely saying that the time has come when the Personnel Department should endeavour to encourage an improvement in that system. I also feel, Mr. President, that there has been a lack of attention being paid toward the conditions of service which relate to persons who are because of their occupation and profession are limited to the Civil Service. There is a very serious gap in those areas where a person cannot go into private enterprise and where the lack of competition with staff does not arise; these areas and I/[illegible] endeavouring to champion areas of my Department arise within the sphere of nurses and teachers who many times I found out to my surprise paid far less than junior executives within the private sector within areas of the Government. I used that as a comparison because I do not believe that they should suffer because of the choice of their occupation, they perform a necessary task and I feel that they should be paid accordingly.

HON. VERNON H. BODDIE (CONTINUING): Mr. President, I would like to voice the saying of Sir Winston Churchill when he said that it is no use saying we are doing our best, you have got to succeed in doing what is necessary; but Mr. President, I think is something which we all should keep in mind as well as the Civil Service. The task is not easy but I believe that it can be done.

Mr. President, going on from that to Tourism, I would not dwell on this as this has been dealt with quite ably by the Member for Bodden Town. I would like, however to join with the Member from Cayman Brac when he has said that we have had four or five years of renting a jet which carries as this urge we could have owned and in fact we do not own it: that, Mr. President is not a good economic proposition.

On the Development Plan I would just like to make it very clear to our people that the Executive Council nor this Assembly has made no decision as to what is right or what is wrong with it and that as we promised we have come back to the people and it is largely in their hands. However, I believe that a control development within every country is necessary.

Moving on to the Constitution, I am very happy to say that this is workable and that with our system of meeting regularly with the Legislative Assembly Members as well as having joint Committees within the Members charged for certain portfolios that we have undoubtedly become more opened and that plus public meetings this society as a whole is participating more in the running of this country. I even might agree that now that the Executive Council is getting more on its feet but we should begin to have discussions at times with the Chamber of Commerce, the financial community, the Churches and any other area where there participation of policies, which will affect these. One very interesting thing which I found, or I was shown is that this House in making the declaration which is made shortly after the elections, that this has been taken very seriously as it was made, and recently it has been dealt with even within the Bahamas when the Honourable Donald Fleming said that following the recent general elections in Common Members of the newly elected legislature published a declaration containing the following terms, and there he set out a part of it. He said that it is crystal clear that Cayman would not follow the example of the Bahamas if this country were to introduce income tax, he said why should it, in that event it stands to be permissible considerable benefits at the expense of its rural, Bahamas. For the working of the Constitution and the carrying out of the commitment which the Members of this House have placed themselves to unity is very important and I am very happy to say that our original use of the/ [illegible] th the British Parliament was to create sufficient Liaison between the opposition and the Government so that a wound could not reach across it. I noticed we have a very wide one here but I'm very happy to report, Sir that I'm sure that that would never be the case within this Honourable House.

Mr. President, Social Services have been the topic or is always the topic of [illegible]bate in every society because it affects society. Under this has been added the responsibility for prisons. I would like to state that in the estimates we have provided for staff who will ultimately man a prison which will probably be in the form of a farm. I believe or I agree that when the United Kingdom abolished what was called transportation into the penal colonies that this would will be strengthened, and even though I know that it is quite legal and within the conventions which have been signed to have prisoners sent to another part of Her Majesty's dominions or colonies. I believe it is not a good practice and I would endeavour to have a prison within these Islands. I'm not suggesting that this is in breach of any convention because it is not and I will be going on to deal partly with the 1950 convention in relation to another matter. We have also increased poor relief on which we hope that the Assembly will support the increase in poor relief as this also is an area that I felt needed attention.

HON. THOMAS M. KISSEN (CONTINUING): The National Council of Social Services has suffered largely from a lack of funds and while I know the raising of funds is only a very small part of its aims it is necessary within the structure of that service to ensure that it has the necessary funds to properly perform. It has recently taken over the management of the Boys Home and it will be dealing with a Senior Citizens Home. In relation to sports, Mr. President, I shall be endeavouring to increase these facilities and with it I have asked for a small amount of money to deal with these facilities. Before I go on to what is I believe to be a very vital problem in the Social sphere I'd just like to say that I have given attention to the Bitter Law and hopefully in the next assembly with the help of the Legal Department we should have before this House a better law which hopefully should clear up some of the trash within our statute.

Mr. President, yesterday I moved the reading of the Drugs (Amendment) Law. Again Edgar Hanson stated a few years ago that the greatest crime is the intervention of crime and Mr. President, there are very true words. Deterrence is something which many times is invoked through a lack of initiative. As Hon Borden quite rightly said, family life must begin to play a far more important role in society. As the Member for West Bay also mentioned it is a very important thing which must be tackled and it must be tackled by the society as a whole. Going along with this, Mr. President we must increase the lightening of Social slowness to use modern phrases. We have certain legislation and we are also subject to what is known as the Convention for the Protection of Human rights and Fundamental Freedom which the United Kingdom has undertaken to guarantee that her colonies would comply with. It seems to be around this, Mr. President, a lack of understanding or would I say a lack of scrutiny to find the facts on which it is necessary to understand what these human rights are and the fundamental freedom. This, Mr. President, was signed in 1950 in Rome and it sets out very clearly what in a democratic society is socially desirable and what principles a society should be complying with accepted international standards follow, and it falls very squarely under the Social Services aspect of the Ports Motion that you have charged me with. Within every society we know that the common phrase-is that prevention is better than cure and with the common sense which God has given to us endowed we with it is necessary that certain preventative measures be taken to ensure and while complying with this convention which this country would never derogate from, I am sure, that areas of vulnerability be dealt with. We helped, I believe progressed to the stage that we have steadily because we have followed a time proven method that there are certain things which one can open one's door to, there are certain things which one cannot do so.

Mr. President, one of the very striking things which has worried me and worried me amongst is just one paragraph which was stated in an issue in these Islands and it said, "the only censorship we feel is really justified is shut of a parent deciding what film or book his child shall see". I want to stress those words, Mr. President, because taken in the light of the system that made that statement it had a very far reaching effect and is something, Mr. President which coming under me I feel must be dealt with. We have within our country what is known as the Obscene Publications Expression) Law and that was passed in 1877, and we have the Undesirable Publications Law which was passed in 1948. We have along with it, Mr. President the Law relating to indecent language which is found in the Timber Ordinance Law and these are laws which have stood on our books for a very long time. The statement which was made suggests, Mr. President that we should open our doors to this type of pornography and included in those articles, Mr. President, related to what this article referred to as sexual, magic, sleuth or violent presumably pornography and the other matters that go with it. Mr. President, that statement is very far reaching and it is one which strikes at the very root of every democracy. From the content of the Convention for the Protection of Human Rights and Fundamental Freedoms of which United Kingdom has guaranteed that we will follow provide that everyone has the right to freedom of expression; this mighty include freedom to hold opinions and to receive an

HON. TRUMAN H. BODDEN (CONTINUING): impose information ideas without interference by public authority in regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting, television, or cinema enterprises. The exercise of these freedoms, since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interest of national security, territorial integrity or public safety for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and the impartiality of the judiciary; that, Mr. President, is something that I will never run away from. However, Mr. President, it is very obvious that when the civilized nations of the world put this together they realised that within every society human nature, being what it is can only be subjected to a certain amount of pressures. They have made it very clear in that that there must be restrictions within areas which can decay society. that, Mr. President is why fifty years ago this Legislature put on its books restrictions in relation to these matters and I will point out, Mr. President that while I am charged with responsibility for this that these will remain on the statute books. I believe that to repeal these and to allow a free import into this country of literature relating to obeah, phonography, sex, obscenity, communism, fascism or whatever else these evils keep out would be a day when this society would crumble within a very short time. Societies, Mr. President must themselves crumble from within and in every society these protective measures must be kept and they must be preserved, and that, Mr. President is why I believe that perhaps when Mr. Hunter said that the greatest crime is the toleration of crime, that this, Mr. President can be extended to a stage where I would say that the toleration of the import of this type of thing and of this being promoted within our country would be one of the greatest detriment to our society. Mr. President, that especially during what appears to be the noise of the people has caused me great concern because it has been found that in most countries including especially the West Indian countries where all freedoms under that convention have been lost. It has come because of an abuse of the freedom of expression. If we opened our doors to that I believe that we will have a creeping social cancer which will ultimately devour us.

Mr. President, moving on from that to Education. I will not try to deal with the capital expenditure which I have asked for, it is very much set in relation largely to the refurbishing of the present school, the Comprehensive School as well as schools in minor districts and in Cayman Brac. And as the Member for West Bay quite rightly pointed out it will provide for walkways which have now become essential. In relation to scholarships I take note of what the Second Member for George Town, Mr. Smith said, when he pointed out that perhaps sometimes scholarships do not appear to be granted in as freely, I would say, on they should be,this will be brought directly under the Education Council of which he is a member and I will attempt to ensure as far as that Council see fit that all Caymanians get a fair shake at getting the scholarships that they need.

I have asked for more money for the training of teachers and I believe that this will find the blessings of this Honourable House, which in fact was one of the measures of the present budget.

We are very grateful for the help which organizations have given and which organizations as a whole contribute to this country, and I would not like it to be taken that I do not appreciate this. Because we do. And while there will be times cannot bring our local persons into certain positions it will not be done in such a way which will be inequitable to an expatriate.

HON. THOMAS DOOKIE: (CONTINUING) ... counsel' guidance which, Mr. President, you have laid stress on is very important and I believe that this must be strengthened and so far as I know, I believe, we have asked for another person within that department.

I share the views of the Second Member for George Town when he said that it is important to have persons who have certificates. I differ with him a very slight bit when I say that I believe that a certificate gives a person an opportunity of proving himself in certain circumstances whom, perhaps, persons without a certificate may not have that opportunity. However, if a person has a certificate and not the ability then, Mr. President, I feel that the certificate should not be used as a means for getting around the question of ability and output.

I lay a bit more stress on experience because, Mr. President, I believe that experience is a large part of life. However, I join with him when I say that we must work towards having Caymanians come out certificates. I too have suffered under a long period of studying, in fact, Mr. President, I think I have had nearly thirteen years of studying and of working and I know the struggle that entails there and I too can see the views of the other Members in relation to it. Well, as he stressed, there is always room at the top and we must strive to fill the gaps which exists at the top.

I will be going into or reviewing the system and standard of education and this will be done after I can get sufficient statistics. And it will be done in conjunction with the other Members once I have something which is presentable to them.

I too, as you probably realise, after that last talk on the question of spending our desire on all sorts of literature, will approve the same views as did the other Members that we must look very carefully at which system we adopt for our system of education. I am now going into what is the Caribbean Education Council and I assure you that if this is not in the interest of Cayman then I will take steps to ensure that a decision is taken which is in the interest of these Islands.

One thing that I did note and I would not let that be taken as a deterrent but the correspondence does come from Guyana in relation to it. That is about all I have seen so far on it.

Mr. President, I believe that the problem within our schools, subject to going in depth into discussion and based on the statistics, is that we have failed to build this type of foundation within primary schools which is necessary to continue to build within the comprehensive part of the school, the upper school. I believe that if we can increase the number on bringing children in that school who are competent and capable to grasp what is being taught, and which I have no doubt is being taught in those schools, then I believe the calibre and intelligence of the student will be greatly enhanced. However, as I started this is subject to my making a decision and coming back as far as possible to the Members based on statistics which I still have not received.

In education and in life I think the Assembly Members and all persons know that it can only come about as results of hard work, experience and education. There must be a combination of these and the Assembly Members, I believe, know this better than anyone as they have just struggled through a very/[illegible]

I will also be going into the Education Law and I will be dealing specifically with the problem of truancy and the juvenile problem which exists in our Islands.

The hospital is in quite good shape. The wing which was completed is very good and I believe that there money was substantially well spent. There are a few problems still existing and there is one big problem that at present there is no money to continue the phases which remain. I will be doing a study into the fee structure and if I find that there is reason to change this and subject to the views

HON. TRUMAN BODDEN: (CAYMAN BRAC): of the Assembly I would like that remarks.

Mr. President, I want to just mention again that I believe that if we follow sound historical democratic principles and if we follow the accepted economic rules that we cannot go very far wrong with the advancing and the betterment of our society. I believe that you and Mr. Johnson in your speeches have laid down certain therein which echo a lot of experience and which are very sound. We always have to be careful when we deviate from these principles that we are not going into the unknown where the loss can be far greater than the gain. I believe that our progress thus far has come as a result of following these principles and as results of having the guidance at times or I'd say most of the time of the United Kingdom Government through yourself and yourself. And it is vital that this country stays in this position and does not do anything stupid which would endanger our access to the control and the guidance which we have under this Constitution.

Lastly, I would just like to echo that the Member for Bodden Town, Mr. Eccles, has said that probably for the first in the history of this Honourable House all Members have had a right to participate in the budget and the many other policy decisions and legislation which has come before this House. And I believe that you will agree with me that the level of debate has improved immensely and that the system is one which can only lead towards a continuing and progression way of life socially and otherwise within our islands. I thank you, Mr. President.

MR. PRESIDENT: This might be a suitable time to suspend for fifteen minutes.

HOUSE SUSPENDED
HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

MR. JOHN D. MCLEAN: Mr. President, I must congratulate you for delivering to us such a comprehensive, instructive and encouraging Throne Speech. And also the Financial Secretary for the budget Address.

Mr. President, first of all I would like to say, how proud I am to note that the twelve elected Members of this Honourable House decided to vote funds in order to meet our social problems in these islands.

Mr. President, since mentioning social problems I must touch on the National Council of Social Services whom I consider to be doing a wonderful job. I can use my district for example, at present there is a pre-school being conducted and at the same time a social club, a lady from Canada Miss Kirkham has been brought down to carry on social work mostly in my district. And this I am very grateful for.

Mr. President, I beg whatever consideration possible from Government to extend this work.

Mr. President, I will touch briefly on Health and Education. The education and health of our people must be given top priority. It is good to see how far we have advanced in both these fields and I hope and pray that Government takes some further steps especially to offer more scholarships to school-leavers in order that they may become qualified in these two areas.

I would like to mention the International College of the Cayman Islands. I do feel, although a private endeavour, it has offered to these islands something of importance to its people. Again I think/Should take all steps necessary to assist in the promoting of this college.

MR. JOHN B. McLEAN: (CONTINUING): Mr. President, I now turn to our Police Department. While being pleased to know the greater part of our police force are Caymanians I am still not satisfied with the output. And again I am not about to blame the individual police for this fault as I have been told that the co-operation which they require within that department is lacking somewhat. So no doubt they will become disheartened. him.

Mr. President, I wish at this /to confine myself to Agriculture and Natural Resources. I am very proud of the progress in Agriculture so far. This progress could be seen quite clearly at the Agricultural Show a few days ago. And for all commendations at that show I have no alternative but to give the credit to the Agricultural Society and the local farmers. Not the department of Agriculture.

It was stated in the Budget Address by the Financial Secretary that during 1970 there was a break-through in the treatment of Swine disease in dogs and Dr. Jackman was highly congratulated. Mr. President, I hope this will be maintained and that Government will be able to derive revenue from such a break-through.

Mr. President, there are many farmers on this island who produce good crops all year round and I will speak especially on the areas such as East End and North Side. There are many people who produce quite a bit of cattle, goats, pigs and this is apart from the two farms which were mentioned, being Caledonian and Bothwell's farm. However, I am still proud to know that both these farms exist, but, Mr. President, it is my firm belief that if our Minister of Agriculture, Dr. Jackman, was to come out from behind his desk, close his newspaper, quit flying so often and go to the different districts and meetings with the local farmers, where his views that no doubt agriculture could be placed different than third place.

We are quite aware that rainfall in Grand Cayman hinders agriculture quite a bit, but I do think that Dr. Jackman with his background in agriculture should be able to aid the idea of irrigation to our local farmers.

Mr. President, changing to our Natural Resources I will speak briefly on two which are a great attraction to our islands. That of black coral and aggregate. I think time has come when Government takes every step possible to protect these beauties. I remember a few years ago I was hunting in the area of the Portuga Club and came upon a large area of beautiful rock. Visitors had provided large slabs of rock beautifully sculptured, just cracked away from the surface. And lately, Mr. President, I had occasion to go to that area and what once was a beautiful slab of marble now looks like a quarry.

Mr. President, this is exactly what is happening with our black coral. Because it is so valuable it is being destroyed. We must remember that we must secure such beauties of our island and I think it is left up to this honourable House to pass legislation to cover such destruction.

Mr. President, in your Throne Speech a fishing co-operative was mentioned involving several countries. This might sound good to some people's ears but I will say I will not give it my support. In my opinion this is undoing what we are trying to bring into effect in the Protection Law. We are only opening up entrances to our country.

Mr. President, I suggest that we have our own fishing boats, we have capable men to crew them, men with the knowledge to fish, knowledge to handle boats, and I will suggest that if we are about to form such a co-operative we should go into it alone.

Mr. President, I am not trying to dominate against people coming to our country but as a Member of this honourable House I feel I have the right to represent the people of this country. And today/this is of the problems which we face, the public is speaking in our ears the jobs are being taken from them which they could manage.

MR. JOHN A. HOLNESS:(CONTINUING): So, Mr. President, in closing again I ask this Honourable House to give every thought before taking further steps and to think and to think wisely before becoming involved.

Last but not least, Mr. President, I wish to say how pleased I am to know that your term of office has been extended. I am quite certain that under your guidance this Honourable House will continue on the right course. I thank you.

HON. CHARLES L. KIRKCONNELL: Mr. President, I must congratulate you and our Financial Secretary for the very detailed,informative and encouraging Throne Speech and Budget Address.

I am very happy to know that your term or your of office has been extended to one year but I am very disappointed that they have not retained this for a full term.

It would be repetitious to remind this Assembly and the people of the country that we must exercise caution and caution in how and where we spend our revenue. We must all learn to live within our means and to aim at balancing our budgets.

The first concern of this Government is to complete the port facility at George Town. Hopefully, the date of completion will be the end of June this year. The port facility has been set up as a separate entity and will be operated by the Port Authority which is responsible for its successful operation. New tariffs will be introduced in order to pay the costs of administration and the repayment of the loan. It is hoped that the faster turn round will result in a saving to ship owners and that an increase in freight rates will not become necessary.

Referring to the disappointment expressed by our distinguished third elected Member for George Town with regards to larger ships being unable to berth at this port. I would like to state here that one of the cruise ships which call weekly the Starward will be able to berth once the finger pier has been completed.

As we are all aware the most important thing to man in life is health. Without good health nothing else really matters. With this in mind we must provide ways and means whereby we are able to prevent a disaster from happening in our islands as a result of our people drinking water that is contaminated and polluted.

The Government has a very thorough and detailed feasibility report on water and sewerage which was compiled by Kinhavin and Dumbleton. They also have a report from one of the United Nations inter-regional advisers on water development. Government also has several proposals from private firms for both water and sewerage schemes. I am sure that one and all will agree that consideration to this most vital and urgent matter will be to tackle and solve this problem at the earliest possible date and make this our number one priority for the year 1977.

We have had discussions with one of the Directors of Caribbean Development Bank last week and he expressed interest in loaning us money for this project. The Director referred to suggested that we request the Caribbean Development Bank to send a team here at their own expense to visit and make recommendations that we know how to best tackle and solve our problems.

And the next meeting of Council our Financial Secretary, perhaps, will have a paper dealing with this most urgent and necessary matter.

Roundations of our main roads are in good condition and improvements will be continued to make them more lasting. Our Limited road programme for the year is as follows. In George Town Smith Road and Walkers Road will be paved and the road edges in the centre of the town will dressed and finished. A small section of Harbour Drive will be widened, graded and paved. At West Bay the road between Brooklyn Bridge and Elizabeth Street will be constructed. Also between Elizabeth Street and the West Bay main road. A start will also be made chipping roads that are already sealed at a rate of one mile per year. There

HON. CHARLES L. KIRKCONNELL (CONTINUED): includes Birch Tree Hill Road, half Satchmo Road, Elizabeth Street, Prentice Powell Road, Murphy Smith Road and Un Bay Road. At Bodden Town the Manse Rd Cumber Road are to be widened, sand sealed and whipped. At roads end we intend to reconstruct and seal the main road from the East Station to the Town Hall. Also commence whipping of the road leading to Turtuga Club. At North Side it is proposed to reconstruct and sand from Grape Tree Point to Rum Point at a rate of two miles per year. To whip the road between But Road and Grape Tree Point. It is also intended to sheen the resurfacing of the main through road at an annual rate of five miles per year.

At Cayman Brac it is proposed to cut through the remainder of the Bluff Road, approximately 5000 feet, and to fill it with bank rocks. A long term programme for reconstruction and upgrading of the main roads will be implemented. Priority will as in all cases be given to the residential area.

Cayman Brac and Little Cayman as mentioned by the first elected Member from Cayman Brac and Little Cayman have certainly been given consideration in this budget and I am very happy that he has conveyed this to the people of Cayman Brac who have so often felt that they have been left out.

In Little Cayman we propose to upgrade the road between the airstrip and Kingston Light. And should the soil investigation proposed leaves a reality development will take place accordingly.

A new classroom block will be added to the High School at George Town. And new drains will be bored to prevent the flooding of the school grounds. The Public Works Department is also preparing a plan for the shelters to be erected.

On the Post Office the hours for opening in the various districts have been agreed to and the Public Works Department is making new signs stating the new hours of opening which will be put up at each Post Office at the earliest possible time. In the course of the year a new Post Office Bill will be introduced in this House in order to upgrade and to update our old one.

At Cayman Brac a small farm classroom is now being added to the Secondary School. And it is also hoped to start work on the long promised Civic Centre which had to be shelved last year. The Civic Centre will certainly play a big role in the cultural and social development of the people both old and young and provide them with healthy entertainment. The drama society have expressed their desire to include Cayman Brac in their programmes, but have found in the past that the facilities there are unsatisfactory and inadequate. It is hoped that this new facility will encourage them and the people of Cayman Brac will be provided with some first class entertainment.

With the development of the Oil Transshipment Terminal and the establishment of a proper Ship Registration in the near future the arduous task of finding money to run the Islands should be a little easier for our Financial Secretary. Mr. President, he is undoubtedly one of the finest, most efficient and patient member of this Government. His work often takes him into the late evening hours and his life is dedicated to service in the service of his country and keeping on top of his job. He is very knowledgeable, keen, right fisted but fair. He wants to know that whatever funds are released will be used to the best advantage. It is comforting to know that we have someone that we can rely on in this most vital position of Government.

Mr. President, you have also worked long and hard to bring our Islands out of the recent recession which hurt us and I would like to assure you of my wholehearted support in whatever you may undertake for the benefit of our Islands. With the blessings of our Creator, His help and guidance I feel confident that our fair Isle will reach its port of destiny safe and secure with much pride and praise worthy achievements. I thank you.

MR. DALMAIN EBANKS: Mr. President, I wish to congratulate you on your speech and also the job that you are doing as Governor of these Islands, and I feel sure that the majority of our people feel that we have a Governor who is able and willing to work along with us for the betterment of our Islands, whether they be natives, expatriates or tourists. We do hope that it will continue to be this way for the duration of your stay here. We are happy to know that you have been given extension of time and we look forward to another year of your tour, your guidance and the pleasure of having both you and Mrs. Summ among us. I feel everyone is pleased with this decision, and we are also looking forward for years to come of progressive and enjoyable work together.

From your speech and reports of the various departments, we are glad to hear of the advances made in their fields, but at the same time I do not see why we should be tapping them on their shoulders for what they have done, as it is felt that much more should have been accomplished.

It would appear that in most of these departments, things were done just as they felt, that is, by the person in charge.

The lack of discipline and order is very pronounced in their quarters and as we know where discipline and order are not carried out you get no good performance. Most outstanding of these departments are the schools. The reports of the drugs that are passed around and the manner or way in which some of the teachers carry themselves among their students, it is a wonder that the children achieve anything at all, and should be commended for their own efforts.

As I have said in all departments, whether it is Health, Agriculture, Public Works or Education their attitude in service to the people is we do it at our time or do it yourself. This should be stamped, and should replace that with co-operation and unity Government will move faster and better.

Another point that we the people of these Cayman Islands want to see, is that more Caymanians are posted as Heads of their Departments. This is something that should have been looked after years ago. This is one issue that we are going to pursue wholeheartedly. It is high time for Caymanians to realise what has to be done now, to undo their calamity before and not have it to be done by other people, who want it their own way, but we are all working together to put an end to that.

We are glad to know the the various fields of industries are on the move. This is very much needed for the Islands' economy. The building industry is something that I think should return to the standard of five years ago. This is a feeling which is shared by many in this field and by myself, whether I am doing a personal job or not.

At the same time the lighter industries should be encouraged in these Islands, for whereas the building and tourist industries are money making industries they fluctuate more often, but the lighter industries are things that are more permanent as they should be encouraged.

The tourist industry is another vital and important industry to these Islands, which is felt by all, because not only for the money obtained, but it is a way of life that we enjoy. The tourist and the life of the Caribbean go together. It gives us a boost. The getting together in the everyday life means something to all involved. So I say now that things should be done to encourage the tourist. After all we want them here. We need them here. And they are spending their money with us, I feel we all should be contributing more towards their entertainment. Apart from the Islands' one attribution, which are the beaches and a few scenic spots, and our hospitality we really should all make Islands' wide activity and entertainment to this making much more attractive improvements with island style local dishes etc. There should be an effort of hotel manyement and Government also.

MR. OLAMAIN EBANKS: (CONTINUING): Let us study our needs which need improvement, Hell, Hatchens fishing pier in the North Sound, the Turtle Farm and scope in the Sunrise Gardens. Most of these sites need improvements in more than one respect. Also I feel guides at these spots would be very helpful to the visitor who is usually filled with curiosity about our islands. Young people could be of good service to the Government in promoting their islands.

Airport guests - guests should be more welcomed with more cheerful surroundings, sometimes a small glass of island punch could be offered, possibly a small calypso band, to enhance the island feeling, to take away from the everyday grabbing commercial look.

And to offer them something when they come off the cruise ships, small beach festivals. We need to encourage native talent shows, handicraft. The visitor expects to find island life in more native style.

Let us work towards a national park for our island and visitors. All hands could volunteer to this work ...ponds, swings, slides, play areas for various sports. Possibly a small aquarium, a band to play at certain times like on a Sunday afternoon. Also a small snack bar to serve light refreshments. Collections for the facilities of the park should be fixed at a nominal until use to meet the public, which would go towards the upkeep of the park. Families I am sure would find this most relaxing. An appeal could be pursued to arrange the donation of land for this purpose.

There should be some going into of the rate charges of hotel rooms. They all seem to be charging the same rates, regardless of the standard and size of rooms forgetting that not all of our visitors are on the same financial status and neither are all the hotels and rooms of the same standard. This has been quite a topic of concern and grumbling therefore it should be questioned to make it more comfortable, less expensive and constantly a happy island to return to.

Mr. President, I now wish to congratulate the Financial Secretary on his speech, and also on the job that he is doing. It makes me proud to know that we have a Caymanian doing this job, and a good one at that. That only goes to show that Caymanians can do the job once given the opportunity. That is why I say we should have more Caymanians on Heads of Departments. They must be given that opportunity, Government should see to it that our students get the training for these jobs.

This thing of choosing a few certain ones because of family ties or friendship has to be stopped. If a certain person is qualified for a job then give it to them. We have to build a better country, and it is Caymanians to do it. This is our country so let us one and all fight and work hard for it.

So, Mr. President, with Gods' help and blessings may the hardship and struggle of today bring a brighter and happier tomorrow. I thank you, Sir.

MR. CHARLTON EBANKS: Mr. President, I first would like to take the opportunity as I am returned to this House for another term to thank you Mr. President in your capacity as President of this Assembly for in the way we worked together I feel that the Islands as a whole are much indebted to your dedicated interest in the Islands and their people.

And on the closing of your speech you informed us that the Secretary of State had given consideration for a further extension of one year of your term in office. I trust, Mr. President, that at the end of that tour of office that there will be no looking back with regrets for that extension. And I trust that the efforts you have put forth to make or help guide us to make this Island a continued good place will remain in the memories and the footsteps of those that will follow. So I trust, Mr. President, that we will be able to work together

MR. CRADDOCK BOWEN: (CONTINUING): as has been in the past of your term of office.

I too feel that I am somewhat indebted to the staff of this Department for the magnificent way that the duties have been carried out, the assistance given, the help to Members on their queries and questions and advice, and I look forward that this close relationship will continue among elected Members and the staff of this department.

Mr. President, if I may further in a few preliminaries - I assure you, Sir, I will not be two weeks as I had planned but a very short time it will be returned to.

I have been amazed to see particularly in these debates on the Throne and Budget Speeches no chairs have been swinging around, no notes passing and what not. I am glad I have found myself back or I would say my people found it that I should be put back here to represent them and I am glad I have called up on the Rules of behaviour, respect and discipline.

During the campaign period I listened to one of the previous fourth elected Member of Executive Council telling his people to mind my behaviour because it was bad, it was not fit for them to be in. I am there to speak for people in here to end up in my behaviour or I end up in chains but I wonder whose behaviour he has ended up with, whose company he is keeping. Bad company will take you out and that is why he is out like other ones.

It was also stated during the campaign that I couldn't talk up two millionaire Muslims on the other side from Muslim Town had to talk for me, that is why I kind of anticipated that I would probably be about two weeks to see if the public could understand whether I could talk or not, but since the behaviour has gotten unwilling I will reduce it to a very limited short time.

I further request to ask or not to ask that Minister who promised the people of this Island what they had been doing, what they were prepared to do and they would do if we put them back but I don't see their faces anywhere. Lost confidence, lost hope because they were defeated - isn't a very good soldier - self-interest eh.

Mr. President, I am not going to take up anymore time on preliminaries. I am sorry that I will not be able to put in as much time as I would like to but I am going to hit a few spots.

It was thought in our Committee of the House dealing with matters of the programmes, as it were, for the Assembly that it would be better if certain items under the Ordinances of Members wanted confine themselves to what might be their most interesting items from the different portfolios. So I was pinpointed right off the bat that I should consider the roads because I live on the road. Well that is alright, I accept that.

Listening to what the Honourable Third Elected Member of Executive Council has until about the road programme for the next few years ahead I will assure him at this time that I am not going to co-operate with the way which will be here said. I went to sea like he did - I had some smooth days, I had some rough days, I drifted on the ocean with dust propellers or I mean the ship - not my propellers. But that is one part of Government that I have been doing and I am going to continue to buckle and buck against. Because there is no community that suffered more with hardships and difficulties in connection with roads or keeping the need and want of roads than North Side did. Whether in rain, weather, health, death or what it was until not too many years ago we had to boat it across the Sound regardless of the weather. And many a time with from Water Bay to Old Man Bay along the beach running in an out between the breakers - running up in the bush because we did not have a back road all the way. When we got the foundation of our roads started we could get back and forth to George Town. I myself many a load of materials on the back of my truck and dumped it as I go to help get across.

I know we have come a long way. We have much better roads, we have much better communications, running ambulance back

MR. SPENCER EVANS: (CONTINUING): and forth but we should have had what we have now three years ago with the proper supervision and interest had been carried out, money saved. You may say how can you make money and get what you have? I was a town out here about two weeks or so ago clearing out the rats between the curbs and the sunflower part of the roads, which it should not have been left that way to begin when the road was being surfaced, nevertheless it was left, it took upwards a week or more out here cleaning them to fill them in. Come one day a week after and filled in 50 or 75 cans on one side here and quit. All the rats are filled with dirt, dust, sand, muck and what not again. Now the same town crew have another week re-clean again. That is not money wasted? Unless it is something like an old tale that I used to hear from boyhood - Negro they said when he went to get married he got married on ten shillings and sixpence. It took nine of his white wedding, he had a big banquet, a big dance, liquor to bathe in. The next morning he had a shilling left out of the ten shillings and sixpence. He said if that isn't blowing money tell me? I think that is exactly what is happening, a lot of it is being blown that is why they don't have anything left. He was fortunate to have something left.

I know, Mr. President, we can't expect to raise $100 and spend $100 but we should spend 95¢ out of it. And half of the money spent on roads why we don't get the returns because we pay to labour that does not work. It is the only department as far as I know. I am saying this subject to correction, that travels on paying time. Any other employee working for Government city and in their departments by 8.30 or around about. But when they're going East End, North Side and Cayman Kat to work they get there 9 o'clock and 9.30. 8.30 I meet them between Golden Town and Breakers coming back to George Town. Probably four hours for the day, get paid for a day. That has been some of my grievances and my arguments, Mr. President, and I don't intend to let it ago. It does not make any difference to me where it hit or who it hits. I leave my friends outside.

Any department, any Head of a Department that don't have a good clear, clean internal on spending somebody else's money they shouldn't have any dealings with it. And when the public can see these things and grieve and grouse about it and very little is done to rectify it then they will have to continue to grouse about it.

It has been expressed by the Third Official Member on a possibility he would like some consideration given to increase in salaries. I am wondering how many are truly worthy of it. On a morning of a bowdat ship pile the public gone to that Post Office and a queue from the outside door, two steps on the inside one stamp window open. The public must continue to put up with this kind of service? And how many in the Post Office? I don't know. Why the Member could say why didn't you bring it to my attention. Many of these things have been brought to the attention of Government but they have been just overlooked, just left for another time.

Another thing, Mr. President, that grieves me with Government's service to the public in so many ways, what could and should be done in one week takes three, four, five months some times.

Again the Third Elected Member of Executive Council stated about the signs and what not for the Post Offices. When I approached the Post Office at the beginning of the year and asked about this and until today, into three months, and a simple little piece of board North Side Post Office Sign up and so can't be presented on the Post Office to the public yet. They are the people that I am wondering if they are worthy of their pay.

Yes, I could say in another breath that Civil Servants are doing a good job. Sure they have helped to do a reasonably good job but more could have been done. A lot of times the time that it takes to read magazines or bring news out of the Department and pass it out to the public and then wonder how Members get it before it comes to

MR. CHARLES KEANE: (CONTINUING): the House, would be a whole lot better if they spent their time doing what they ought to do on the job. Any place that there is no discipline we are looking alot. Good discipline is the foundation of running any organisation, any home, any Church, anything. But that seems to be - until it has taken a toll in the homes and in Churches, in Government Service, in the banks and everywhere. And unless some of this is curbed then we won't be able to bring about our good ideal, our good Civil Servants and what not.

It is regrettable that over the last two years or so that some of our people are lowering the standard of what we have stood for, a good clean honest and full of integrity, it seems to be slipping some place.

We have known certain things happening in Government Service that certainly nearly made us hold our heads down with our own people which makes it much more regrettable. But what I have noticed Mr. President, to those that may be responsible for dealing with these things what is alarming - why or how should some be covered up or attempted to be covered up and others brought to the light when they are all in the same boat. You know, Mr. President, our old proverb spoke the truth, if you don't even see the smoke and you smell it, small fire it is some place if you see the smoke it is much closer. And these things should be looked after, they should be looked into, they should be dealt with and not to be pushed aside and try to fool the people, try to fool the public that somebody should not be blamed or not to be blamed.

Not so long ago in the Customs Department one Customs Officer was dismissed for taking money. It wasn't even paid back. Nothing else was done about it but to dismiss him. Similar happened in the Police Department an attempt was made to repay it rather than putting it in the Courts, that wasn't accepted they had to face trial. Well I say if he is wrong he must face his penalty, I agree. According to reports we had similar in the Post Office that was hushed, pushed aside, nobody responsible seemingly. And just recently when I was in Court and listened to a case that Government presented there and it did not seem to have as much bottom in it even to hold rocks much less hold water.

Who is responsible for pursuing these cases to bring to the Courts when it comes to Government being interfered with and Government is let down, let down, not even a penalty hearing could come out of it. The Agriculture Department - from the first day the Judge was ready to throw it out because there was no case. Why put the Government in such a position on this that when it brings a case and there is not even anything to listen to? According to the lawyers - Mr. President, this is not just what I had, it is the public now know things. The people know these things have happened. And if one must be brought to justice and a number of others can go free then it is not setting a good example for good behaviour, for good discipline in the surroundings of Government.

Government seem to be always on the losing side. It has lost some of its most and its best Civil Servants on account of unfair treatment from different angles. What they should have got for their labours they never, they were just pushed around and dropped around and tried to be kept down. And when people make applications to this Government for jobs or what not it ought to be dealt with honestly, clean and not to rob one of their birthrights and pass it on to somebody else who probably was not entitled to it.

I am made to think right here, Mr. President, to clean this, what such as this that has been going on, because I will not bring to your attention many things that I could and I would stand behind it, Sir, over the last or year and a half with the Public Service Commission dealing with things, I feel that there ought to be a General Election like we had here in November. It would do this country good.

MR. CRADDOCK EBANKS: (CONTINUING): A Guyanese that lived in Jamaica for 15 to 20 years held a very high secretarial or something or another job came here and made application to this Government when she was presented to the Education Department. This is exactly one of the persons that we were looking for. Somebody from the Civil Service took it on themselves to write the lady 'since you are residing in Jamaica we don't think you could fill a job here'. Then she really needs to be sent back on a training course. Because I don't think the lady was there simple to apply for a job here for a position or for a post and expected to live in Jamaica. In a few days time when the private sector learnt about this lady a number of them were grabbing for her. Now she is in a good, good job well paid, probably more than Government would have paid her but nevertheless she was anxious to work for Government. That is some of the encouragement that our people get.

When this Assembly picked some years ago let us try to encourage our people living abroad to come back to serve in our community, to serve our people with their abilities yet when one decides to come back they are told 'no, we don't need you, we don't want you'. Very good encouragement.

Mr. President, with the permission of the House I could curtail my debate now until we resume if it is required by the House, Sir.

MR. PRESIDING: If the Honourable Member is prepared to interrupt his speech we might suspend here and he can resume after the luncheon recess.

If that is agreeable to Members I'll suspend proceedings until 2.30 this afternoon.

HOUSE SUSPENDED

MR. CRADDOCK HANKS: (CONTINUING): ...for the remarks that I opened to make. If the Compass had published my letter he would have thought twice and known whether I was trying to dodge or not. What I have to say whether it be right or wrong, I know that not all I say is right, but I am right until I am convinced that it is wrong. I do not have to dodge no place, behind no corner I look any man or woman in the face and say what I have to say.

When a question was asked about policyholders life or property insurance or whatever it might be the answer was we don't have any law. We don't have any law, that is a ridiculous ridiculous statement a state of affair for a country to be in and let people come in and operate and take peoples money and do anything they want, go any place they want and you can do nothing to protect your own people.

Any Government ought to be ashamed to let people come in and take people's labour. The little money that they might be able to put in the bank somebody else has gone with it. I am wondering how much longer these things are going to continue.

The Motor Vehicles Insurance has been ridiculous the same way. Government says they can't do anything to regulate the rates, they can't do anything to stop them. The only thing that Government can do is this compulsory section in this that you must insure responsibles.

With your permission, Mr. President, just a short article I have here that was just recently published in the Miami Herald, Chair in Motor Insurance in New Zealand: It says New Zealand is doing O.K. although Litigation in regard to accident claims has been abolished. Insurance companies are quite prosperous with Third Party car insurance compulsory. All personal injuries, no matter how caused, to residents and visitors alike are fully covered by free medical treatments within the country but no punitive damages can be claimed. New Zealand is not a socialist country. The private enterprise is alive and flourishing, however, they have abolished poverty and unemployment, crime are non-existent with home ownership over 80%.

That members could say if this Government is able to take care of hospitalization, treatments or what not - I don't know - what seems to be the most major one and they didn't need any treatment and that is the regrets.

We have the Motor Insurance Agents here. They will re-insure first, second, third and fourth as many times as they can with the most dangerous, careless, reckless drivers in this country that have committed all kinds of offences in driving. Government won't attempt to even curtail their working permits, cut off their licences to operate. All Government say is you must insure. I know it has been the argument if something happens, if something happens. We have cases in court that will last for years, they'll never get settled, nothing ever done about it. People lost everything time and extra money. The rates are out of bounds.

The rates are out of bounds. Some of these motorists should be charged, yes, I agree and they should be charged triple to what they are charged when it comes to where they want their insurance renewed. I thought it was a good way of Government putting up taxes on those people who are careless and dangerous and reckless drivers. Instead of making them pay $20 a year it looks like you ought to make them pay $100 a year. So I must pay and help bear their burden.

Just a brief word on the Police. I have understood right along, Mr. President, that when they brought in police from various places as recruits if they did not turn out to be suitable or if they put in a reasonable time and they were discharged that they would be sent back to their various towns. Now we have police, ex-police roaming around the streets that have been discarded or thrown out and not sent back home. That is not doing our country any good. Those people have a certain amount of knowledge of the inside workings of the police department, the way things are done, the way it is carried out - why should those people remain in this country to control our people and feed them or turn on to them and do things with them. How can Government overlook these things, why not send these people back where you took them from.

MR. CRADDOCK EVANS: (CONTINUING): We had an awful case here a few months ago an ex-policeman. He should not have been here. And everyone of them are attempting to get Caymanian Status. Another rush. We have one around here now with Caymanian Status that is practising obeah. I could prove somethings, he is going around telling people what is wrong with them give me $400, $500 and the medicine will come in the next day I'll have you fixed up. Yet they have Caymanian status. They are the people that are going to ruin this country, Mr. President. And if Government doesn't get down and have this country scrapped and cleaned out then I know Caymanians are going to bear the bad name after a little while.

You have people come in, you they are looking for a work permit they'll do anything to get in, they'll work at anything to get in. But it is that main drive to get Caymanian Status. We have employers in this country they are seeking for the same thing. Many of them have work permits they don't have Caymanian status but they are prepared to push Caymanians around just like they feel like they would want to do because the Caymanian wants the job or needs the job.

I hope this new Board that has just been appointed to deal with applicants and what not under the Caymanian Protection law will really get down to the bottom of this and get somethings cleaned out. We need people to come in yes. We need Investors to come in here that can help create jobs by doing some type of business, setting up some type of factory or some what not that there would be further employment. Not the ordinary grass puller or maid come in looking for a job we don't need that. We have plenty of people in here now and a lot of Caymanians are out of a job. And as I said awhile ago none of them shouldn't be. And if we don't do this then what is the use of having a law to protect our people as we are saying.

We need retired people to settle in here that don't have to work and they have plenty money to live on. That will help provide a little bit. But again it seems like so many millionaires like to get in here and get a further job, that is not doing our country the best either. Anyway I do realise along some time that we have a distance to go before we can qualify people to fill some of these. Yet we shouldn't encourage too much of this.

We have almost now a police man and you can drive within this room at 2 o'clock in the morning and drive around until you are tired and if you run into one police you're lucky. Nobody on the land, nobody.

A few weeks ago I run into a congestion down here on the waterfront roads blocked nobody knows what to go. Every street that you could imagine to are blocked with dozens and dozens of cars not one police to be found. I went to the Police Department - we don't know anything about this. If the police had been on the beat from 4 o'clock in the morning until 8 o'clock in the morning, four hours, he would have known something about this. But it just doesn't seem like they are detailed to do the patrol that they ought to do. You call the station I am sorry I'll be only one here, I don't know where you could find anybody else. Then we are asking for so much money for the Police Department.

You know, Mr. President, the worst thing in the world is to promise somebody something and don't fulfill it - if it is even your child when I go to bed I am going to bring candies for you and if you don't carry it when you go back the child starts thinking. They have lost a certain amount of confidence in a promise.

In the Financial Secretary's Address which I must compliment and I can't see any reason why if when he thinks about retiring that he shouldn't make an application some place for a translation to work because it was a beautiful document. So there is no reason that he can't do a good job in another field the same way.

MR. CRADDOCK HARRIS: (CONTINUING) He mentioned in it about the Police sub station that we are unable to - you didn't make any comments - nothing could be done about them because there is no money. Never before last money was provided for an out-station in North Side to be built last year. They attempted last year they couldn't find any land, we didn't have any land now they don't have any money, don't have any land, we don't have any Police Station. I was assured by the Commissioner of Police last year that the station in North Side would be built this year. I don't know where it broke down but according to the Estimates and according this Address it is out of the picture. But, Mr. President, I am going to deal with that when we go into that Committee Room. I am hoping that somebody will second my motion and I can tell you before I leave in there something else is going to be cut if it is even the Commissioner's salary or somebody else's salary to get it. Because what we have is a station in North Side we don't have any police, we don't have any station. What is represented there as a station the top house in the Police Department is superior to what is in our district.

And I wonder when so many visitors we tourist get lost ends up down in the Rue in my neighbourhood when they see this little building there the Police Station, when they look at that what impression do they get. Is this the type of police that we have? It is shameful, it's a shame. I wish Government would go there and paint it out so nobody can't see it.

As I said I don't know where I am going to be convinced that we are not going to get a station in North Side this year. Because we don't have really anywhere for anybody to live and this has been enough, it has been enough. I think I have been quiet, I think I have been reasonable but I am going to pursue this and if money can be found to do some other things then it is going to have to be found to do something about the station in North Side.

Mention was made about Water and Sewerage. That, as I have been made to understand, Government has a report on this. I don't know what it is like but I am hoping that Government is not attempting to think about dabbling into this as a Government project for a long time. I would imagine that such a project as this would be anything between $15 and $35 million dollars and we have only budgeted this year $14 million by stripping some hair and cutting off shirt sleeves and all the rest and hoping that we might be able to make it.

I can agree and I'll support any measure that might need to be tackled to eliminate what could be possible disaster from the water supply in the western end down here George Town and along the beach and what not, but it looks like this is a good place for private enterprise to invest some money if they want to come into this Island or want to do something and not for Government to be taking this on to do it on its own. Because I don't see anyway that we have the money we could attempt to get money to do such a project as that. As I have said I haven't seen it it is only my thinking that it could be anything from $15 million up and that isn't a small amount for this Island with what we have already committed ourselves to.

I suppose there might be private investors that might be interested. I know you talk in terms of a franchise, but, Mr. President, I think this Government has made enough commitments, enough mistakes with most of our franchises which have been granted and it is time for people that are interested to invest their money. They are not investing it for the sake of the Caymanians they are investing it for turnovers. And if they can't stand the heat to invest a few million dollars to get it returned in ten years well let them stay out. What we don't know we won't know the want of.

We talk about the magnificent roads that we have and we have two of the biggest money making projects in this country that is enjoying, their vehicles enjoying the luxury of our roads and not the commitment of our rent, everything duty free. Then we must further find

MR. CRAWFORD KNAPPS: (CONTINUING) money and continue this. I mean after all, Mr. President, if we are going to give anybody a raise give it to them while they are still at not on top of the mountain load cover. Then they turn around and every six months you hear they want an increase, they want an increase, they want an increase. I think it is getting time for Government to take it over now. If they can't operate on a mere 5 or 7% interest profit then let them quit, Government take it over. But we shouldn't have to pay more of these kind of things. Government didn't plead with any one of the people to come in here and do business. Government sent out a notice asking for applicants. Tom, Dick and Harry applied. Government shows that now they were satisfied with but they didn't beg them to come in to serve this country.

Don't forever give away our birth-right to somebody and they anyone in poverty and they worth millions of dollars. Three-quarters of the residents in North Side want telephones, they don't have enough money to build a 12x20 or something of that size telephone exchange so that people can get service until they get money. They don't have the money. Why must the public forever get down and swallow this like you want a dose of castor oil. They should be made to serve the public. That is what they asked, that is what they renounced giving us the opportunity and we will serve the public. but because they have to put their hands in their pockets and pull out four or five thousand dollars to do a little project he say no let us wait until we make that. And the countless amount of applicants that is piled up asking for these amenities and they can't get them. It is a bloody shame.

So much is always being said about keeping Cayman clean but I think this is another department that needs to come under a general clean-up. Because it really looks like we really need to clean them, because you don't see them. I mean, Mr. President, you can walk around in the business areas like these bye restaurants and what not and you can see the garbage and the cans and what not piled up fifty feet or one hundred feet away from the premises. You know that it is dumped from these premises and still they won't do anything about the proprietor or the owner or anything else. Just leave it there and let it pile up, let it pile up and say we must keep Cayman clean.

Mention was made, I think in the Throne Speech, of a Prison Advisor. We know, Mr. President, we need a prison to take care of our prisoners and if Caymanians can be complacent on the way they run their homes, the appearance that they have it doesn't seem to me that we need a Prison Advisor to tell us how to take care of a prisoner. I think that can be well taken care of. Whether you use a police or policeman or whether you use people from the private sector to drill them into this. It is entirely different but I don't know that we need that much advice as to how to run or set up a prison. And it is getting time that we do something about it.

Our long term prisoners are being sent off. They must be punished if they do wrong you, but I think it is high time that provisions are made that these prisoners can remain on our own islands. Out in some remote area where they can do work, farming, help take care of themselves and help take care of Government providing vegetables and what other foods that we can grow. So I trust, Mr. President, that in the next year at least that the full details of this as to a building, the area and what not will be gone into so that our boys can be brought back rather than working in some other country.

It is so easy for people coming in here to get contracts with Government. Nobody doesn't know how they get them and why they should have them. As I recently understood Dickie Black as they call him that owns the plant from up the road here has a contract with Government to take care of Government properties - water them, trim them and mow the lawns and all that. I wonder what that will cost. Why should that be when we have short time prisoners that should be taken and brought in to these places and this kind of work be done rather than give this

MR. CHADDOCK EBANKS:(CONTINUING): out I guess at a rather huge sum, if it is true, I wouldn't doubt anything.

As you know our drug traffick is still growing in large and bounds. We were informed yesterday of the appearance of all of this in Little Cayman. It looks, Mr. President, like people travelling between the two Islands might have to be pressured now because you don't know how many of them might be bringing in their pockets full with seeds and what not and distributing them, and Grand that seem to be the centre of these big bush. Still I can understand why sort of remote it is much easier to make contact in a little place like that.

And I trust that Government will be able to find some ways and means of trying to establish someone that can investigate this on a course of secrecy as to whom might be dabbling and putting some of this off there and what not, because it is growing.

The last, Mr. President, I guess some of these other speakers will say that I haven't left anything for them but I was leaving out a lot for myself.

Civil Servants. The increase for those. I don't know how far it can be augmented, what measure is to be taken on it. The cost of living that has gone up for the Civil Servants has gone up for the man and the women in the public, in the street. If somebody can go to a job every morning for $250 and he can't make it on that how is the man with no job, to face his family the next morning, how can he make it on that.

Now I am not trying to say that Civil Servants mustn't be treated reasonable and be paid for their work. Yes. But it is the manner, which includes the Civil Servant as well, that how to help provide these increases. And as I said we have to take a look. We just talked about coming out of a recession and what was the fall back why development sort of dropped enough as it were - all was on account of the recession. That's why so many people are off of a job. Government have been laying off people because they didn't have money to pay some of those. Then we have to be careful how we go into this. Let's give unto Caesar the things which are Caesar's and unto the people the things that are the people's too.

So, Mr. President, with that short time limit here the two weeks I will take the rest of my problems to the Financial Secretary when we get into the Committee stage in dealing with the budget. We'll see if we can put our two heads together and bring out what we want. I thank you very much.

HON. KENNETH EBANKS: Mr. President, I take this opportunity to congratulate you and to express my thanks on the delivery of the Throne Speech. And also to thank the Financial Secretary for the delivery of the Budget Address.

I am glad to hear that your time has been extended for another year, Sir, and I hope that you will enjoy your stay with us.

As a newly elected Member to the House I would like to take this opportunity to thank my constituency for electing me and I fully realize that we must do a good job or we will be replaced.

I must say that the attitude among Members of this House is a very good one. I think it is the first time in history that Members of this side of the House has been given an opportunity to help with the Budget of our country. And I must say that we have gotten full co-operation from Members of Executive Council so far. We have been working together although at times we do not agree on all things, but we try to put things together and make the best out of it.

I am not going to speak very long because being a new Member I must prefer to listen but there are just a few points that I would like to bring out this evening.

A few things have been brought to my notice and I feel that I should speak on them.

HON. ESTHER BRANKS: (CONTINUING): One to the school. The situation at our school. I agree that the educational standards have been upgraded but I think what needs to be looked into at this time is the way of dress by the teachers and students alike at the schools.

We must realize that we have older children going to school and if the teachers appear before them not dressed properly it could distract and maybe they will be looking at the way the lady teacher appears in front of them more than what you are trying to teach them. I think that this should be looked into and some rule laid down on the table that these teachers should be dressed properly when going to school and also the children.

Another thing that has been brought to my notice is that drugs are in the schools. I think this should be looked into and something should be done about it before this gets out of hand.

I would also like to speak briefly on the way of dress at the hospital. I must say that you go and at times you don't even know the portions from the doctors at the hospital because their dress is very poor. The doctors have on sandals and short pants and what not. And I think that our medical facilities have been upgraded and the dress should be as well.

One department I would like to say I am very happy to see the way they dress in that department and that is in the X-ray department. The girls in that department are very neat and always looking tidy. And I think the whole hospital staff should be neat and tidy. This is a place where sanitation must be kept because you go there for your health and if you are going to see nurses walking around with dirty uniforms and if you are going in the wards with dirty uniforms and they are handling the food and the nurses have to handle instruments to give you different medications or whatever then they should be tidy. And I would ask the Member in charge of this portfolio to look into this area and have these things upgraded.

I would like to touch on the Police Department. I think that one really needs to be looked into.

Not long ago I was walking along the road and this police was supposed to be on duty and there he was hugging up a young girl, which to me appeared to be a school girl, and talking to her. He was in uniform so I thought that he probably was on duty. This kind of behaviour should be stopped. Our police should be respected men in our community. How can one respect a person that will hang up the street with young girls instead of trying to tell them to go home. The police must be a friend of the community and must be one to put people in the right and not do wrong.

I hope that these areas will be looked into and something be done about them because it is really getting out of hand. And to new Members we must correct the mistakes of the past Members and not make more.

I also am very happy to see that the Insurance Bill, the Liquor Bill and the Public Transport Bill will be looked into in the very near future. The Liquor Bill be needed when we realize that our Island depends on tourism and if our beaches are littered, the sides of the roads are littered this is not too much a pleasant sight for tourist coming into our community and our Island. We as responsible citizen must take a step towards curbing these things. We must do our best to make our Island even more beautiful than it now is.

I think something should also be done with the Public Beach. The public beach now existing on the seven mile beach that Government owns. I think something could be done in that area to make it more attractive, like benches put there under the trees, umbrellas put for shade because there are not that many trees on the beach. I think that something could be done in that area.

We as the newly elected Members must remember that there are bills to be paid and we will not be able to get all that we have promised our constituencies this we should see for them. We must be satisfied, but in the meantime we must try to do our very best.

MRS. ESTHER BODDEN: (CONTINUING): Another thing that I would like to speak about is the attitude of Civil Servants towards elected Members. It is appears to me because they looked one of the past representatives, and I have experienced this, certain Civil Servants will not even speak to some of the newly elected Members in this House. I think this is a disgrace. Because they should realise that we have been put here by the people and we are not responsible for that. It is time that they get that chip off their shoulder and decide to work with us to make our islands a better place. Stop holding up someone who is innocent. We're really not guilty of anything. We have been put here by the people, we have been put here to do a job which I hope that the backbench of us will take seriously and we hope that Civil Servants will work with us and stop holding us up. This has happened to me. I have been passed in the streets looked at, I have said hello and has never received hello back from certain Civil Servants. It doesn't matter to me but it surprises me of their attitude.

Another thing I'd like to speak on is the job Civil Servants offer. It has been brought to my attention that in most cases the job is advertised, that is the policy of Government I understand, but when people apply for these jobs they are told that they have already been taken. Why advertise a post if it has already been given to someone. This has to be stopped and I will support the second elected Member for George Town on this. The jobs must be given to the best one of the applicants, the one who meets the standards and requirements for that job they should be given the jobs and not because it is some relative or whatever to a certain Civil Servant that they should be given priority. I think that it is time that this be stopped.

I also feel that young Caymanians coming back to this Island have not been treated very fairly. They have survived terrible treatment from higher Civil Servants and it is time for these Civil Servants to realise that a young person who leaves this Island has already gone through enough. They have left their Island to go abroad to study and when they come back they should be treated fairly. I would like to see that whenever these young people come back to this Island that they would be given fair treatment and not be pushed around.

I have noticed in the Throne Speech when the Governor has said about the Development Plan. This is one thing that we all should be very careful with. It should be studied thoroughly. We should take it back to our constituencies and get their views on it before we make up our minds, because there has been a lot said about this Development Plan and we during our campaign promised our people that we first acquaint them before doing anything on this plan. And I hope that this promise will be carried out when it comes to that plan.

Now I must say that I was very happy for the debate on that Misuse of Drugs - the Amendment to the Misuse of Drugs Law. And I am even more so happy that my two colleagues stood to their feet and supported this because the three of us have been accused that if we entered the House we would be legalising drugs in the Cayman Islands. I am happy to see that each one stood their ground and supported this amendment to the Bill. And with that I can say be that whatever it is going to benefit this Island I will give my wholehearted support to any Bill or any amendment to any bill coming to this House. I thank you, Sir.

MR. PRESIDENT: I think this might be a suitable time to suspend for fifteen minutes at this stage.

HOUSE SUSPENDED
HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

MR. D.H. FOSTER: Mr. President, I had not intended to speak, Sir, and I promise you even though I have decided to speak I won't hold you up too long.

First I'd like to join those that have congratulated you on the excellent Throne Speech. And a similar congratulations to the Financial Secretary.

Very early in your speech, Sir, you said amongst the subjects that I was responsible for to the Assembly within the provisions of the Constitution is the Civil Service. Since that is the case, Sir, I think I should try to enlighten Members and clarify a few points that have arisen during the debate.

You, Sir, are head of the Civil Service and there is a law called the Public Service Commission Law or the Public Service Law, I don't quite remember which. And this law provides for the appointment of a Public Service Commission. This Commission, Sir, at present is headed by my predecessor and a group of honourable and suitable citizens outside of the Civil Service. What there is a joint available guidelines are laid down in the Public Service Commission Rules for the filling of these posts, discipline of Civil Servants etc. In addition to this the Civil Service has General Orders which in connection referred to as our bible.

When there is a vacancy existing for a post it is generally advertised within the service first so that any Civil Servant who feels that he is entitled to promotion and who feels capable of filling the post he can apply for that post. So all the applications from the various sections of the Civil Service are first considered in that manner. At this stage the Head of the Department or the Principal Secretary may make his comments to the Public Service Commission as to the suitability of the applicants. It does not necessarily mean that the Public Service Commission is going to take the advice of the Principal Secretary or Head of Department as the case may be. If there is nobody within the service suitable then it is advertised outside of the service. And here again the Head of Department or Principal Secretary have an opportunity to comment on the applications. A decision is then taken by this independent body, the Public Service Commission, and their recommendations forwarded direct to you, Sir. Here again you do not have to follow their advice but I have never known you to go contrary to the advice of the Public Service Commission yet.

Another duty of the Public Service Commission is approving of training for Civil Servants within the service. This is a completely different function from applicants outside of the service applying for scholarships. But I must say, Sir, that there is a very close liaisonbetween the Personnel Department and the Public Service Commission and the Education Council. So that training as well as scholarships is handled between the two bodies and the left hand known what the right hand is doing.

As this, broadly speaking, Sir, is how people get appointed to the Civil Service and how they apply for jobs and so on. I cannot see, Sir, how it could be a more democratic way. As I said earlier on the members of the Public Service Commission are independent outside people with no axes to grind whatsoever.

I agree with what Members have said that we should endeavour to train our own people to fill the posts. Nobody would like to see anyone than I would, Sir, expatriates filling every post in the Civil Service. But it is my belief that not only must they have their certificates but they must have the practical experience. What I would like to see personally, Sir, this is only my own opinion is that you take a school leaver with eight number of O Levels and a couple of A levels give a him a shot in the Civil Service to which ever department he is adaptable to, whether it is secretary, finance or administration give him a year or two there then send him off to get his degree. So he knows what he is studying for, what he is going to do. Send them off and they get to come back with a bunch of degrees they know it all and in short they are educated fools, Sir, because they have no practical experience they don't want anybody without a degree to pass on the experience that they have gained over the years.

HON. D.K. FULTON: (CONTINUING): I feel that we must continue to look and pick out the better educated school-leavers, those with the best educational background and start getting some of those in Government. We are not getting, generally any in Government at all. The private sector is beating us to it and we must pick out the best ones or try to get some of them, give them a bit of practical knowledge and then finish their training and then we'll have people come back and take over from some of the older ones that are getting old pretty fast.

It is with regret, Sir, that Civil Servants have not been courteous to Members. This is not the way they have come up I am sure but I guess it is easy to some of them and I hope that in future they'll do a little better. Thank you very much, Sir.

HON. S. KEITH HOLDING: Mr. President, I have to confess one of the greatest tasks I have ever had and that is to compress my speech into a few minutes so that we may finish this business today.

Some criticism has been made about the Agricultural Department. I would like to say that the Director should not be blamed wholly for the shortcomings of this department. He has a very limited to work with. Members will see that this year he is allowed a $107,000 and although this figure is not above the actual expenditure in 1975 it is still only one tenth of 1% of the total recurrent expenditure. So we are working with a very small amount of money. In fact I would say that he has done a remarkable job . . .

I said at the Agricultural Show that what has changed agriculture in these Islands is the attitude which I would like to say has been changed with the new administration, so we can look forward to better days. I might say in reply to a letter in the press that I did not say we were putting forward the policies of the last administration. I said we are putting forward the hopes of the last administration.

One Member mentioned the control of Caymanite and I would like to say for information that at the present time an amendment has been drafted on that thing but to declare Caymanite a semi-precious stone. This will mean that if this amendment is passed into law in May, which we hope it will be brought to the House in May, no one will be able to mine Caymanite without a license. We would like to see it used here by the local dealers and manufactured into jewellry here and then exported rather than the raw Caymanite going abroad.

One Member also mentioned the control of black coral. And I would like to tell him that at the present time we're examining draft legislation in what is known as the Marine Conservation Bill and this will control the mining of black coral. Of course, this Bill which apparently was drafted on the recommendation of a Conservationist will have to be examined closely.

Finally I would like to say, Mr. President, that in your Throne Speech if you had only confined it to those lines that speech would have been worth all the trouble that went into it. And those lines are: The public is highly concerned with this aspect of the operation but it would be more productive to inquire what measures the Government has in mind rather than to tell it what it ought to do.

It appears to me that certain people in the Press have set themselves up as the new Executive Council Members. And I want to make it clear that the Executive Council Members, the four elected Members are the four that are sitting here and that were elected by the people of the Cayman Islands. And my friend here on my left and greatly perturbed about the stand taken by the Press and as he is a freshman my advice to him is to just ignore them. What has comforted me during the last few years is the definition of the Press which I found in an old book written more than one hundred years ago and this has been my watchway through the years and I would like to leave it with him: The Press is an academic lagoon of unknown depth distinguished by the unfashionable disagreeable and irresponsible members.

HON. G.E. KIRKCONNELL: Mr. President, unlike the elected Members of the House I am in the happy position, Mr. President, whilst rising to congratulate you Mr. President on the excellent Throne Speech which you delivered and my good friend the Honourable Financial Secretary also on his excellent Budget Address that I need not concern myself with the politics of both speeches.

I should like however, Mr. President, to add my small quota of congratulations for these speeches, three addresses. We in Executive Council know the great deal of work which goes into them and as year after year excellent speeches are delivered the public perhaps, and other Members of the House perhaps come to regard them more as a matter of course and take them for granted but we in Executive Council know otherwise and so I offer to you Mr. President and to the Financial Secretary my thanks for these addresses and my congratulations to you both.

In your Throne Speech, Mr. President, you made mention of the Legal Administration and you referred to a number of Bills which it is proposed to introduce during the current year. It is indeed a formidable list, Mr. President, and as the Third Elected Member for George Town mentioned, she expressed some apprehension at our having too many laws. And, perhaps, Mr. President, she has taken a leaf out of the book of no less a person than Lord Oxford and Asquith who in his Constitutional Report also made reference to that fact by saying that the Cayman Islanders are a law abiding people providing they have not got too many laws to abide by.

On the other hand, Mr. President, it must be remembered that the Cayman Islands are now at a stage of their development, it is regarded as being a developing territory and with all developing territories it is necessary that there should be laws to provide for that development and to provide for orderly development and to provide for measures whereby it will not be possible for the international brigandage, the international con-men to come here and to perpetrate their frauds as they do in some other territories and get away with it.

And as there is this formidable body of legislation which I am sure, that with the sympathy and co-operation of this House, that if not all the majority will be passed during the coming year.

The Honourable Financial Secretary made reference in his Budget Address, Mr. President, to ship registration and so you also did, Mr. President. And this, of course, is a very important facet of the future of the Islands. I am the Chairman, Mr. President, having been appointed by your good office to the position of Chairman of the Committee which is now studying this matter and although our progress has been slow I can assure Members that it is sure and that we have been fortunate in having had offers, real offers of assistance from the British Government and we have also been supported and had a great deal of assistance from the local financial committee. And although we have not been able to meet since the beginning of the year due to pressures of work which has squeezed it out somewhat I can assure Members that the moment this session is over that we'll be meeting and that there are several important matters to be discussed, including, and not the least, a brief which we have been supplied by the financial committee. A brief to a legal expert in the field and which we will be meeting and sending to this expert from this Council to get some real pertinent advice in the matters concerning registration, ship registration.

I should like to reaffirm the views expressed by some Members that they are hoping to provide a ship registration system which will be recognised and respected in the marine world and that we will not be merely seeking to provide a system of flags of convenience to ship owners who think that they can come and register their ships and then adopt sub-standard practices in the operation of their vessels.

Mr. President, like yourself as you referred to in your speech, Mr. President, I should like to end also on a personal note. But unfortunately, Mr. President, unlike yourself my wife is not as happy a one as yours. I would have liked to have joined with the other

HON. C.E. MADDINGTON: (CONTINUING): Members, Mr. President, I am expressing my joy at your continuing with us for another year at the end of your term of office. I am happy that you will be here because it is necessary and as the other Members have said it is very necessary that you will be at the helm for at least another year. My unhappiness is that I won't be here to join you, Sir.

As you know, Mr. President, several months ago I informed you that I would be demitting office at the end of April of this year. And even although as the Member for North Side mentioned he didn't see why people should be resigning when, perhaps, they had several good years left, nevertheless, Mr. President, the time comes for each and everyone of us when we have to make that decision. And it is necessary I think that such a decision should be made when indeed there are, we hope, a few years left rather than remaining until one is so decrepit that, well one perhaps drops down in the job.

It is with a great deal of regret, Mr. President, that I have taken this step because looking over the past seven years in respect of which I have had the privilege and the honour to sit in this House I have a great deal to be thankful for and I shall carry away great memories, pleasant memories of the camaraderie, the generosity and the general consideration which I received not only the present Members of this House but Members of the previous Legislature. And I am indeed grateful for that, Mr. President, I shall always remember them.

I end, Mr. President, by conveying to you, Sir, and to all the Members of this House my very best wishes for the continued success and advancement of this Island and of the Legislature and I am quite sure, I for one have no doubt whatsoever that the Members of this Legislature who have pledged themselves to the continuation of the stability of this Government will carry out that pledge unhesitatingly. And I am sure, Mr President, that in the days to come that the Cayman Islands will be held up as an example to the rest of the world as being a bastion in the Caribbean of free democratic Government and that the universal declarations of human rights laid down by the United Nations will be carried out in this territory not only in theory but in a real practical manner. I thank you, Mr. President.

HON. V.G. JOHNSON: Mr. President, I have had a very short time in which to wind up the debate. I like other Members have to cut short what I intended to say.

First of all, Mr. President, I would like to thank Members for their kind remarks on both the Throne Speech and the Budget Address. I am not too sure whether you were going to wind up your Throne Speech. However, if not, on your behalf, Sir, I would like to thank them for the debate and for the kind words which they have expressed throughout.

I would personally like to thank those Members who have said very kind words about me. Sometimes I wondered whether to accept it or not but I can assure you that I will be watching those Members very carefully.

Mr. President, I listened very carefully and intently to the debate and unlike other budget debate and Throne Speech debate a Member from the Government bench had off on this occasion and I imagine it was the formula which was adopted to carry out this debate.

The debate went very smoothly. It was unlike other debates as I said. There were a few criticisms made of various areas of Government and also the Civil Service. As far as I am concerned Mr. President, my shoulders are broad and I can take them. But I think that in some instances Members are perhaps misinformed of the procedures and rules which operate the Civil Service. And I am glad that the First Official Member took the opportunity to explain a bit of the workings of the Public Service Commission, the laws and the regulations which govern that body.

HON. V.S. JOHNSON: (CONTINUING): Mr. President, the history of the boom and prosperity of the Cayman Islands is very short indeed. And it was over this very short period that the Cayman Islands gained prominence in the stability and as a model for the rest of the Caribbean. Much effort was put into this and the credit for the achievement, Mr. President, does not go to one person or one body it goes to the Legislative Assembly, to the Executive Council and to the Civil Service. I should say that any vacillation of any of the three arms of Government in operating this system would have made the effort difficult if not impossible.

We operate a very fragile economy and any attempt that we make to discredit any person of the past operation could do nothing but harm. Mr. President, a good Government is not one that criticizes. On the contrary it is one that seeks to improve what others have done.

The Honourable Fourth Elected Member of Executive Council spoke of the public debts and of the deficits, which have come forward from previous administration. And I imagine he was trying to put forward that this Government is not responsible for those debts and that minuses position of Government. And quite so, we and Government assumes responsibility for the position which is found or which it has inherited. But, Mr. President, what I would like to say is that the previous Government, the previous Legislature consisted of Members elected by the people of these Islands as well and they approved all the laws which authorized any loan or any commitment with this Government.

The public debt which has been incurred and which figure was stated at $7,182,428, Mr. President, consists of debts contracted from 1958 to the present time. It is not debt that was contracted over the last four years. This is the country's total capital outstanding public debt loans. I wouldn't bother to go through the details there is no time for it. But as I said before the Legislative Assembly approved all these loans. The two biggest loans were mentioned in the Budget Address, the port loan and the Consortium loan to build the Administration Building and to do the road programme. Those are the two loans that really account the sum to the extent that it is today.

Mr. President, I would just like to clarify here one point. I did say in the Budget Address that public debts commitment, that is to say the servicing of public debts, has now reached approximately 10% of the recurrent revenue. But I would like to say that the full commitment will not be reached until, maybe, the next three to four years because for instance the interest free loan from the British Government will not be repaid, that is to say a principle repayment will not commence until five years after the loan has been granted, there is a moratorium of five years. And the port loan also carries a moratorium of two or three years. And certainly by the time we reach full commitment on this loan the revenue would have grown and therefore the proportion of public debts repayments to the total loan would have reduced from 10% to, perhaps, 8 or 7%. So I think there is a bit of latitude you to operate on public debt if this becomes necessary.

Mr. President, a Member mentioned that politicians had no control over the money spent and that they have a right to question Civil Servants in the spending of public funds or they have a right to ask what the money was spent on. Well this is quite true, Mr. President, but Civil Servants only spend what is approved by this Legislative Assembly, and this is usually under the Appropriation Law. The Legislative Assembly has the Public Accounts Committee to ensure that this is so. There is also the Auditors who examine the accounts to ensure that spendings do not exceed the limits of approval by the Legislative Assembly. Any new expenditure, Mr. President, is presented to Finance Committee and then it comes to this House to be passed by a Motion.

It was said by a Member that the port was originally to cost $1.5 million but it was known that the cost would exceed that. Well, Mr. President, on the 31st of July, 1975 I presented to the Finance Committee

HON. V.G. JIMENEZ: (CONTINUING): the proposed cost of the port as was revised after the contract was awarded. And at that time I reported that the total cost of the port would have been $3,650,000. Costs as you know has escalated since then. The Caribbean Development Bank estimated that over the period of the construction costs would escalate more than what we had found it to be. So at least it has gone beyond or to a ridiculous figure as yet.

Mr. President, there are quite a few things that I wanted to mention but the time is going and since they have been mentioned more or less by other Members of Government there is no great need for me to go through all these.

I would just mention one which is the landing fees at Owen Roberts. It is unfortunate that the landing fee was introduced recently. This was a requirement of the British Government under the loan agreement for the reconstruction of the Owen Roberts Airfield. The British Government insisted that if it was going to grant loan facilities to assist in the reconstruction of the field that the Cayman Islands Government would have to introduce landing fees, because the airport would have to be a running running service the same way as Owen Roberts Airport and for that reason it was necessary to introduce the landing fees. This is unfortunate but there is nothing to do about that.

Another mention should be made of the sub-police stations for the eastern districts and also the extension of the West Bay station. These will form a project for British Aid financing and the project will be submitted for approval in early April. It is hoped that the British Government will accept this and will approve the project. However, I think in the meantime the site for the North Side sub-station will need to be bought. I don't think there is a site as yet unless one has been found since a year ago.

Mr. President, I will wind up my reply by saying again many thanks to all Members for their kind support which they have expressed in their debate on the Throne Speech and the Budget Address. We will be going into Finance Committee tomorrow morning at 10 o'clock and we hope that any differences of opinion as far as the Estimates of Revenue and Expenditure is concerned that we will thrash these out in the Committee Room. The atmosphere here now is somewhat more pleasant than it was in the past. There is a feeling that one can always compromise or reach an amicable agreement and I am sure that in the Finance Committee we will be able to resolve any differences and arrive at a decision to accept the proposals put forward in the Estimates of Revenue and Expenditure and in the Appropriation Bill.

Mr. President, I would like to take this opportunity of expressing my gratitude to the Retired Official Member, my good friend, Mr. Waddington. He intimated that he would be leaving Government shortly after seven years of service. We have worked very closely together after being members of Executive Council together since 1972. I am sure that he will be missed by the service because his experience and his knowledge and his assistance has always been found to be most invaluable. We wish him the best for the future both he and his wife and his family and wherever he settles I hope that he will always remember the Cayman Islands whenever there is an opportunity for him to come back and visit that I am sure he will be willing to do.

Thank you, Mr. President.

HON. ANNIE H. HUDSON: Mr. President, I would like to express the gratitude of myself and I feel sure every Member in this present Government and the elected Members as well as those of the past for the good services which we have received from our Attorney General the Honourable Mr. Waddington.

Now I am very fond of old people not many people and and while Mr. Waddington is not an old man he is an experienced man. He not only has the paper he has the experience. And I feel, Sir, that we

MISS ANNIE H. BODDEN:(CONTINUING): are losing an asset when he leaves our Island. I hope and pray that wherever he goes he and his good wife and his family will be very happy in their new sphere.

My only regret is that he will not reside among us. Nevertheless although he will retire from Government if he were available we could always seek his advice. And I hope that if he cannot work it wherever he goes and find the same kind of people that we have here that he will return to us. I thank him for all the service which I feel he has rendered to this Government and to the people as a whole and I wish him God's blessings he and his family wherever he may be.

MR. PRESIDENT: I think we better leave any further speeches on this subject until the motion on the adjournment and terminate this particular business.

QUESTION PUT: AGREED. NO HAND / HOUSE TIME.

REFERRAL OF APPROPRIATION BILL AND ESTIMATES OF REVENUE AND EXPENDITURE TO STANDING FINANCE COMMITTEE.

HON. V.G. JOHNSON: Mr. Speaker, I move that the Appropriation Bill together with the Estimates of Revenue and Expenditure be referred to the standing Finance Committee.

The Committee will meet tomorrow morning at 10 o'clock.

SECONDED BY: HON L.F. PARSONS.

QUESTION PUT: AGREED. APPROPRIATION BILL, 1977 AND ESTIMATES OF REVENUE AND EXPENDITURE REFERRED TO STANDING FINANCE COMMITTEE TO BEGIN DELIBERATIONS ON WEDNESDAY MORNING, 9TH MARCH, 1977.

ADJOURNMENT

HON. O. E. FOSTER: Mr. President, I move the adjournment of this House to a date to be notified after the completion of the work to be done by the Finance Committee - probably next Tuesday or so, Sir, but all Members will be notified.

SECONDED BY HON. V.G. JOHNSON.

HON. TRUMAN M. BODDEN: Mr. President, I join with my other two colleagues in expressing the gratitude of this House and the people of these Islands to the Honourable Attorney General.

Mr. Williamson has had a long distinguished career as a Judge of the Court of Appeal and for the past seven years we know, that he is a person of high calibre and a brilliant and astute legal mind. I am especially in a strong position to voice that, Mr. President, as my early years were spent under him. During that time, Mr. President, I learnt a lot about law and life in a whole. I believe we are losing a good man from the Government and from the Islands and I would hope that he would find it possible, as Miss Bodden mentioned, to reside with us.

I wish for him and his family God's richest blessings as he retires. Thank you.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED AT 4.45 P.M. NOTICE TO BE NOTIFIED TO MEMBERS BY THE CLERK AT THE CONCLUSION OF THE DELIBERATIONS OF THE STANDING FINANCE COMMITTEE, POSSIBLY MONDAY, 14TH OR TUESDAY 15TH MARCH, 1977.

FIRST MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY
FIFTH DAY
THURSDAY, 17TH MARCH, 1977

PRESENT WERE: -

HIS EXCELLENCY THE GOVERNOR, MR THOMAS HUGHES, CBE.,
PRESIDING OFFICER

GOVERNMENT MEMBERS

HON. D.E. FOSTER, M.H.E., J.P.	FIRST OFFICIAL MEMBER
HON. G.E. HADDINGTON, (CBE.), Q.C.	SECOND OFFICIAL MEMBER
HON. T.G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. THOMAS M. HUGHES	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.
HON. G. HALG RUTHERFORD	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES.
HON. JAMES M. DONLAN	MEMBER FOR TOURISM, AVIATION AND TRADE.

ELECTED MEMBERS

MR. DALMAIN EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN CARSTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN MYERS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. [illegible] SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE M. BODDEN, OBE.,	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 SISTER ISLANDS
MR. CHADDOCK EBANKS, J.P.,	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ORDER OF THE DAY

FIRST MEETING OF THE LEGISLATIVE ASSEMBLY

CONTINUING ON THURSDAY, 17TH MARCH, 1977

COMMENCING AT 10 A.M.

1. TO BE LAID ON THE TABLE BY THE HONOURABLE FINANCIAL SECRETARY

THE MINUTES OF THE MEETINGS OF THE FINANCE COMMITTEE FOR THE CONSIDERATION OF THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1977, TOGETHER WITH THE APPROPRIATION BILL, 1977.

2. GOVERNMENT BUSINESS: -

BILLS -

(a) THE APPROPRIATION BILL, 1977 - REPORT THEREON & THIRD READING

(b) THE MISUSE OF DRUGS (AMENDMENT) BILL - COMMITTEE THEREON & THIRD READING.

(c) THE CUSTOMS (AMENDMENT) BILL, 1977

(d) THE CARIBBEAN PRODUCTION (AMENDMENT) BILL, 1977

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TUESDAY, 15TH MARCH, 1977

10 A.M.

MR. PRESIDENT: First item on the Orders of the Day is laying of papers.

MINUTES OF MEETING FINANCE COMMITTEE

HON. V.G. JOHNSON: Mr. President, I beg to move that the Minutes of the meetings of Finance Committee for the consideration of the draft Estimates of Revenue and Expenditure for 1977 together with the Appropriation Bill, 1977 be laid on the table of this Honourable House.

MR. PRESIDENT: So ordered.

APPROPRIATION BILL 1977 HEPORT TABLED

HON. V.G. JOHNSON: Mr. President, I have to report on the meetings of the Finance Committee which considered the draft Estimates of Revenue and Expenditure for 1977 and the Appropriation Bill, 1977.

The Committee met on four occasions on the 8th, 10th, 11th and 16th of March, and during the four days it examined the entire Estimates, details of revenue and expenditure and also the Appropriation Bill and made amendments accordingly.

Mr. President, there were a few additional expenditures made to those presented in the draft Estimates of Expenditure and the Addendum attached to the Estimates. There were, however, offset by reduction in expenditures in other areas. So that in the final analysis the total of the Appropriation Bill was not altered. When I say that, Mr. President, I should explain that the total of the Appropriation was amended for an adjustment of the sum of $10,126, but this resulted in the adjustment of the revenue side of the Estimates resulting from adjustments. And so in the Financial Statement the revenues and expenditures were so adjusted that the total deficit for the year remains the same. It sounds a roundabout way of explaining it, Mr. President, but in effect expenditure was not increased beyond what was recommended and the amendment to the total of the Appropriation Bill was as a result of adjustments to revenue figures.

Mr. President, The Appropriation Bill was examined and the amendments which were taken into consideration in the Estimates of Expenditure were made on the Schedule of the Appropriation Law and/or the various heads. And I will now give in brief the amendments recommended to the Appropriation Bill:

In Clause 1 the marginal note Short Title was added. In section 2 the figures were amended to read "$18,689,060". In the Schedule -

HEAD 3 - BROADCASTING DEPARTMENT the figures $135,884 were replaced with the figures $128,884.
HEAD 4 - IMMIGRATION the figures $109,440 were replaced with the figures $118,560.
HEAD 7 - POLICE AND PRISONS the figures $852,187 were replaced with the figures $820,787.
HEAD 8 - FINANCE AND DEVELOPMENT the figures $1,536,415 were replaced with the figures $1,964,156.
HEAD 9 - CUSTOMS DEPARTMENT the figures $143,940 were replaced with the figures $141,744.
HEAD 13 - ADMINISTRATION, HEALTH, EDUCATION AND SOCIAL SERVICES the figures $31,004 were replaced with the figures $36,705.
HEAD 14 - PERSONAL HEALTH SERVICES the figures $1,037,740 were replaced with the figures $1,059,280.
HEAD 15 - SOCIAL SERVICES, RECREATION AND HOUSING the figures $139,640 were replaced with the figures $153,885.
HEAD 16 - ADMINISTRATION, AGRICULTURE AND NATURAL RESOURCES the figures $31,004 were replaced with the figures $34,998.
HEAD 17 - DEPARTMENT OF AGRICULTURE the figures $116,519 were replaced with the figures $120,019.

HON. V.C. JOHNSON: (CONTINUING):

HEAD 15 - LANDS AND SURVEY DEPARTMENT the figures $111,797 were replaced with the figures $718,515.
HEAD 19 - MOSQUITO RESEARCH AND CONTROL UNIT the figures $511,110 were replaced with the figures $553,090.
HEAD 20 - TOWN PLANNING DEPARTMENT the figures $61,014 were replaced with the figures $63,414.
HEAD 21 - ADMINISTRATION, TOURISM, AVIATION AND TRADE the figures $48,981 were replaced with the figures $50,619.
HEAD 23 - DEPARTMENT OF TOURISM the figures $280,654 were replaced with the figures $582,654.
HEAD 24 - ADMINISTRATION, COMMUNICATION, WORKS AND LOCAL ADMINISTRATION the figures $34,900 were replaced with the figures $40,888.
HEAD 25 - DISTRICT ADMINISTRATION the figures $365,176 were replaced with the figures $380,812.
HEAD 26 - POSTAL DEPARTMENT the figures $261,961 were replaced with the figures $359,986.
HEAD 27 - PUBLIC WORKS DEPARTMENT the figures $701,911 were replaced with the figures $625,961.
Head 29 and 32 Central Funding Scheme and Port Authority respectively were struck out from the Schedule of the Law.

The total recurrent expenditure as revised is $10,021,032.

HEAD 40 - DEVELOPMENT (a) LOCAL FUNDS the figures $1,418,870 were replaced with the figures $1,421,870. The total of Head 40 $2,822,410 were replaced with figures $2,825,410.

The total of the Schedule of the Heads of Expenditure is $13,499,050.

These are all the amendments to the Appropriation, Mr. President.

CLERK: THE APPROPRIATION LAW, 1977.

THIRD READING

MOVED BY: MR. V.C. JOHNSON
SECONDED BY HON. E.H. FOSTER.

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

MR. PRESIDENT: We'll now proceed with the Committee stage of the Misuse of Drugs (Amendment) Bill.

MISUSE OF DRUGS (AMENDMENT) LAW, 1977

COMMITTEE STAGE:

MR. PRESIDENT: I think definitelythe Member should move that we do pass into Committee,before I so rule.

HON. TRUMAN HODDER: I move that this House resolve itself into a Committee of the whole House to consider clause by clause the Bill entitled the Misuse of Drugs (Amendment) Law,1977 and to amend it where necessary.

SECONDED BY HON. JAMES M. HODDER.

QUESTION PUT: AGREED. HOUSE PASSED INTO COMMITTEE.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. SCHEDULE OF LAW 13 OF 1973 AMENDED.

QUESTION PROPOSED:

HON. TRUMAN BODDEN: Mr. Chairman, on that I will be asking the Assembly to vote against Clause 2 in the Bill and thereafter I will be suggesting certain amendments to it which I have circulated this morning which were only placed particularly recently, Sir. I'd be asking them to vote against Clause 2 of the Bill as it stands.

MR. CHAIRMAN: These amendments are being moved without notice and the leave of the House is required to put these amendments. Perhaps we had better settle this first before we vote either for or against Clause 2 in the Bill.

QUESTION PUT: AGREED. LEAVE OF HOUSE GRANTED.

MR. CHAIRMAN: I take it that the Member has the authority of the House to move these amendments. He is putting forward a new Clause 2 to replace the one on the green paper before Members and in order to proceed with the amendment it is required that the House negative Clause 2 on the green paper.

QUESTION PUT: NEGATIVED. CLAUSE 2 DELETED.

MR. CHAIRMAN: This will enable the Member to put his revised amendment.

HON. TRUMAN BODDEN: This amendment has been circulated in fact it is what this House asked for informally and it will include a new section 2, a new section 3, 4, 5, 6, 7 and 8. These have been circulated, I have only circulated them this morning, Mr. Chairman, and perhaps, we could then take these clause by clause if this is in order.

MR. CHAIRMAN: If Members are agree we'll proceed with the Amendments on the white paper circulated clause by clause. And in accordance with Standing Orders the Clerk will call each of these in turn. They are then read for the second time which enables Members to debate each clause that is put by the Member, and then primarily the question is put that the new clauses be considered part of the Bill. I'll ask the Clerk first of all to propose that the new clause 2 stand part of the Bill.

CLERK: CLAUSE 2. Schedule of Law 13 of 1973 amended.

MR. CHAIRMAN: The clause is deemed to have been read the first time.

I'll put the question that the new clause 2 be read the second time. The motion is now open for debate.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 SECTION 2 of LAW 13 OF 1973 AMENDED.

MR. CHAIRMAN: The clause is deemed to have been read a first time.

MR. CHAIRMAN: (CONTINUING): The question is that clause 5 as amended be read the second time. The motion is open for debate. If there is no debate I'll put the question.

QUESTION PUT: AGREED. CLAUSE 5 READ A SECOND TIME.

QUESTION PUT: AGREED. NEW CLAUSE 5 PASSED.

CLERK: CLAUSE 6. SECTION 5 AMENDED.

MR. CHAIRMAN: Clause 6 is deemed to have been read a first time.

QUESTION PUT: AGREED. CLAUSE 6 READ A SECOND TIME.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7 SECTION 12 AMENDED.

MR. CHAIRMAN: The new clause 7 is deemed to have been read a first time.

The question now is that the new clause 7 be read a second time. The motion is open for debate.

HON. TRUMAN HODDEN: Mr. Chairman, could I just ask that the marginal note there be section 12(1) amended. I don't think that was included in the original. So I'll ask Members to insert (1) after 12.

MR. CHAIRMAN: If there is no objection that amendment may be made.

QUESTION PUT: AGREED. CLAUSE 5 READ A SECOND TIME.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 SECTION 12(2) REPLACED.

MR. CHAIRMAN: Clause 6 is deemed to have been read a first time.

QUESTION PUTTING:

MISS ANNIE H. BOUDEN: Mr. Chairman, with regards to this section - notwithstanding the provisions of subsection (1) whoever is guilty of an offence that (a) contrary to subsection (1) of section 5; (b) specified in Part A of the Second Schedule; and (c) is in relation to a controlled drug that - (i) that is not a hard drug; and (ii) is less than one pound in weight, shall, on summary conviction, be imprisoned for a term not exceeding seven years.

Now, Mr. Chairman, I am wondering if we should not put some kind of minimum sentence on that - it says a term not exceeding seven years. Could we insert here what the minimum would be. It cannot exceed seven years but what about the minimum of that sentence.

HON. TRUMAN HODDEN: Mr. Chairman, on that .....

MISS ANNIE H. BOUDEN: Just a minute please. And in addition shall further be liable to a fine not exceeding $10,000, and in the case of a second or subsequent conviction for any such offence shall be imprisoned for a term of not less than five months nor more than seven years and in addition shall further be liable to a fine of not less than $ 5,000 nor more than $15,000.

A term of not less than five months. I disagree with that 100%. Five months. What is five months for a criminal offence

MISS ANNIE E. BODDEN:(CONTINUING): such as dope? It should be at least one year and that is what I would agree to, Sir.

HON. THOMAS RUSSELL: Mr. Chairman, on this specific amendment this is dealing with the soft drug under one pound in weight. And in section 7 precisely what Miss Bodden has mentioned has been put in - if it's over one pound in weight then there is a minimum on the first offence of five months and two years on the second offence. This is substantially what the Assembly agreed on and it is, I agree, a somewhat complicated looking amendment.

I have no comments beyond that. However, it is dealing with what could be just a minute amount , it could be one stick, one cigarette or whatever it is called. And it may be somewhat harsh to send a person to a mandatory of one year under that - whereas if it is over that amount then he must go to prison for five months if it is over one pound.

This is really a question which catches up or extends, I would say, the subsection (1) of section 12. And if the importer's dealing is under one pound then is not a mandatory on it.

MISS ANNIE E. BODDEN: Mr. Chairman, it does not matter how small a dose, I should call it, of this dope may be, how mild it may be it is ruining our country. And at least we should put fear in their hearts. It is like us having - if you murder you pay with your own life. At least the threat is there, the drastic and while I do not agree with taking a person's life in return for their taking somebody else's I feel that that is a preventive of crime. And if in this modern day where the rank and file of people who are using this dope, selling it, dispensing of it even to youngsters I feel that five months is too little a sentence. They should have at least one year.

HON. C. KEITH BODDEN: Mr. Chairman, I would just like to point out that this section here is dealing with drugs that are not hard drugs. In other words these penalties apply to drugs other than the hard drugs are set in section 3.

MISS ANNIE E. BODDEN: Mr. Chairman, I quite understand that, I can read. But I am saying that this Assembly should see that no further destruction is being made to our islands through drugs whether they be small drugs or hard drugs or what kind of drugs, we must stop this.

CAPT. KEITH P. TIBBETTS: Mr. Chairman, I fully agree with the Member from George Town, that we can't be hard enough, in my estimation, on people that are using drugs. And I feel that a mandatory one year jail sentence in the first instance should be at least what we are asking for now. And I would like to support the move that we put that in. Because if it is not a mandatory jail sentence it has no deterrent for those in the dope trafficking.

HON. JAMES M. BODDEN: Mr. Chairman, we're dealing here with basically what was in the old law and everyone more or less thought that was quite sufficient. I appreciate the feelings of the Members on this particular position but here we are dealing with mainly a drug which is commonly used here and which is called 'marijuana'. And the use of this under one pound - If a person is caught say with one cigarette of it on the first offence under this we must bear in mind that it is at the discretion of Judge... He can give from one day to seven years plus a $10,000 fine. You may find a Judge that is lenient and may only give a day. You may find a Judge that may come and give three years for the first offence for the use of a cigarette out of it.

And although I would like to see this presumed but I don't think it could be applicable in this law. I think we would

HON. JAMES M. BOGGESS: (CONTINUING): really be going too far. And if we look at it under the second offence we will see that there is a mandatory sentence of five months with a maximum of seven years and a fine of from $5,000 to $15,000.

To be frank with you, on the one of it which is mainly what this is dealing with here, I cannot see how we can go and be much stiffer. If we look into the next section we will find that when we get down into the category of where the person would more or less be termed an importer or a producer we are then putting some fairly stiff sentences on it. In the first offence making it mandatory for five months and a subsequent offence from two to ten years. I really can - not see how we can be fair to put a much higher penalty on this at this time.

MISS ANNE S. HOLDING: Mr. Chairman, I have been in court and I have heard people with pounds of dope get one day's sentence - one single day. And the amount of dope which they had to distribute could put half of Canada in a state of upheaval. And I feel that we are playing with this thing. Are we interested in stopping dope in our island or not? That is the question I would like to have answered. And five months is play time because our prisoners only go to the jail and pick up leaves, they never work.

MR. CHAIRMAN KNOWLES: Mr. Chairman, I think it has been the strong feeling expressed in this House from time to time about the situation in the island in respect to drugs. The habit is really getting very wide.

Members have expressed their feelings that measures should be used to curb this trend as far as possible - and it is not in any one but I would like for anyone to point out to me what is the difference between two drinks - some Members refer to soft drugs and hard drugs - I wonder if someone gets drunk on a dozen bottles of beer and one gets drunk on one bottle of whisky now is there a difference in those alcohol - is that soft alcohol and hard alcohol. In other words then what is the difference between two drinks. Both of them have used enough to make them drunk, become disorderly, bad behaviour so I don't know how we can define this referring to it as soft drugs. I understand what they are saying, yeah. But it doesn't seem to be very soft according to the behaviour of our young people coming the streets.

I am sure, Mr. Chairman, particularly with those that have families it is just not that easy to say that we should do this and do the other, but I am saying if we don't use measures that will hurt them it is not just one or two families that will suffer, the whole country will suffer. And that is my whole interest the saving of the young people of this country. And if we don't do something drastic in trying to curb this then we all will suffer and our country will be gone.

I don't know how much hurt five months will be either. When we see them around the jail compound or the police compound doing little or nothing and so much in the Government department's buildings and what not this should be kept clean instead of paying out money to have this done, it would look like these prisoners should be doing this type of work. Getting a bit of exposure to the public so that it might help to embarrass them along some lines but not to be locked away and kept in the back of a place where they have a freeness and a picnic time of it more or less.

Whether we make it a year or eighteen months - I don't know just what we would consider reasonable for the first offence - but a thief is a thief, a drunkard is a drunkard, a liar is a liar, no you just don't weigh them separately as far as I am concerned.

MISS ANNIE K. BODDEN: Mr. Chairman, I am wondering if the five months is inserted because they would then have to serve this term in the Cayman Islands. Because as I understand now with a six month sentence they have to be sent to Jamaica. It doesn't matter where they have to go, it is that this thing must stop or we make it wide open, any you can bring in anything you want anytime you want and ruin our country - if we are obliged to go that way just don't bother with this drug law, just leave it alone. But if you're going to stop eh you have to be very drastic and I feel today that this five months is entirely too small a sentence, too minimum a sentence - they will only serve about three months after all, because if they behave while they are in prison they would get like three months maybe, yet ten months off that is not good enough. One pound of ganja can drunk everybody in this room I believe what I see in the court room called a stick - that the people say I have only smoked one stick. And a pound of ganja could make cigarettes enough to drunk everything in this Assembly Building today. And I say let them get at least one year and I stick by that.

HON. TRUMAN BODDEN: Mr. President, if I may just mention first, and I do this in a very friendly way, in relation to the difference between the drugs and the question of the dumbwaiter - I believe that it is the situation that the difference is between waking up with a hang-over and not waking up at all. The soft drugs you get the hang-over, the hard ones it finally overcomes the consciousness and kills.

I may just mention that these amendments the Members were quite aware - it is a pity that this wasn't raised at the earlier stage, however, I do not believe that it was the case that we should go beyond them. There are some extremely hard periods of mandatory imprisonment, it goes up to five years minimum in which the Judge must impose on hard drugs. As I originally understood it this had been accepted and subsequently agreed on.

The sentence can go up to seven years and a fair period will be imposed in relation to this. I think the real big new problem is in the area of hard drugs and this we have made it extremely hard and the mandatory sentence as I have said has been moved up now to five years on some offences.

MISS ANNIE K. BODDEN: Mr. Chairman, I will say this and then I shall stop. I am wondering if the five or six tons or ten tons or whatever it was of ganja which was stored at Little Cayman - if they had found who had that drug, not the importer, if he would have gotten five months. Enough ganja to sink the Cayman Islands. But if we were to encourage dope trading and money, is we go ahead with it - but this thing is a very serious matter and fear, the fear of going to jail might stop it since they have to appeared to serving a sentence. It is making our Cayman - I for one ... never agreed to only five months I said two years should be the minimum but I will compromise at one year and no less.

HON. V.G. JOHNSON: Mr. Chairman, it is alright for us to sit here and speak as Legislature, and I am in no way trying to support the crime of drug trafficking and the use of drugs, but we must also place ourselves in the position of the parents.

Not so very long ago there was a letter written by a young man in the Caymanian newspaper. Although he beat around the bush for a long time in coming to the point he did eventually get to the point speaking on the mandatory sentence under this law. And the point was what happens in the case when innocent persons are convicted and the Judge has no discretion in sentencing. That is the point which we must bear in mind because it frequently happens in court. It is not every accused that is convicted that is, perhaps, guilty of the crime which he has been convicted of.

HON. V.G. JOHNSON: (CONTINUING): I think the Government bench has put forward a reasonable enough argument for the sentence which is already mandatory under this section of the Law. And as far as I am concerned, Mr. Chairman, I am supporting the section as it stands. I see nothing wrong with it, five months is a fairly long sentence on a first offence and I think it is reasonable.

MR. CRADDOCK EBANKS: Mr. Chairman, I can venture to say that there may have been many a people who have spent a life sentence in prison that were not guilty but they were found guilty. And any man or woman that goes before the court they have to be proven guilty before they can be convicted. And as I just said we have read and heard of many instances where we learn that people after spending many years in jail in our prison that they were not guilty. But many too spent their lives in jail for murder and other things that undoubtedly they were not guilty of but they were proven guilty and the same thing will happen here with soft drugs and will happen here with hard drugs or any other drugs or any other crime. Probably some of our people have been to jail and witness guilty but they were found guilty by the court. So we just can't use that as the ruling for the case. It is reasonable that anyone will appear before the court and the Judge finds him guilty. It is only doing the wrong things that causes one to end up in court.

MR. CHAIRMAN: Well, if there is no formal motion to amend the clause I think I'll put the question.

MISS ANNIE B. BODDEN: Mr. Chairman, I would like to move an amendment to this clause, that this 'five months' be given instead 'twelve months'. Of course, I know I shall lose it.

CAPT. KEITH TIBBETTS: Mr. Chairman, I'll second that.

HON. TRUMAN BODDEN: Mr. Chairman, if I understand this clearly you want to amend the second or subsequent offence to twelve months.

MISS ANNIE B. BODDEN: I want both amended to at least one year.

HON. TRUMAN BODDEN: O.K, I just want to get this clear because the five months is in relation to the second or subsequent offence.

MISS ANNIE B. BODDEN: Mr. Chairman, I thought I had made my point very clear that I don't want any minimum sentence of five months. The minimum sentence in both instances, as far as I am concerned, should be one year - twelve months.

HON. G.S. HADDINGTON: Mr. Chairman, I haven't said anything on this subject because I think it is a matter really for the Members to decide on. But I should just like to mention that the imposition of mandatory sentences is generally anathema to the administration of justice. It is necessary for proper administration of justice, if at all possible, for the tribunal to have a discretion as to the length of imprisonment within the perimeter of the maximum sentence that can be imposed. Because every case differs in circumstances and the facts and there can be a case which is just, perhaps, on the border line, perhaps the circumstances of which are such that a very small quantity of the drug could, by misadventure, be found on a person a person without any previous convictions and various other circumstances which would warrant the exercise of a discretion by the tribunal in imposing a sentence of imprisonment. But when the hands of a tribunal are tied by providing a mandatory sentence then those circumstances go through the window so to speak. The hands of the tribunal are tied and it makes for bad administration of justice.

The other cases dealing with the hard drugs, of course, would come under a different category, because the reason for imposing the mandatory sentences is that it is thought that by doing so

HON. G.E. HADDINGTON: (CONTINUING); we would be nipping in the bud the bringing of hard drugs to the island which apparently it is thought is now occurring. But when it comes to imposition of the sentence I think in my view that for a proper administration of justice that there should be some measure of discretion vested in the tribunal by leaving that discretion then the country can be assured that the administration of justice will be to allow for a measure of mercy to be shown in cases which warrant such exercise of such discretion.

MR. CHAIRMAN: I think I'd better read out the Member's proposed amendment. As I understand it she proposes to delete the words 'not exceeding' and insert the words 'not less than twelve months nor more than" going on to read seventeen. And the word 'five' in the third last line appearing before months the word 'twelve' is inserted. So the clause would read:"shall on summary conviction be imprisoned for a term of not less than twelve months nor more than seven years and in addition shall be liable to a fine not exceeding $10,000, and in the case of a second or subsequent conviction for any such offence shall be imprisoned for a term of not less than twelve months nor more than seven years and in addition shall further be liable to a fine of not less than $2,000 nor more than $15,000.".

MR. CHAIRMAN: MEMBERS: Mr. Chairman, with your permission before putting it to a vote. I think I have expressed my views and my feelings. I will go along with the amendment hoping that it will work and not be brought back here in the very near future for amendments. So as to I will go along with the proposed amendment.

MR. CHAIRMAN: If there be no further debate I'll put the question on the amendment first. That Clause 6 as set out in the paper be amended by deleting the words "not exceeding", inserting the words "not less than twelve months nor more than", and replacing the word "five" in the third last line by the word "twelve".

QUESTION PUT: AMENDMENT RECEIVED.

MISS ANNIE H. BODDEN: Just like I said, Mr. Chairman, I was quite aware that I would lose it. And I can only hope that this will not be a deterrent for dope being circulated in the islands. I hope it will not be.

HON. JAMES M. BODDEN: A very surprising statement.

MISS ANNIE H. BODDEN: It is not surprising however all these people, Mr. Chairman, have advocated that we wanted to get rid of drugs and when it comes to a show down everybody backs out. Now I have never tasted dope in my life nor alcohol and very unfortunately I have nobody to drink or smoke but I feel that we should protect the youth of our island.

QUESTION PUT: AGREED. CLAUSE 6 READ A SECOND TIME.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7 SECTION 12 amended by adding new subsections.

MR. CHAIRMAN: The new clause 7 is now deemed to have been read a first time.

QUESTION PUT: CLAUSE 7 READ A SECOND TIME.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 9 LAW 13 OF 1973 AMENDED BY ADDING A NEW SUBSECTION.

MR. CHAIRMAN: CLAUSE 9 IS DEEMED TO HAVE BEEN READ A FIRST TIME.

QUESTION PROPOSED:

HON. TRUMAN BODDEN: Mr. Chairman, I'd like to just make one amendment to that. If we could have a marginal note just saying 'Probation of Offenders Law and Sections 30 and 31 of the Penal Code not applicable.'.

MR. CHAIRMAN: Could you clarify that for us?

HON. TRUMAN BODDEN: The marginal note "Probation of Offenders Law and sections 30 and 31 Penal Code not applicable". That, Mr. Chairman, is the marginal note to section 17 itself, so it should be inserted right opposite the figure 17 on this.

HON. G.E.E. WADDINGTON: The position, Mr. Chairman, is that the marginal note to section 9 remains, but what you are inserting now as a new section is a new section 17 which itself will have a marginal note.

HON. TRUMAN BODDEN: There is one other amendment, Sir, on the fifth line, sorry, the fourth line after the word "Probation" would I'd insert the word "of". So it would then read "Probation of Offenders Law".

MR. CHAIRMAN: It has been proposed that this clause be amended by inserting a new marginal note opposite it "Probation of Offenders Law and sections 30 and 31 of the Penal Code not applicable", and inserting the word "of" after "Probation" in the fourth line.

QUESTION PUT: AGREED. AMENDMENT PASSED.

QUESTION PUT: AGREED. CLAUSE 9 READ A SECOND TIME.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: THE SCHEDULE.

QUESTION PROPOSED:

HON. TRUMAN BODDEN: Mr. Chairman, I would like to make one amendment to that, Sir. In Part B where it says "sentences relating to a controlled drug" we could insert between the words "To" and "A" the words "offences contrary to section 3(1) which relate to". Between the words 'To' and 'a' in part B we insert the words "offences contrary to section 3(1) which relate to". And in the line underneath that between the words "is" and "hard" we could insert the word "a".

So it should now read "SENTENCES RELATING TO OFFENCES CONTRARY TO SECTION 3(1) WHICH RELATE TO A CONTROLLED DRUG THAT IS A HARD DRUG".

MR. CHAIRMAN: That is simply altering a title so unless there are any objections I'll take it that the Schedule can be amended with that alteration.

QUESTION PUT: AGREED. SCHEDULE PASSED.

CLERK: A LAW TO AMEND THE MONEYS ON OPIUM LAW (LAW 12 OF 1973).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: We conclude proceedings in Committee on the examination of the Misuse of Drugs Bill.

This Assembly will resume.

REPORT THEREON

HON. TRUMAN BODDEN: Mr. President, I have to report that a Bill entitled the Misuse of Drugs (Amendment) Law was considered by a Committee of the whole House clause by clause and that it was amended by the insertion of the Clauses, 2, 3, 4, 5, 6, 7, 8 and the Second Schedule as dealt with in the Committee...

If this is in order I'll then move for the third Reading.

MR. CHAIRMAN: We've had the report I think the Clerk will now read the title and we can go on to the third reading.

CLERK: THE MISUSE OF DRUGS (AMENDMENT) LAW, 1979.

THIRD READING

MOVED BY: HON. TRUMAN BODDEN

SECONDED BY: HON. V.H. JOHNSON.

QUESTION PUT:

HON. TRUMAN BODDEN: Mr. President, I think, perhaps, I should have moved a waiving of the Standing Orders for the Third Reading. I am sorry about that. If everyone agrees I would imagine it is o.k.

MR. PRESIDENT: I think we have only taken the Committee stage and Third reading so we are within the Standing Orders. Thank you.

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

MR. PRESIDENT: We'll proceed next with the Customs Bill.

THE CUSTOMS (AMENDMENT) BILL, 1977

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1977. (ORDERED TO HAVE BEEN READ A ~~SECOND~~ FIRST TIME).

SECOND READING

HON. V.H. JOHNSON: Mr. President, I move the second reading of the Bill entitled the Customs (Amendment) Law, 1977.

Mr. President, the introduction of this bill is the result of a motion which was brought during this sitting of the Legislative Assembly to reduce the import duty on motor vehicle from the present 33 1/3% per cent to 27½%. The amendment is to be quite a simple bill because it amends only the item on the schedule dealing with this specific request from the motion that is the amendment of the import duty on motor vehicles.

I don't think that there is need to speak at any great length on the bill, Mr. President, because it has in fact already been supported unanimously by the Legislative Assembly and so I will now formally ask Members to support the Bill in the second reading.

SECONDED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

COMMITTEE THEREON

MOVED BY:HON. V.C. JOHNSON.

SECONDED BY:HON. D.H. FOSTER.

QUESTION PUT: AGREED. HOUSE IN COMMITTEE.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED CLAUSE 1 PASSED.

CLERK: CLAUSE 2. CUSTOMS LAW (REVISED) AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

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

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That completes our brief sojourn in Committee on this bill.

MOTION RESUMED

REPORT THEREON

HON. V.C. JOHNSON: Mr. President, I have to report, Sir, that a bill entitled the Customs (Amendment) Law was examined by a Committee of the whole House and no amendment was made to the Bill.

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1977.

SUSPENSION OF STANDING ORDER: 47

HON. V.C. JOHNSON: Mr. President, I move the suspension of Standing Order 47 as authorized by Standing Order 92 in order to take the Third Reading of a Bill entitled the Customs (Amendment) Law, 1977.

SECONDED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

MOVED BY: HON. V.C. JOHNSON

SECONDED BY: HON. D.H. FOSTER.

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

MR. PRESIDENT: This might be a suitable time to suspend for fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW

CLERK: THE CAYMANIAN PROTECTION (AMENDMENT) LAW.

MR. PRESIDENT: THE BILL IS DEEMED TO HAVE BEEN READ A FIRST TIME.
SECOND READING

HON. W.H. FOSTER: Mr. President, I beg to move the second reading of a bill entitled the Caymanian Protection (Amendment) Law, 1977.

Mr. President, these amendments are as a result of six to nine months' review of the operations of the old law by the Board and other committees. And it seeks to make certain changes with respect to the qualifications requisite for the attainment and enjoyment of Caymanian status. And for other matters incidental thereto.

Mr. President, these amendments are based on the Bermuda Law which has worked very well. And the Bermuda Law was originally based on the Dolse Law which helped Switzerland to keep its place in Europe.

Briefly, under section 15(f) of the law persons who are naturalised or registered as a British Subject in the Cayman Islands under the British Nationality Act would automatically become a person of Caymanian status as of right. Under the amendment these people will now get permanent residence instead.

Under section 15(g) in which any person who is a British Subject born in the Cayman Islands is a Caymanian as of right, the Bill now seeks to ensure that when a person or persons are born in the Cayman Islands that at least one of their parents is Caymanian and that both parents are domiciled in the Islands. This is before they are regarded as Caymanians. This is meant to restrict the rights of person born in the Cayman Islands of non-Caymanian parents who subsequently immigrate and be return to the Cayman Islands as of right unless they have a direct connection with the Cayman Islands by parentage. The Caymanian Protection Law does not deal with citizenship but relates primarily to Caymanian status. And I would like to emphasise that point. This is dealing primarily with Caymanian status not with regard to nationality, the person born will still be a British Subject.

As regards to children born outside of the Cayman Islands the bill seeks to change the law so that a child will only be of Caymanian status if one of the parents was Caymanian. A similar problem arose where one parent was domiciled or ordinary resident in the Cayman Islands but not of Caymanian Status than that parent's child who was born outside the Cayman Islands would have Caymanian Status while the parents would not. The provisions of the bill relating to children born outside of the Cayman Islands seek to change the law by providing that the child must be born of parents at least one of whom at the time of his birth has Cayman status and both parents are domiciled in the Cayman Islands.

Another vital change, Sir, in the proposed amendment of the law is to allow permanent residence within six months instead of one year as was in the original bill. This means that a person with an outside income or a retiree who genuinely seeks to retire here, or wishes to reside here on a permanent basis can come and stay for six months and all things being equal be apply for permanent residence after six months instead of one year as before.

Mr. President, at a later stage I'll be asking for some amendments but until then I would ask Members to support the bill and give it full consideration. It does not affect Caymanians and I recommend the bill, Sir.

SECONDED BY: HON. THURSTON BODDEN.

QUESTION PROPOSED:

HON. JAMES M. BODDEN: Mr. President, this is a very important bill that is before the House this morning because the gateway to any country is its Immigration laws. And as we are a small country with very limited resources, a very fragile economy it is of paramount importance at this time that we come to grips with some of the problems that we have been experiencing in regards to immigration.

It is a significant point to mention that this bill before the House this morning is the result of input by nearly all of the elected Members and the Official Members of this House.

When it was decided to present this bill there was a meeting with nearly all of the Members and everyone had an opportunity to put their input into the presentation of this bill. It cannot be said that this bill is the brain child of the Executive Council Members. This bill is representative of the views of all of our people, when I say our people, I am referring to those who are fortunate enough to possess Caymanian Status. It is also representative of the views of the elected Members, and that is the way it should be in any Democratic country.

The important point to bear in mind is that once more, I think, this bill will show that the elected Members can work together towards the fulfillment of the desires of the people. This bill as it is presented is not something new for the British Empire as some people would like for you to believe. This bill has been, in some cases, grossly misrepresented to the people since it was first published. I would like to point out one thing there are very few countries in the world today that still recognize dual nationality. It is a waning star as far as nationality is concerned in the world. There are some countries that still adhere to it but it is becoming less and less as we go along.

When this law that we have now was first enacted into this House it was copied from the Bermuda law. Bermuda as we all know is another small British territory that has similar problems to what we have. It is a small colony just like ourselves. In copying the Bermuda law many important points were left out and these created some Loop-holes, Mr. President, and it is now our intention for the good of the people of this country to try to close some of those loop-holes. In a small country such as this if careful attention is not given to immigration we can find that eventually we will create a monster that can shortly devour us. These dreams of the problems that we have been facing, the ordinary man on the street may not fully be cognizant of the problems that are attendant to this.

We have recently gone through a recessionary period and there were many complaints of people being out of jobs, so forth and so on. Some of this can be contributed to what happened with the Immigration laws in the past. Mr. President, the law as it now stands with the British Commonwealth being an amalgamation of countries the far spread worldwide of diverse races, religious creeds, political beliefs, inquities were created by this law in that persons from those countries who wished to be British Subjects and possessed certain qualifications could and did in many instances register in this country as British Subjects with full rights to Caymanian Status after having been resident here only a short time. This, if we pursue this further could cause this country a tremendous amount of grief in the years to come. There are a lot of people throughout the world in the British Commonwealth and this law would have allowed many of them to come here and compete with you for your natural birthright.

HON. JAMES M. DONOVAN (CONTINUED): One does wonder how long this could have continued without grave problems arising. So in this amendment what we are attempting to do is to allow residence to those who wish to register as British Subjects, but not necessarily confer on them the rights to work or carry on business without approval from the Caymanian Protection Board. This will not confer on them Caymanian Status. And this is the big gripe that people have had against this bill because it did affect many of the people who griped. Under the old law they would have gotten something in a very short time which was the natural birthright of this country by only coming here and taking up temporary residence, at anytime they were free to leave and still enjoy all the benefits from the countries which they came from.

This amendment will also clear up the problem of domicile. The original law was interpreted in some cases to mean that a British Subject who was in these Islands immediately before May the 27th, 1972 for however short a period would be a Caymanian as of right. This was the subject of a well known court case and this amendment will now codify the Court of Appeal decision in regards to this matter so that there will be no further doubt as to that particular part of the law. This amendment seeks to ensure that when children are born here that at least one parent is Caymanian and that both parents are domiciled here. This attempts to restrict the right of persons born here of non-Caymanian parents who subsequently could immigrate from this country to another country, live there, participate in that country for a number of years and then return here in later years as Caymanians, unless they had had a direct parental link. This is the point that we are trying to put into this amendment that the people would have to have direct parental link to this country and not just be birds of passage.

Children who are born outside of the Cayman Islands will be considered Caymanians if one of the parents is Caymanian. Before the introduction of this amendment an anomaly did exist in the present law in that people entitled or domiciled could have a child considered Caymanian while the parents were not. Again, we do not have to look into this too far to see some of the problems that could emanate in the future from this.

This amendment will also seek to have illegitimate children born here take the status of the mother rather than has been going on in the past just because they were born here they were considered Caymanians. If we do not, again, give this problem to the years to come we will be finding many serious problems which emanate from this. Our hands would be tied in as what we could really do with undesirable citizens.

These amendments that have been presented contrary to what some people would make you believe do not relate to Work Permits. They not relate to nationality or citizenship. This is what people will tell you because it is of their own gain to try to let you believe that. But these amendments will protect the future of our country. It will protect our people, it will ensure that Caymanian status is something worthwhile and not readily given away by whims and fancies.

As I began my speech in saying that we were a small country faced with many problems and as such, those of us who can enjoy Caymanian status, should realise that in this day and age with all of the complexities that exist in some of the other countries and some of the big problems that we see a race of people that are blessed to not have any more problems than we do.

Mr. President, in closing I would like to say that we seek the full support of this house in passing this important amendment so that our people can be assured of their rightful place in the future of this country. Thank you, Sir.

MRS. ANNIE D. DONRAN: Mr. President, while I agree that our old Caymanian Protection Law has some loop-holes I feel that it has served a good purpose. Of course, if we had people who were so shifty, whether in Government high circles, immigration or where it might have been, to admit people to become Caymanians in a matter of months that was not the fault of the law. It was the fault of the people who were executing that law.

I remember when we were checking on the list of voters for the last election on the 22nd of July past a lady appeared before the Magistrate who had been in this Island for six single months and she wanted her name added to the Voters' List. We questioned as to how her name could be added to the list. She said, why I have Caymanian Status. Well I said, how did you get it? Well I was granted Caymanian Status. She had been in this Island for one six months only and there she was with all the privileges of a born Caymanian.

Now when we were amending this law in the Committee stage years ago there were a few of us Legislators who wanted a proper definition of the word 'domicile'. We were told that it was a state of mind. I could never agree that that was a good enough definition of that word. There were other things that we would have liked to have inserted but as in every case the majority ruled, and we in the minority were defeated. Now while I agree that this law may needs some strong teeth put in it I cannot agree with certain sections that are in this law.

We remember the famous case we had when a certain gentleman who was born from Canada, it was ruled that he could not get Caymanian Status. Well, it went to court here and finally the Jamaica Court of Appeal ruled that he was entitled to such a status. But the man had to put up a fight to get it whereas under the law, it was always my contention, that he was right.

Now, Mr. President, we in the Cayman Islands I would say, are a privileged people, but let us bear in mind that we have always not been that privileged. I was an uncle who I would say 80 years ago at the age of 21 he went to the United States of America and I am very sure he was not educated like we talk of education today, nevertheless he had a known demand that he could go Master of any ship whether steam, sail or otherwise on any sea in the then known world. At the age of 21 he had to leave his native Grand Cayman, go to the United States of it look from years as whatever it was, he had to abide there, he's got his citizenship and he has the privilege of any born American. I am not an American, I am very proud to say I am a Caymanian I have always owned as being such. I didn't go to the United States and say I wanted to be a citizen of your country, I was prepared to stay here and fight in those hard times. So I feel that being a Caymanian is nothing new to me. I was born one 88 years ago and I intend to die a Caymanian, but we have certain privileges that had I been born in the United States of Caymanian parents our laws, and it is inserted in the back of every passport there is such a thing as dual nationality. United Kingdom nationals who are nationals of another country cannot be protected by Her Majesty's representatives against the authorities of that country. If, under the law of that country, they are liable for any obligation (such as military service), the fact that they are United Kingdom nationals does not exempt them from it. A person having some connection with a Commonwealth or foreign country (eg by birth, by descent through either parent, by marriage or by naturalisation) may be a national of that country, in addition to being a national of the United Kingdom. Acquisition of British nationality by a foreigner does not necessarily cause the loss of nationality of origin.

There are one or two sections in this law that I

MRS ANNIE H. DONDAL: (CONTINUING): against. In section 18 (1) it reads - "Any person claiming to be of a Caymanian status by virtue of paragraphs (a) or (b) subsection (1) of section 15 or claiming to be domiciled or ordinarily resident in the Cayman Islands for the purposes of paragraph (c) or (e) of the said subsection may apply to the Grand Court for a declaration to that effect and the declaration of the Grand Court in that behalf shall be final and binding for all purposes of this law.". Mr. President, what I would like to know suppose he is refused and he goes to the Grand Court and he does not get satisfaction there, does this section mean that he is not permitted to take his case to the Jamaica Court of Appeal or not? That is the one question I would like answered.

Now another one that I am against one hundred percent, that is 17 "In any case where a person is, after the coming into operation of this Law, born in these Islands, then in any such case he shall possess Caymanian status if both the following conditions are fulfilled, that is to say:- (a) at least one of his parents must, at the time of his birth, possess Caymanian status; and (b) both his parents must,at the time of his birth, be domiciled in these Islands. In any case where a person is after the coming into operation of this Law, born outside these Islands, then in any such case he shall possess Caymanian status if all of the following conditions are fulfilled, that is to say - he must immediately after his birth, be a British Subject; and at least one of his parents must possess Caymanian status; and both his parents must, at the time of his birth be domiciled in these Islands.

Now, Mr. President, I feel that any child born in the Cayman Islands is a Caymanian by birth as of right. I cannot and I will not agree that he or she should be a no man human being. I agree his is a British subject but our passports says British Passport Cayman Islands. My contention is that any child born in the Cayman Islands regardless of where his parents may come from at the time of his birth that child when it is born it is a Caymanian by birth. But I know not many people are going to agree with me - there will be a lot of opposition to this but as far as I know this is more or less, if it is not a universal law it is a universal custom that wherever you are born that is for purposes of being a subject of that particular country you birth is the factore that counts. I have often heard it said that any woman who is expecting a child flying on a plane if that plane is over the ocean and the plane is a British plane, an American plane or be it what it may that child is entitled to be a citizen of that country under whose flag it is born. I do not know if this is law or custom but I have heard it.

I feel, Sir, that we should not be too drastic with all these multitude of laws. I wonder if Caymanians have forgotten that but it not beenfor foreign countries we would have been wiped off the map long ago. And I feel now that we must use common sense, of course, and don't allow the place to be overrun by people who are coming to us when they have to leave their countries when they cannot make a living but we need not be so drastic. We have in this Caymanian Constitution law that the quota are one person per month, twelve people per year. I am at a loss to understand how this 150 or 200 people what-ever it may be have been allowed to get Caymanian status. Did they buy it? Or how did they get it? I am sure they didn't get it right and I am suspicious them. And I feel that somebody has fallen down on his job and I am here to amend the law within reason but I am not going overboard to hurt people just because we think we can.

Caymanians as a whole are a privileged people nowadays, but let me tell you, Mr. President, if some of these people were as old as I am they would have known that had it not been for people coming here producing children etc., we would have been in a mighty bad shape. Now I do not want to see our Island overrun by undesirables but I

MISS ANNIE H. BODDEN (CONTINUING): want to see justice prevail.

Now I believe it is a part of this law that if I happen to be a single lady which I am and I was flooded here by men coming here who wanted to live here and they were fortunate to entangle me in their web, shortly after they would have privileges that an ordinary man would not have. I am against that, because, Sir, if we allow that to happen in our years time there wouldn't be an old maid in Grand Cayman. And I feel, Sir, that we should look into that very carefully. While I agree that those who have already married foreign men, a home should not be broken because after all when you separate families it means broken homes and we have enough of that in our Island today, Sir, because marriage is at a disadvantage with the majority of people. They have no respect for their family life each person as whereas may be gets who suits them, not those vows they made in the Church or before a Magistrate until death do you part. That is not observed at all, Sir. But if I happen to be married and I see a handsome six footer which I admire I could easily leave him go and be a live-in girlfriend and my husband and children, if I had them, would suffer. Now we don't want that kind of thing to happen. We don't want this place to be flooded by people coming here for convenience.

And I feel that when we are amending this law to allow people who want to come here just to get Caymanian status and to be allowed to marry people just after a few months or years they have privileges of getting work permits, status etc., that is not acceptable to me. I know that there was a policeman not too long ago, I understand he was discharged, all the time he was here he was living as a common law man and woman. The minute he got out of the police force the next week he went before somebody, paid the usual four dollars or whatever it is and he is a married man. And now he believes that he now is made, he is already a Caymanian under marrying a Cayman woman. Mr. President, we have to look at this sort of thing, and go all the way out to protect Caymanians.

We do not want this place overrun by people who will come here for their own benefits, who may work from our people, but we must not be too harsh. And I think it is stepping over the bounds when we say that a non Caymanian man and woman living in this Island producing a child that that child cannot have Caymanian status by birth. And I feel that this is one point that we should very carefully consider. I feel, Mr. President, that we have had to be dependent on other countries a long time, we did not go to these countries just for pleasure, they went to better their conditions. It has been the custom in the past, Mr. President, in these recent years when people have some money - the first thing they go to Miami or Tampa or New York it might even be to buy their trousseau. As my mother called it their wedding gear, the next thing they are going to buy a layette for the baby and the third thing they have to put in an American port to have that child born whereby he might be considered an American. Now I am not too familiar with American laws but I understand when that child becomes the age of 18 he or she can decide whether they want to be an American citizen or what. In any case our law, as I understand it, formerly, provided they could have dual nationality.

I have an instance of one of my best friends. They had a son born in Miami, I think it was, and sometime ago because he was a born United States citizen he was ordered to come back to be drafted. Well, like all mums I suppose they didn't want their son to have to go to war so they did not allow him to go back and they had to renounce that American citizenship. Now the American Government insisted that he was an American and as such he would have to be drafted. The boy never went, he stayed in Cayman, and I must tell you, Sir, he was a failure until very recently. So I feel that if our great neighbour overnight see such a thing, and as I understand the United Kingdom does observe and take that the children born of their soil they are nationals of that country I don't think that we should change that.

HIGH AMPIE H. DOUGLAS (CONTINUED): Of course, we have had about hundred years from the Treaty of Madrid that we have been a British Colony and up until now three hundred and six or seven years later we have only got 15,000 people living in our Islands. So I can't imagine where this excess of people will come from to fill up the gap to make us like Bermuda. I have gone to Bermuda and I think Bermuda is half the size of Grand Cayman and there were 50,000 people there. Well, if they want to make a law to stop the production of children who will be called Bermudians that is their business, but I find me now in a little more lenient. And for the time being we should leave that any child born in Grand Cayman, I am not even talking about Cayman Kind because they might have other ideas, that we should say he is a Caymanian by birth. Thank you, Sir.

MR. BENKIN EBANKS: Mr. President, I want to support this Bill. I was in the situation when it was arranged so I don't have any long debate to put on it.

I feel like this law is protecting Caymanians. It was a gripe on the streets and everywhere else that you going to be down about this influx of people coming to the Islands, we had to have it stopped because of jobs and what not. And this is what this law is about so I don't see where they should be gripping any more.

I was put here to represent the people and I think I am doing so when I have passed this law, as I am supporting it.

So for me to what happened in the previous years and why there is no bigger a population here is because there wasn't anything in Cayman for people to come here for. And the Caymanians were going abroad I do agree but now as there is something here for people to come for actually we have to do something to curb the influx of people immigrating to these Islands or we will find ourselves in a more drastic position than we are now. So I am supporting this. Thank you, Sir.

HON. C. HAIG BODDEN: Mr. President, if one should be asked what was the biggest flaw in the Caymanian Protection Law, 1971, one would have to answer that it entitled people to receive Caymanian status for which they had not laboured. And that flaw was the section which allowed people to come here from Independent countries in the Commonwealth such as Trinidad and Uganda and apply for British Nationality while they were here and having received that nationality to automatically have Caymanian status. That came about because of sections 14 and 15 of the Law. Section 14 says, in part, that every British subject who is qualified as of right for Caymanian status under section 15 is a person of Caymanian status. And section 15(f) says that if he is a citizen of the United Kingdom and Colonies by reason of the grant by the Governor or a certificate of naturalization under the British Nationality and Status of Aliens Act, 1956-68 or a certificate of naturalization or registration under the British Nationality Act 1948-1965 or any Act amending or replacing them. Acts is a person of Caymanian status as of right.

So that when this happened in 1972 that 130 received their Caymanian status along with their many dependents nobody knows how many, probably a total of several hundred, when they received their Caymanian status it was not the fault of our Immigration Officers. It was not the fault of the Caymanian Protection Board. It was the fault of the 1971 Law. Because that law said that any person who received their British Nationality would be a Caymanian as of right. So this amendment will seek to clear up or to remove this flaw under which, as it now stands, one million people could come here tomorrow, they could register, receive their British nationality and would automatically have Caymanian status.

When this amendment is complete people who register here and receive the British nationality will not have Caymanian status they will merely have permanent residence. And the big difference between permanent residence and Caymanian status is that the person who has his permanent residence still requires a work permit, but the person

HON. T. SAIG BODDEN: (CONTINUING): who has Caymanian status must not need a Work Permit.

How weeks ago the Caymanian Compass in an editorial indicated that if a person came here and worked for three years that person should no longer need a Work Permit. In other words in simple language they were saying that once he had worked here three years you ought to be entitled to receive your Caymanian status. That is all nonsense because under the British Nationality Act to regain your citizenship you must be free from restrictions, and a Work Permit is, perhaps, the biggest restriction that can be put on a person.

When I refer to people from independent Commonwealth countries I want to make it clear that I am not biased against them but they have been placed in a very good position, they are in a better position under this 1971/than the citizens of the United Kingdom themselves. If somebody came here from England he could not register and receive his British nationality because he would have brought that with him, and therefore that person could not get Caymanian status by the simple act of registration. So that the Commonwealth citizen coming here was in a better position than people from the mother country itself, and there is no wonder that there has been a hullabaloo about the corrective actions that are being taken to remove this flaw.

Now while it has been on the books for a long time apparently it wasn't published because in other years there was not the amount of registrations as there has been in the past year. But you know whenever a loop-hole is found in a law it seems to be the Caymanian duties of certain people to advertise it and to see that it is taken advantage of. At the same time it is the bounden duty of the Legislature to close these loop-holes and that is the main point of this amendment.

This amendment does not affect Work Permits. It does not affect British nationality. What it does affect is the ownership or the right to get Caymanian status. And in future anybody getting Caymanian status will have to behave for it. It will not be bestowed upon them because they are able to pay a place forward here.

There are several other amendments to the Bill but the one that has been talked about the most is the one that is hurting the most in that these people will now have to come here and prove themselves worthy of Cayman before they can acquire Caymanian Status.

MR. PRESIDENT: Do any other Members wish to speak on this motion.

MR. JOHN B. MCLEAN: Mr. President, I rise to support the amendment to the Caymanian Protection Law.

I feel the time has come when we must tighten our rein. We have our people in the streets complaining of jobs being pulled away from them, and I think it is our responsibility being the elected people to report back to our people to take the step to make better for our people.

I am quite aware that in supporting this Bill I will not have the good wishes of everybody but I do think that it is a right move in the right direction and at the right time. So again I give it my fullest support. Thank you, Sir.

HON. TRUMAN BODDEN: Mr. President, the amending law to Bill - the Caymanian Protection Law is one which is quite common in the Commonwealth and it is one which is common in many other countries.

I would just like firstly, to deal with what the problems were in this law what we now seek to correct and how far these modifications may or may not have any effect on Caymanians.

One of the biggest problems with the law like section 15(1) which related to domicile and in which the Lady Member for George Town referred. While I was not, I did not deal with that specific case that I understand of the Mainland status case was that he was not

HON. TRUMAN BODDEN: (CONTINUING): my rather section 15(b) was not intercepted to give him status from the fact that he applied for it. In other words the word domicile was not intercepted the way it had originally been put up. And the undertakings on that were largely that when a person came to these islands immediately prior to the coming into operation of the Protection Law which was the 27th of March, 1972 however short a period once he could show he was domiciled at common law then he would be granted Caymanian status as of right. The learned Honourable Attorney General successfully argued this through many courts and the Court of Appeal ultimately held that that could not have been the intention of the law and they ruled that domicile must be in accordance with the repealed Immigration Restrictions (British Subjects) Law. That interpretation just good sense/that a section that may have led into this country probably in the vicinity of between 500 to 1600 people excluding dependents, through a loop-hole or at least what I regard as a loop-hole. The Islands would have been much worse off, I believe, for it.

The other problem which arose and it was, I believe, impossible for this to be blocked through any type of court case at all because no applications had to be made under it and no applications had to be made to the Caymanian Protection Board or at least they were obliged to grant status under section 15(f) as it stood. I want to point out very clearly that I do not believe that the problem in this section can be shifted either to the immigration, to the Government or to anybody else. It is very clearly in the law and if any mistake was made in relation to that it was made in 1972 when this law was passed with that section. That section, Mr. President, made it mandatory for any person who received citizenship of the United Kingdom and Colonies through naturalisation or through registration to become a Caymanian as of right. And there was no way that the Board or the Government or anybody else could refuse it. It was an error that can or at least I wouldn't say an error but it could have been planned perhaps, in section 17 where the qualifications would not have been as serious or alternatively it could have been restricted in the way that we now propose to restrict it.

It played very hard on persons who were citizens of the United Kingdom and Colonies because, Mr. President, they had to get in line and go on a quota when persons who were not citizens of the United Kingdom and Colonies could through registration or naturalisation come in through that door without being subject to a quota and other restrictions placed by the Caymanian Protection Board.

I want to make it very clear that this law and the policies which ultimately will go with it are geared to give a more stable and more benefit from the point of view of people who come to these islands who are good, who are in the interest of these islands and conducive to it. We are not by any means attempting to keep out that type of person. However, these amendments will weed out firstly the loop-holes and secondly the persons who in the interest of these islands perhaps not come in as easy as they had been before.

As regards to registration, there are two types of registration. There is a discretionary registration which you, Mr. President, exercises and there is registration by entitlement which entitles the person in certain circumstances to be registered within these islands. The law seeks to make registration by entitlement restricted to only granting the person being registered a right to permanent residence with a preservation merely of that right which the person had immediately before registration. However, one of the main advantages of registration under this system cannot be carried out when there is a restriction on the period for which an applicant may remain in the Cayman Islands and, therefore, a person on a Work Permit would not fall within that bracket and would have to come under the section relating to the grant of status or alternatively to registration or naturalisation by discretion.

Hon. Murray Hodgson (continuing): As regards citizenship I would like to point out that this has nothing at all to do with citizenship. Whatever rights to citizenship of the United Kingdom and Colonies that a person possesses this does not affect it. There has been a lot of confusion over this and I believe that the press was not very clear in one of their editorials when they confused this law with citizenship. It has nothing to do with that at all. They are two different things and it has nothing to do with dual nationality, it has nothing to do with anything relating to citizenship as such.

Commonwealth status is substantially permanent residence without the usual restrictions as to Work Permits, the Local Companies Control Licence - the licensing of a Company under the Local Companies Control Law and it also normally does not carry the right to deportation from these Islands. But it has nothing whatsoever to do with nationality or citizenship.

However, it has been raised and I thought I should deal briefly with it. Dual nationality is something that while this does not affect us, it is not as prevalent as it was back a few years ago, I would say two decades ago. Since the 1948 war she trend has been away from this and in fact the pamphlet relating to registration and naturalization specifically warned the Colonies and I quote from it: "that it should be particularly noted that under the nationality laws of some Commonwealth countries citizens of those countries will automatically lose their existing citizenship. They become registered as citizens of the United Kingdom and Colonies. It is a very clear warning on the front of it and that stands out, Mr. President, that even within the Commonwealth in most countries now a lot of them what is called dual nationality does not exist. In fact, Mr. President, there was a case - a U.S. case in the U.S. District Court of Appeals in 1928 in which a Judge Martin, Chief Justice said, and I am quoting out of a book called Kenny that an American cannot constitutional dual citizenship or divorce relationship unknown to other institutions. And there has throughout the ages, Mr. President, been a problem in theory and as well as in practice as to whether or the Bible puts it a person can serve two masters.

It has been borne out in judgements throughout the ages, while it is tolerated I should point out it is one which carries with it many, many limitations. It carries with it rights that normally when you are within the jurisdiction of that country your rights are subjugated to that country's laws and that country's citizenship rules. And as it was stated in an English case called Isaacson and Dumit that an essential principle of English law is that person cannot be one a British subject and a foreign national. It went on to say that a man rightfully and legally in the allegiance of one Sovereign could be also rightfully and legally treated as a traitor by another cannot be the law.

I think there is a further problem, while on this while I point out that it doesn't really relate to this amendment that you get as the lady Member for George Town quite rightly pointed out, you will get a separation of families, to use her words, where you could have a division between a husband and a wife or of parents and children where nationality was imposed on one and not required by the others.

Mr. President, this book also pointed out that insofar as countries who not supported the creation of married women of British origin the Legislature was influenced less by a desire to discourage dual nationality than by the principle of the unity of nationality of spouses. So, Mr. President, I do not believe that the principle relating to dual nationality is really relevant but I thought that it should be pointed out. And I may point out that the days of international boundaries are well over. We live in a world of maximal barriers, including barriers relating to citizenship, and we are now moving into a stage where countries are making allegiance to one country and one country only. It ends the problem of conflicts of allegiance and conflicts of where one should actually owe one's allegiance and I guess where one should really put in one's efforts.

HON. TRUMAN BODDEN (CONTINUING): I think we have to bear in mind with this then in relation to the part relating to a child born in these Islands or born outside of these Islands. The law has not really changed substantially as far as Caymanians go. There is and there has been confusion around the meaning of the word domicile, but it largely is where a person had one's permanent home and I believe that most citizens when they are born of persons within these Islands that normally have people here, so put it otherwise, ordinarily resident here and that this section would not apply to the detriment of persons who are within or without the Islands.

I should point out that section 15(3) which relates to people born outside the Islands - the law provides as they now section 15(a) and that also carried with it that at least one of the parents must at the time of the birth be domiciled or ordinarily resident. All we have really added into these provisions, Mr. President, is to state that one of the parents must be Caymanian. The reason for that follows very closely along the good reasoning which the Lady Speaker for George Town brought out and that is that we do not want a dilution or a contamination of families. The situation which could arise and which has arisen in the past is that you could have two parents from outside the Cayman Islands who were not Caymanians or at least both of them are not Caymanians, and they could have a child in these Islands who would be a Caymanian. Now under the domicile and residency rules of many countries there could be a loss of status and that child may have to remain in this country while the two parents would be subject to deportation and be subject to having their Work Permits withdrawn. They could go back to their country and at that stage/could presumably be obliged to keep that child because he would have Caymanian status and he would have the rights of Caymanians within this country.

So following the argument which is extremely logical and is just which is an international rule is that the domicile nationality and ordinarily status of a spouse of a wife, I would say, and children follow that of the father. Otherwise you get a division within the family and you could well have a splitting of families with a subsequent deterioration in the family element which society, and I believe the family element is one of the cornerstone within a country and societies are built around this.

So I do not believe that the provisions in section 17 have any potential far-reaching effects at all in relation to Caymanians. Internationally, I believe, it will clarify the dilemma which would relate the parents suddenly finding them wanting to go back to their country and won't carry their child, that would surely be an unfortunate situation.

One other point which arises is that the domicile of a person cannot be lost by the fact of temporary residence outside of this country in which he is domiciled. The fact that a person goes to visit or live abroad for a period of time once the Cayman Islands remain his permanent home he preserves his domicile here and he preserves his ordinary residence here. So this would not affect business where people go abroad for periods of time. It is different if they give up completely their country and they go abroad. At that stage they could be domiciled in some other country and then we would find that they would probably have acquired certain rights in that country.

One of the dangers, I believe, of allowing the question of, what I would call, international chaos in relation to the registration and naturalization clauses is that as at 1973 British nationals consisted of these people, citizens of the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Southern Rhodesia, Ceylon, Ghana, Malaysia, Republic of Cyprus, Nigeria, Sierra Leone, Tanzania, Jamaica, Trinidad and Tobago, Uganda, Kenya, Malawi, Zambia, Malta, Gambia, Guyana, Botswana,Lesotho (I believe that is how it is pronounced), Singapore, Barbados, Mauritius, Swaziland, Tonga, Nigeria and the Bahamas. It also included British Subjects without citizenship, certain nationals of the Republic of Ireland and British protected persons.

HON. EDWARD SORDEN: (CONTINUED): So you're dealing with half of the world when you're dealing with that category.

Another misconception on this is that nobody loses any rights that they have had prior to the coming into operation of this law. So confusion of people born prior to this time the law has not changed in relation to them and all of these rights are preserved under this law. We are not taking away the rights of people who have acquired it. If they slipped in through the loop-holes of the last law - I wouldn't say loop-holes but if they slipped in through the provisions of the last law then I am afraid that we are stuck with them and their rights will remain. I would not do anything which would deprive from rights which have been reasonably and legally granted.

Mr. President, the amendment as it is now proposed will be subject to a few minor amendments, but I believe that this law taken as a whole will, as the Honourable Member for Belize from mentioned, ensure that when we grant status to people that these people will have some connections with these Islands. I believe that one of the biggest mistakes in the pre-handing out of anything as serious as nationality and I must say that I frown on any attempt to put this type of Communism unless through any of the apparent loop-holes which may exist it from time to time. I am not saying that these amendments are perfect but, Mr. President, they go a long way to closing gaps, or I would say to stop provisions which existed in the past.

The only effect that these new laws will be to close gaps which last year admitted quite a number of people and the years before, from 1972 onwards. And it can only be to grant the provisions to Commonwealth which I feel that they rightly deserve. We must bear in mind that these laws are not, by any means unique, they follow Commonwealth countries' laws, they have also been upgraded by the United Kingdom so they come in line with the nationalities relating to nationality and these relating human rights especially the European convention on the whole are not unique in any way. They're not dealing with work permits even though this was mentioned at an earlier stage. They have nothing to do with dual nationality at all. They are geared towards, as the Hon Member quite rightly pointed out, a preservation of the family unit which is so vital in our society. They're geared to cut out the inequity which existed where non-citizens of the United Kingdom and Colonies could have certain rights which citizens of the United Kingdom and Colonies could not have. And they're geared, Mr. President, to preserve the heritage and the morals which we all as the unit, taking the Islands as a whole, both, I believe, socially and economically.

I would ask the Members to give this amendment their full support and that in doing so they will be, I believe, removing or amending what were probably sections which could ultimately have caused the loss of many rights in relation to status and in relation to Commonwealth within this country. I thank you, Sir.

HON. CHARLES L. KINGSBOROUGH: Mr. President, I rise, Sir, to support this Bill and I think it is my duty and it is today incumbent upon me to protect the people who elected me here.

I feel that the Immigration Protection Law as we propose to amend this law will benefit Caymanians and it will also enlighten or stop the confusion which has caused many a turmoil in this Island, and people will know exactly where they are.

As the First Elected Member to Executive Council pointed out this law has been under consideration for the last nine months. We have a problem and when one has a problem there is only one thing to do about, face it and solve it.

There is very little I can add to what has been said but I think one very important matter has not been said, and that is the proposed amendment was submitted to the Secretary of State and his comments on the Bill, he thought that the Bill was well thought out and offers useful improvements.

HON. CHARLES K. KIRKCONNELL: (CONTINUING): Mr. President, this concerns a short, brief but to the very point, clear not only to me but it should be clear to all the Members here, that the Law has to be amended and that it be considered fair to one and all. Thank you.

MR. SPEAKER: If there are no further speakers I'll ask the Mover if he wishes a reply.

MR. CRADDOCK BRANCH: Mr. President, I intended to speak, not that I was going to be that lengthy but I just thought since it was one o'clock then we could adjourn.

MR. SPEAKER: If Members would like a suspension at this stage I am quite happy to take it. I'll suspend proceedings until 2.30 this afternoon.

SUSPENSION

AT 1 P.M. THE HOUSE WAS SUSPENDED UNTIL 2.30 P.M.

HOUSE RESUMED AT 2:50 P.M.

MR. PRESIDENT: Proceedings are resumed.

MR. CHADDOCK EBANKS: Mr. President, I attempt to make a few remarks on this proposed amendment to the Companies Protection Law. Well, this is not something new before the House asking for amendments to come from time to time and this should have been amended before now. In fact when it was been dealt with a few years ago, if Members hadn't had the last say some of these things wouldn't have appeared in the present Law. Anyway, the old proverb says, "It's never too late to do good", and we'll demean ourselves if we say that we don't make mistakes.

I'd like to endorse a few things of what have been said from other speakers speaking on this amendment. While I take a view of the matter as it has been somewhat interpreted before it came before the House in our dealing with it now that we're - after trying to keep people from coming in, drive away people and all the rest of it, it doesn't read that way as to the extent that have been expressed.

The Lady Member from George Town, in her speaking she made reference to Caymanians and fishers and what not had to go overseas to earn a livelihood, that's quite true, we didn't have anything to offer anybody in those days. But I should say, Mr. President, that if it hadn't been for the love of these countries to Caymanians as have been attempted on many occasions, even with this Companies Protection Law to prohibit people coming in here.

I remember when I decided to quit sea and go home and throw myself on the public by trying to start a trucking business, I bought an old second hand truck in Miami, we had to transportation out of Miami in those days by ships it was only out of Tampa and I had to take the truck to Tampa to get it home. The American licenses on the truck was expired and I didn't feel like paying the huge sum of money to reregister it, I went up to the traffic Department, I wrote and told them my problems, because the licensing there wouldn't apply to the Cayman Islands. I was only asking for something as a identity that I had purchased the Law to like it comes from one state to the other, they said, we can't do it, we couldn't do that for the President of the United States so we won't do it for you. I said, what must I do if I am picked up, tell them what you're telling me: and I was picked up, anyway they took my argument and told me that if/were picked up the second time they wouldn't be responsible, nevertheless, I made it through. I am only trying to point out that they didn't try to bend the Law to suit my problem. I had to take the chance or pay the taxes. So while we had to go overseas to make a livelihood, we had to cope with the Law, and that's what we want to try to do with this amendment, make it as far as possible that we can't be wriggled around and wriggled in and wriggled through.

It's a lot of people anxious to get into Cayman today, not only for employment reasons, but if we take the lower class of people that may be looking employment, domestic and what not. If one comes into town in and brings two or three or four school age children, then all of that is a burden on Government because their schooling because free, their hospital aid, if they have to go to the hospital it's free and these people are not faced with any taxes, so it's all reasons why people are anxious to come in more and more anxious to get Cayman Status. It's made quite plain that people children being born in this country or out of this country what they're entitled to, what they can inherit, and it's left for the individuals when they get to the age of seventeen or eighteen to make their choice, what country they want to live in, what one they have to get their passport, face and what not. So I don't think it's too much upsetting about that, but/the notion to control and let those that can qualify in the course, in due time for Cayman Status get it by working for it, not just to be handed down like has been pointed out to here this morning. Someone come for six months and they can obtain it, then we know that we don't have as many jobs to offer people as we had yesterday, and if it is to protect Caymanians

MR. CRAIGHTON BRAINE CONTINUING: then we have to give deep consideration into this matter.

And while we've got some foreign nationals working in the different sectors in Government, in private, in the banks, in common and what not then Caymanians should have had the jobs probably today. And that's why that they are so anxious to try to achieve Cayman Status because it will give them the privilege then of obtaining these privileges and don't have to worry about going to work or getting a job. But we have to investigate this and go into it in all fairness, we don't intend or it's not my thinking that we will endeavour to make it unreasonably hard for any people in the Cayman Islands or people expected or attempting to come in, but it should be done with according to the Law and not by any other means.

So, Mr. President, as the other Members so well spoke on this and pointed out and cleared up anything which seemingly might have been a little bit questionable. When it goes into committee stage I am sure that what might be the thinking and feelings of Members, a few minor things can be well questioned and amendments proposed and added to where it may be necessary.

So, Mr. President, with those few remarks I will give my support to this and I trust that it will be a magnificent job in accomplishing just what it's being designed for. So, I thank you at this time.

CAPT. KEITH P. TIBBETTS: Mr. President, I do stand to support this amendment. Early in last year I wanted a copy of the Caymanian Protection Law for various reasons, I went to Grand Cayman and I got it and after studying it a few times I picked out the same loop-hole, and I have it marked from that day onwards in this Law, Section 14 sub-section (f). I talked my son who was on the Caymanian Protection Board at that time, and I asked him if they maintained the open road that meant to have the Cayman Islands over populated within a short time? His reply was, Daddy, we know about it but please keep it quite because the Board apparently at that time recognized the fault in the Law and was looking forward to having it amended.

Now that this amendment has been drawn up I have taken the Law, I have taken the amendments and I can safely say I spent many hours studying the ramifications of it and I don't see any item or any section in this amendment but what I am prepared to support, however I feel that this is not only giving us Caymanians the right protection but it is also taking care of the children of the Caymanians coming behind, in the light they can say, well, the same that have been said here this morning, our forefathers had enough common sense and enough intelligence to put us, the Cayman Islands in the right position. So I strongly support this entire amendment as it stands and I feel I would be a traitor to my people if I didn't support it. I thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? If not, I shall ask the Honourable Proposer of the Bill to sum up.

HON. D.H. MILLER: Mr. President, first I would like to thank the Members for supporting the Bill. It appears that we may have unanimous support and therefore we should not have too much more problems with this with this support, and I thank them. However there are two points that I should attempt to clarify although the First and Second Elected Members of Executive Council did a good job in clarifying one for me, so I really won't touch on that again, and that was the hundred and odd people that gained Cayman Status by registration, but they have very ably clarified that so they should be no doubt in the Lady Member from George Town's mind how that arose now.

But the other point I would like to clarify was, that the Lady Member mentioned about a woman, a lady being registered on a voter after she had only been here for six months - Miss Linda H. Holden - and has had Caymanian Status - or had Caymanian Status. This could only have arisen in one way, and that is that she married a Caymanian and which entitled her to registration and by registration under our Caymanian Protection Law she got Status. To obtained Status any other how,Sir, she wouldn't had to been here for

HON. O.K. MISTRY CONTINUING: five years before they can apply for Status without a contribution. And there is no other way to my knowledge under the Diplomatic Act that she could apply without having been here for five years either. It would seem to the best of my knowledge that this was a case where she married a Caymanian and she was entitled to it.

Those were the only two points, Sir, and again I would like to thank Members for supporting the Bill.

MR. PRESIDENT: The question is, that a Bill entitled "The Cayman Protection (Amendment) Law, 1977" be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

COMMITTEE THEREON

HON. D.H. FOSTER: Mr. President, I beg to move Sir that this House resolve itself into a Committee of the whole House to consider the Bill Clause by Clause and amend it as may be deemed necessary.

SECONDED BY HON. V.H. JOHNSON

QUESTION PUT: AGREED

SUSPENSION OF STANDING ORDER 32

HON. D.E. FOSTER: Mr. President, I would seek your permission, Sir under Standing Order 32 (2) for two additional Clauses to be added to the Bill. I would like them now to be circulated so when the time comes we'll have them in hand, Sir.

SECONDED BY HON. V.H. JOHNSON

MR. PRESIDENT: The Standing Order quoted requires that notice to any amendment or new Clause to be made to a Bill, I should normally be given after two days notice and Members of course have not had the amendments for the full two days. I think the Member presenting the Bill is asking that Standing Orders be waived to allow us to proceed with these two amendments today.

If there are no comments I'll put the question that Standing Orders be waived to allow us to proceed with certain amendments which have been circulated.

QUESTION PUT: AGREED. STANDING ORDER 32 SUSPENDED.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION

QUESTION PROPOSED.

HON. D.H. MISTRY: Mr. Chairman, on amendment to Clause 2 Sir, Mr. [illegible] the word "Law" and the "-" I'd like the following words inserted "Unless the context otherwise requires -". The Section would then read Sir, "In this Law unless the context otherwise requires -".

MR. CHAIRMAN: If there's no discussion on this Clause, I'll simply put the question that Clause 2 as amended by the amendment read out by the Mover of the Bill stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 3. SECTION 2 AMENDED.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4. SECTIONS 14, 15, 16 and 17 REPEALED AND REPLACED

QUESTION PROPOSED.

HON. D.H. FOSTER: Mr. Chairman, we have an amendment under 14 (1) (a) over the page, after the words "British Subject" instead of a semi-colon just a "comma" then.

MR. CHAIRMAN: I think perhaps it would assist Members if we dealt with the amendments as they come up under the new sections 14, 15, 16 and 17, as I can put the question on each amendment and then put the final question on the Clause as amended. So we're looking at our proposed amendment to Section 14, the replacement of Section 14 on page 2. Under 14 (1) (a), which is simply to replace the semi-colon by a comma after the words 'British Subject' So I'll put the question that the new Section 14 (1) under Clause 4 be amended with that slight correction.

QUESTION PUT: AGREED. SECTION 14 AMENDED

MR. CHAIRMAN: We'll go on to Section 15 now.

HON. D.E. FOSTER: I'd like to propose a couple of amendments to this Section 15, Sir. 15 (1) (a) "was born in the Cayman Islands" might after the word "Islands", Sir, insert "or" of parents at least one of whom" between the word "whom" and "was" so insert the words "at the time of his birth". And in (b) at the end after the word "Islands" take out the "semi-colon" and between the semi colon and "or" we will add "and has been declared to be so domiciled under sub-section (1) of Section 16", and then you go on with the semi-colon or."

HON. ITUMAR M. DOPPER: Mr. Chairman, I would just ask if he could possibly repeat that a bit slower so that the Members could get these amendments.

MR. CHAIRMAN: Well, perhaps I can read it out when he gets through.

HON. ITUMAR M. DOPPER: Yes Sir, that would be better.

MR. CHAIRMAN: The proposal is, that the new Section 15 (1) would be amended as follows: under (1) (a) to read as follows:- "was born in the Cayman Islands or," the word "or" inserted, "if parents at least one of whom at the time of his birth" those are new words,"was domiciled or ordinarily resident in the Cayman Islands; or". The further amendment to (b) to read as follows:- (b) "was domiciled in the Cayman Islands in accordance with the provisions of any then existing immigration Law of the Islands," new words inserted here, "and has been declared to be so domiciled under sub section (1) of Section 16; or. The proposed amendment is opened for debate if anybody wishes to speak. If not I'll put the question that the new Section 15 (1) should be amended as Members have annotated their copies of the Bill.

QUESTION PUT: AGREED. SECTION 15 AMENDED

MR. CHAIRMAN: Proceed to new Section 16(1).

HON. D.E. FOSTER: I have a proposal here too Sir. In the second line of 16 (1) where it says, "by virtue of paragraphs (a) or (b)", just insert the word "of" between the (b) and sub-section (1).

MR. CHAIRMAN: The proposal is that new Section 16 (1) be amended by inserting the word "of" between "(b)" in the second line, and the word "sub-section" which immediately follows.

MISS ANNIE E. BODDEN: Mr. Chairman, I would like some explanation on this section. Does it ever then whenever anything is heard before the Grand Court for a declaration to that effect and the declaration of the Grand Court on this behalf shall be final and binding for all the purposes of this Law", is it any reason why if either side do not satisfy that there cannot be an appeal to the Jamaica Court of Appeal or which ever Court is then a higher Court than our Grand Court.

HON. C. K. WORTHINGTON: The position on that section, Mr. Chairman, is that if an applicant for/declaration is refused he has a right to appeal, because the declaration has not actually been made, so he has the right to appeal. But if the declaration is made then there is no further right of appeal, in other words there will be no right of appeal by the Attorney General who is always brought into the matter. The Court of Appeal has ruled that that is the situation, in other words, if the declaration is refused the applicant has a right of appeal to the Court of Appeal. But if the declaration is made to say that he has status then that is final, done that quickly ....

MISS ANNIE E. BODDEN: I don't know if it does, Sir, because I feel that both sides should have the right of appeal, but I'm not going to press it because ..... I mean I can't supersede what the ....

HON. C. K. WORTHINGTON: The Attorney General has no right of appeal if the declaration is made. The object of that is, that declarations as to status should be as final as quickly as possible.

MR. CHAIRMAN: Well, I'll put the question that Section 12 (1) be amended by insertion of the word "of" in the second line.

QUESTION PUT: AGREED. SECTION 12 AMENDED

MR. CHAIRMAN: Proceed to next Section 17 (1), (a), (b) and (c).

HON. D. A. HUNTE: Mr. Chairman, in 17 (1) (b) Sir. Between the words "must" and "possess" I'd like the words "at the time of his birth" inserted thereby making 17 (1) (b). It would now read "is born male of his parents must at the time of his birth, possess Caymanian status; and ".

MISS ANNIE E. BODDEN: Mr. Chairman, that is one Section of this law that I disagree with. I feel today that if a child is born in - I'm confining it to Grand Cayman, as I've said, I don't know the views of the Cayman Brackers, I feel that that child should as of right by birth be and have Caymanian status. I think the most prolific, famous, well qualified Magistrate that we had here, and I am very sure he was the first Stipendiary Magistrate I believe, he had a child, a daughter I think, born in Grand Cayman and up to the last time that I talked to this honourable gentleman, Mr. Basil Hunter, he said, "my daughter is a Caymanian". Now anybody born at that time I suppose this law will not be retroactive, but any daughter or son born after this law is passed they will not have this privilege, and I do not like that and I'm opposing it.

Now, I have no further to say because I feel that I am one and only one here that will stick up to what I feel is right, and it is not going to affect personally, very unfortunately I have no family, I am a lone bird, but I feel that we are really taking this too far. I feel that if a child is born here that is or she - I am very well aware of the fact that in the interpretation of the Law "he" means "she" as well, that he or she should have that right to choose his or her citizenship when they become at the age eighteen, twenty-one or whatever is the legal age and I cannot according to the dictates of my conscience go against that. I am very sure, I don't know how many other people feel that way about it but that's exactly my feelings, and I cannot support this thing as it is.

MR. JAMES W. ROBERTS: Mr. Chairman, I think all of the Members of this House are quite capable of having their differences or something, and I think that what the Ivey Member just said was really something against the dignity of this House and on the other Members, Sir.

MISS IRWIN W. BUDDEN: Mr. Chairman, I would like Mr. Roberts to explain what did I say against the dignity of this House? What did I say? What did I say? I'd like him to tell me because I'm not aware that I said anything wrong. He must bear in mind, he's not the only Member that has any sense, he must bear that in mind.

HON. TRUMAN M. BODDEN: Mr. Chairman, I think probably he could move off the subject of dignity and non dignity. This Section .....

MISS IRWIN W. BUDDEN: Mr. Chairman, with your permission I would like him to tell me what I said that was wrong, I don't know that I said anything.

MR. THOMAS C. ROBERTS: This Section is one that could really create as I've mentioned earlier the problems that Miss Budden spoke rightly said, we should never have had what is known as the division of the family unit. It does not however affect the relationship of anybody here here, the relationship remains the same, and it really will take us out of the problem of ending up with a child who has a mother and having parents who do not have that status. And it's quite obvious that there's going to be division of the family unit, and as like besides the Ivey Member for George Town has quite rightly pointed out, I'll use her words, there should be no separation of families. And this Section is geared towards that, and it's geared towards ensuring that we'll only end up in scenarios or unfortunate situations such that child's Caymanian status, the father say, Caymanian status, the mother, I don't know, say from Singapore or some place and the poor child doesn't have anywhere to go and is lucky to get around this, and it's nothing unique about it, we didn't make it up it came out of a book how and the Colonial Secretary thought it read. I thank you, Sir.

MISS ANNIE E. BODDEN: Mr. Chairman, I still have not had a reply from Mr. Bodden of what did I said that was wrong. I referred to Mr. Battery as the first Stipendiary Magistrate. I was saying that he had a daughter born here who he said is a Caymanian by birth, I want to know what I said wrong I would really like to know Sir.

Mr. CHAIRMAN: From the Chair, I think the sentence that was taken objection to was the I may not have got it quite right, but I think there was a slight inference that the Honourable Lady Member is the only person who in the House who could say what she felt. That was the impression I got. I'm certain there was no reflection on our Members, but I think that is the phrase to which the Honourable Member took objection.

MISS IRWIN E. BODDEN: Well, I don't know why he should take objection to it, I just don't understand. but anyhow that is my view and the Almighty will change it and no other human being.

HON. TRUMAN M. BODDEN: Mr. Chairman, moving on to something more constructive. I noticed that it ...

MISS ANNIE E. BODDEN: Mr. Chairman, let's get this sorted right, we have to straighten them out if they're getting too wayward, we have to straighten them out, we're not to be insulted, they are not the only ones that got some brains ..

HON. TRUMAN M. BODDEN: Well, Mr. Chairman, that's not meant to be an insult, I'm merely trying to get on to the business of the House. What I was asking is it (1), I mentioned to Hon. Foster that the (a) should be on (a) - (Hon. Foster - typographical error) - it's a typographical error there, Sir, and ..

HON. D.H. FOSTER: It should be (a), (b) and it appears to be (c), (2). If (2) (a) it's just a typographical error.

MR. CHAIRMAN: It is a typographical error in 17 (1) "a" should be (a). That can be corrected without any vote being taken.

MR. CHAIRMAN: Well, I'll put the question that new Section 17 (1) is amended by the addition of the words "at the time of his birth" after the word "must" in new Section 17 (1) (a).

QUESTION PUT: AGREED. SECTION 17 AMENDED.

MR. CHAIRMAN: That concludes the new Sections under Clause 4, so I'll put the question that Clause 4 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED AS AMENDED.

CLERK: CLAUSE 5. SECTIONS 12 and 13 RENUMBERED.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. NEW SECTION INSERTED AS SECTION 15

QUESTION PUT: AGREED. CLAUSE 6 PASSED

CLERK: CLAUSE 7. SECTION 12 (as renumbered) AMENDED:

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. SECTION 30 (as renumbered) AMENDED

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. SECTIONS 30 AND 31 REPEALED AND REPLACED BY NEW SECTION AS SECTION 31.

QUESTION PROPOSED.

HON. D.H. FOSTER: Mr. Chairman, in 31 (1) (b) second to the last line the words "of choice". I would like those taken out, Sir, so it would read "for a period of five years or acquires a domicil other than a domicil in the Cayman Islands". Just delete the two words "of choice".

MR. CHAIRMAN: The proposals to amend the Section 31 (1) under (b) by deleting the words "of choice" in the second last line. If there's no objection I'll put the question that Clause 9 as amended by that small amendment stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED AS AMENDED.

CLERK: CLAUSE 10. SECTION AS AMENDED.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: SECTION 11. SECTION 40 AMENDED

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. SECTION 43 AMENDED.

QUESTION PROPOSED.

HON. D.H. FOSTER: Mr. Chairman, on amendment to 43 (1) about the eighth or ninth line from the bottom Sir, where it says "remain permanently

HON. D.H. FOSTER CONTINUING: In the Cayman Islands has shall not be entitled" between the word "has" and the word "be" I would like inserted "unless exempted under section 33 and subject to the preservation of any existing right to engage in trade, business or gainful occupation, enjoyed immediately before registration". I'll just remark that quickly Mr. Speaker the end of (f) between the words "not" and "be" we'll insert "unless exempted under section 33 and subject to the preservation of any existing right to engage in trade, business or gainful occupation, enjoyed immediately before registration". And then over the page Sir, in (b) at the end between the word "Islands" and the "semi-colon" we'll put in "unless the Governor rules otherwise" and then the semi-colon.

MR. CHAIRMAN: It'll probably suit the House if we take these two amendments separately in case there's debate on them. We'll look at the first one, it is under new Section 43 (f) sub-section 2, ninth line beginning "shall not", after the words "shall not" it's proposed the following words be inserted "unless exempted under Section 33 and subject to the preservation of any existing right to engage in trade, business or gainful occupation, enjoyed immediately before registration".

That amendment is open for debate.

HON. BRUCE M. ANDERSON: Mr. Chairman, I'd just like to mention on this that to Members this was the division between a mandatory registration and the discretionary one, and the mandatory one where Government had no right to refuse so to speak has been blanked into this Section. And the person now gets the right to permanent residence with personal - whatever rights he would have not just before which probably would have been no right, because if he's on a work permit then he shouldn't be getting it under the mandatory Section. The other Section remains substantially as it was except for the fact that now both the Caymanian Protection Board application for status plus this will probably be looked at at the same time.

And the other amendment, I don't think it alters that, so any work at all, Sir.

MR. CHAIRMAN: Are there any further speakers on the first amendment? Well, we'll turn to the second one which is over the page at the end of (b) adding the words after "Cayman Islands" "unless the Governor rules otherwise", then there's the "semi-colon" and we carry on with (c).

That amendment is open for debate. If there's no debate I'll put the question that Clause 13 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 13 PASSED AS AMENDED.

CLERK: CLAUSE 14. SECTION 47 AMENDED

QUESTION PUT: AGREED. CLAUSE 13 PASSED

CLERK: CLAUSE 14. SAVINGS OF EXISTING RIGHTS

QUESTION PROPOSED:

HON. D.H. FOSTER: Mr. Chairman, I'd like to put Members at ease to this one completely because I want it out and replace it by a new Section which has been circulated. So when Mr. Chairman rules the question please say "No".

MR. CHAIRMAN: This is our backward way of doing it, but before we can substitute a new Section 14 we'll have to knock out the old one. So I'll put the question that Clause 14 do stand part of the Bill.

QUESTION PUT: AYES AND NOES, YES HON HAVE IT. CLAUSE 14 IS STRUCK OUT.

HON. D.N. KOSTER: Mr. Speaker, I would like a new Section 74 and a new Section 75 as circulated to be included Sir. These were really sort of amendments that we made had into the Bill, and it just made to get it there and clarify it at the same time, Sir.

CLERK: NEW CLAUSE 74. SECTION 80 AMENDED

MR. CHAIRMAN: Well, the new Clause as circulated to Members is deemed to have been read the First Time. The question is that the Clause be now read the Second Time.

The motion is now open for debate. If there's no debate I'll put the question that the Clause be read the Second Time.

QUESTION PUT: AGREED. CLAUSE IS READ A SECOND TIME.

I'll now put the question that the New Clause is to be added to the Bill.

QUESTION PUT: AGREED. CLAUSE IS PASSED.

CLERK: NEW CLAUSE 75. AMENDMENT OF BUDGET AND SAVINGS

MR. CHAIRMAN: New Clause 75 as circulated to Members is deemed to have been read the First Time. I'll now propose the question that the Clause be read the Second Time.

The Motion is open for debate

QUESTION PUT: AGREED. CLAUSE IS READ A SECOND TIME

The final question is that . new Clause is a final part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE IS PASSED

CLERK: A BILL TO AMEND THE CAYMANIAN PROTECTION LAW, 1971 (Law 23 of 1971)

QUESTION PUT: AGREED. THE TITLE WAS PASSED

MR. CHAIRMAN: That concludes consideration in committee of a Bill entitled "The Caymanian Protection (Amendment) Law, 1977". The Assembly will now resume.

HOUSE RESUMED

REPORT THEREON

HON. D.N. KOSTER: Mr. President, I have to report that a Bill entitled "The Caymanian Protection (Amendment) Law, 1977" was considered Clause by Clause by a committee of the whole House and amended as follows:-

In Section 2 the words "unless the context otherwise requires" between the word "Law" and the "-". And in Section 16(2) a "comma" instead of a "semi-colon"; in Section 16 (1) (a) by the insertion of the words "Islands" and "of" and between the words "whom" and "was" in addition of "at the time of his birth". And in 16 (1) (c) between the "semi-colon" and the word "or" the following was added, "and has been declared to be an Caymanian under sub-section (1) of Section 16" and then the "semi-colon" and "or". In Section 16(1) between the (d) and sub-section the addition of the word "of" and in Section 17(2) (b) by the insertion of the words "at the time of his birth" between the words "was" and "resident". In Section 5 (51) (b) by the removal of the words "of which" second to the last line; and in Section 17 by the addition of the words "unless exempted under Section 33 and subject to the preservation of any existing right to engage in trade, business or profit

HON. D.E. FOSTER CONTINUED: occupation, enjoyed immediately before repatriation", that to be inserted between the words "or" and "the"; and in 12 (b) at the end between the word "Islands" and the "semi-colon" the words "unless the Governor-in-Council otherwise" to be added. Section 14 replaced by the new Section 14 as circulated, and a new Section 15 as circulated added.

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

SUSPENSION OF STANDING ORDER

HON. D.H. FOSTER: Mr. President, Standing Order 42 makes provision for certain Standing Orders to be suspended, so I therefore ask that Standing Order 42 be suspended to permit the Bill entitled "The Aggression Protection (Amendment) Law, 1977" to be taken through the remaining stages at this sitting, Sir.

SECONDED BY HON. V.C. JOHNSON

MR. PRESIDENT: The question is that Standing Order 42 be suspended to allow the Third Reading of this Bill to be taken at today's sitting.

QUESTION PUT: AGREED. STANDING ORDER 42 SUSPENDED

THIRD READING

TITLE: THE CANADIAN PROTECTION (AMENDMENT) LAW, 1977

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. V.C. JOHNSON

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

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. G.E. MARKHAM

QUESTION PROPOSED.

MR. PRESIDENT: If the motion is carried it will suspend the adjournment Sine Die. Before I put the question I would simply like to pay the usual tribute to the Clerk's office for the very efficient handling of the Assembly's business during a very busy meeting.

I would also like to congratulate Members on the amount of work they put in over the last fortnight which has enabled the Assembly to get through a very heavy calendar of business in a fairly short period of time.

I feel you would also like me to congratulate the Financial Secretary for piloting the second Estimates, once again, through the Assembly which is, as I know from experience, a very heavy job indeed.

Finally, I would like to associate myself with the remarks passed by Members on the retirement of the Honourable Attorney-General, The Honourable Donald Eugene Watkinson, CBE., QC., LLD., Knight of St. John, Barrister-at-Law. He was born in 1900, educated at Jamaica College and Wolmer's Boys School. He married in 1934 and has one son and one daughter. He was admitted as a Solicitor of the Supreme Court of Jamaica in 1932. He was in private practice from 1932 to 1936, Deputy Clerk of the Courts in Jamaica in 1939, Clerk to the Privy Council from 1941 to 1956, Assisting Crown Solicitor from 1946 to 1949 when he became a Resident Magistrate. He was called to the Bar at Gray's Inn in 1957 and was promoted to Puisne Judge in 1959, holding that

MR. PRESIDENT CONTINUING: past until 1964, during this period he was Editor of the Jamaican Law Reports. He became Judge of the Supreme Court until 1970 when he came to the Cayman Islands as Attorney-General. He has held the post for seven years which will elapse during his leave at the end of April this year.

Since then, as Members know, he has been a Member of Executive Council and the Legislative Assembly and was heavily involved, of course, in the constitutional revision which followed hard upon and resulted in reform in 1972, so that he has put a great deal into the Constitution under which we now serve.

I know from all my dealings with him, that he has a profound knowledge of the law, which he has always been ready to place at my disposal, at the disposal of Members of the Executive Council and also to private Members of this House when required to do so. He commands the respect of the community as a man of integrity and a man of moral courage who is prepared to speak out and give advice even if he knows that such advice may be unpopular from time to time. This is a great tribute to him. I know that Members will be sorry to see him leave and I know that they will, like myself, wish him and his family every success and happiness in his retirement.

HON. G.E. HAUGHTON: I am very grateful to you, Mr. President, for your most generous remarks which I hope I have deserved. As I remarked the last sitting of the House, Mr. President, it has been a great honour and privilege for me to serve in this House. I appreciate the space that I have been so, and I treasure also the generosity, the assistance and the general help that I received from Members of this Legislature and previous Legislatures. And as I go into retirement, Mr. President, I shall always remember those years, and I once again extend to the Members of this House my very best wishes for the future of this country.

HIS PRESIDENT: Before I put the question, I would like to remind Honourable Members that there is a meeting of the C.P.A. after this, about half an hour afterwards I think, but perhaps the Clerk can advise us of the exact time in the Common Room.

So, I'll put the question that this House be now adjourned.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED AT 3:42 P.M. SINE DIE.

MINUTES

SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 18th MAY, 1977 AT 10:00 A.M.

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON. D.H. FOSTER, MBE., JP.	FIRST OFFICIAL MEMBER
HON. D.R. DARWICK, CBE.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. BODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. CALMAIN D. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN CARSTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE S. BODDEN, OBE.	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 B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

WEDNESDAY, 18TH MAY, 1977

1. PRAYERS BY REV. NEIL BANKS.

2. ADMINISTERING OF OATH OF ALLEGIANCE TO HON. DAVID ROBERT BARWICK, C.B.E. SECOND OFFICIAL MEMBER (ATTORNEY-GENERAL).

3. PRESENTATION OF PAPERS:

(a) Auditors' Report Financial Statement Cayman Airways Ltd., for the period 30th September, 1976 -

Directors' Report Cayman Airways Ltd., for the financial year ended 30th September, 1976 BY HON. V.G. JOHNSON, O.B.E, FINANCIAL SECRETARY.

(b) Television in the Cayman Islands BY HON. D.H. FOSTER, M.B.E., J.P., FIRST OFFICIAL MEMBER.

(c) Draft Development Plan and Annexures (TO BE REFERRED TO A SELECT COMMITTEE) BY HON. T. HAIG HOOBIN.

QUESTIONS:

1. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT TO ASK THE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE:

WILL GOVERNMENT STATE IF THE PURCHASE OF A PLANE IS NOW BEING CONSIDERED. IF THE ANSWER IS "YES" CAN IT BE STATED HOW WILL THIS VENTURE BE FINANCED, AND WHY WERE NOT MEMBERS OF THE LEGISLATIVE ASSEMBLY MADE AWARE OF THIS PROPOSAL?

2. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT TO ASK THE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE:

WILL GOVERNMENT STATE IF ANY PLANS ARE BEING MADE TO BUILD A NEW AIR TERMINAL BUILDING?

3. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT TO ASK THE HONOURABLE FINANCIAL SECRETARY:

WHAT AMOUNT HAS BEEN COLLECTED FROM ALL THE VARIOUS HEADS OF REVENUE FOR THE PERIOD 2ND JANUARY, 1977 TO 30TH APRIL, 1977?

WHAT IS THE TOTAL EXPENDITURE UNDER THE VARIOUS HEADS FOR THE SAME PERIOD?

4. THE SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT TO ASK THE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE:

DURING THE DEBATE ON THE CAYMAN BRAC AND FINANCIAL STATEMENT IN THE LAST MEETING OF THE HOUSE MEMBERS WERE INFORMED THAT A SUBSIDY OR SUBSIDIES HAD BEEN PAID TO THE NORTHWESTER PUBLISHING COMPANY OR THE NORTHWESTER PUBLICATION.
WOULD THE MEMBER STATE THE AMOUNT OF THESE SUBSIDIES, GIVING DETAILS AND WHETHER APPROVAL WAS GIVEN BY THE LEGISLATIVE ASSEMBLY IN THE ESTIMATES AND WHAT AUTHORITY AND/OR CHECKS WERE CARRIED OUT TO ENSURE THAT THE PAYMENTS WERE CONFINED TO THE BUDGETARY PROVISION?
WOULD THE MEMBER ALSO LAY ON THE TABLE RELEVANT DOCUMENTARY EVIDENCE OF PAYMENT OR SUBSIDIES?

QUESTIONS (CONTINUED):

A. THE THIRD ELECTED MEMBER FOR THE NORTH KINGSTOWN DISTRICT TO ASK THE HONOURABLE FINANCIAL SECRETARY:

HOW ARE PAYMENTS BY GOVERNMENT AUTHORIZED AND WHAT AUDIT CHECKS ARE CARRIED OUT?

B. GOVERNMENT BUSINESS.
BILLS:-

(a) The Customs (Amendment)(No.2) Bill, 1977 - First Reading
(b) The Caribbean Meteorological Organization Law - First Reading
(c) The Minerals (Vesting) (Amendment) Bill, 1977 - First & Second Readings
(d) The Registered Land (Amendment) Bill - First & Second Readings.
(e) The Music and Dancing (Amend.) Bill - First & Second Readings.
(f) The Traffic (Amendment) Bill, 1977 - First & Second Readings.

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SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY
WEDNESDAY, 18TH MAY, 1977
10:00 A.M.

MR. PRESIDENT: The Assembly is in Session. I shall ask the Reverend Neil Banks to say prayers.

REVEREND NEIL BANKS: Let us pray.

Almighty and everlasting God, the source of all strength and the source of all wisdom, the opening of this Legislative Assembly, we bring our petitions before Thee.

The time of this Silver Jubilee of Her Majesty the Queen, we give Thee thanks for the inspiration and leadership that she has given to the whole Commonwealth, including these Islands. We pray Heavenly Father that she may be strengthened and guided to continue that leadership for many years to come. We give Thee thanks Almighty God that we are a part of that Commonwealth with all its freedom and all its ideals.

We pray Heavenly Father as this Session begins that all the Members of this Legislative Assembly they be guided by those ideals which have guided the Commonwealth for many years, that all may be done to Thy Glory, and to Thy service for the good of all the people. In Jesus name we ask it. Amen.

MR. PRESIDENT: Will the Honourable Members please remain standing for the administering of Oath.

OATH OF ALLEGIANCE TO HON. DAVID E. BARNICK, CBE., SECOND OFFICIAL MEMBER (ATTORNEY-GENERAL) WAS ADMINISTERED BY THE CLERK

MR. PRESIDENT: Please be seated. The first item on the Order of the Day is "Presentation of Papers".

CAYMAN AIRWAYS LTD. AUDITORS' REPORT FOR 1976

HON. V.G. JOHNSON: Mr. President, I beg to lay on the table of this Honourable House the Auditors' Report and Financial Statement of Cayman Airways Limited for the year ended 30th September, 1976, and also the Directors' report of Cayman Airways Limited for the financial year ended 30th September, 1976.

MR. PRESIDENT: So ordered.

TELEVISION IN THE CAYMAN ISLANDS

HON. T.E. POSTON: Mr. President, Standing Order 24 gives me the privilege of presenting to this House a paper on Television in the Cayman Islands. It also gives me the privilege of a short explanatory statement on the contents of the paper.

This paper, Mr. President is presented to the Legislature in the usual democratic way where we seek or we have the freedom of expression, and we're seeking the views of the people. Mr. President, in 1975 it was decided that since the Broadcasting Station was under construction and in the making that Television in the Cayman Islands should wait 'til the Radio Station was properly established and in full operation. When the time arrived then further consideration could be given to the aspects of Television. And, I am not saying in this paper that we must have it now or we must wait later but I'm seeking the views of the House. It might not be the right time, but this is the whole purpose of the paper, to get the views of Members and the people on the whole subject. It might be just as well for us to wait

HON. D.H. FOSTER CONTINUING: a little bit longer because Radio Cayman is by no means viable or have we got it to a satisfactory point of operation at this stage, we haven't, we're not quite happy with it, we're doing very well but it's by far not what we want yet.

Nevertheless, the point was not the price and cons of the whole thing. An aspect that must be considered when considering this is what happens to the Lesser Islands. This was a major consideration when Radio was being thought of, and this is why many companies turned it down and eventually we got an answer to it. We feel that whatever one Island benifits from the others should as well. At the same time there are many ways of Television as we know of. We know of radiated television which is a main station with many channels and a person owning a set and put it on whichever channel they want and choose their programme. On the other hand there is cable television with one main programme, and you take it or leave it. It's a captive audience and you subscribe to the programmes.

I won't go into detail on the types of Television Sir, I'm not an expert on it and many Members may know more about the various types than I do. However, when we had our consultants up here early this year looking over the radio situation, I queried him about it and he made it very clear that many companies in the Eastern Caribbean had gone bankrupt and folded up on cable television.

We get many applications from Companies and Organizations from abroad with a great deal of promises in exchange for a franchise and so on, and once the franchise is given many of their promises are not fulfilled, and once you grant out a franchise like that your hands are tied. So these are aspects we must think about when considering this matter.

I must say, Sir, that what I'm going to say now is probably my own feelings and not necessarily the feelings of anybody else, that it has been found in other areas that television is the most antisocial thing that you can ever have in your house. You go to visit your friends or your family, they are all watching television, they don't even say good evening to you, everybody's eyes are pinned on the television. On the other hand you might say, it's good for the children, as in and so forth to watch. What do they see Sir? Shooting, fighting, hatred, drugs and crime, every thing on is just the same. So, all these matters are got to be weighed of one against the other. At the same time modern technology is being developed rapidly through out the major countries, and perhaps if we waited something might be developed whereby we'll get it much easier in a few years time by some satellite/some modern technology at a much lesser cost.

Mr. President, not only that, Sir, we have been a care free people for many years and after a while we got a electricity which was a monthly commitment, later we got a telephone, another monthly commitment, and it's no use one saying, well, I'm not going to have it because if your neighbour has it you want it. Television means to, Sir, no another monthly commitment, the higher cost of living right away.

These are just a few basic thoughts, Sir, on television in the Cayman Islands, and it is for the Government and the people to decide whether it's in the best interest for the future - Cayman viewers to be served and how best, what type of television, what do we want? Do we want the best or do we want the second best or just what? And therefore Sir, the purpose of this paper is to set out briefly the back-ground and the possible introduction of television in the Cayman Islands, and to permit general debate on the subject by Members of the Legislature to canvass the general public, provide their opinions, and therefore give us an idea of what the people wish and whether it is time for it.

Now, Sir, not always do our people know what is the best for them, they might know what they want but it might not be the best. So, all these things have to be bourne in mind. I think that about covers that Sir, but I would like to give notice under Standing Order 7:

HON. H.H. FOSTER CONTINUES: that we would have a debate. I'll bring a motion to the House on Thursday asking for a general debate on the general principles of the paper.

MR. PRESIDENT: The Paper is ordered to be laid on the table. Time will be set aside later in the meeting for a general debate on the Paper.

THE DRAFT DEVELOPMENT PLAN AND ANNEXURES

HON. G. HAIG BODDEN: Mr. President, I beg to move that the Draft Development Plan and the relevant documents be referred to a Select Committee, and that prior to going to the Select Committee a debate take place following question time on Friday morning the 20th of May, 1977.

MR. PRESIDENT: I think the Honourable Member should ask for the paper to be laid on the table first, and we can take note of the motion - you'll be moving the motion on Friday, is that correct?

HON. G. HAIG BODDEN: Yes, Mr. President, I thought of that but the Plan had already been laid on the table in March.

MR. PRESIDENT: I thought there was another document that had not been laid so far.

HON. G. HAIG BODDEN: I beg to move that the Draft Development Plan and the relevant documents be laid on the table.

MR. PRESIDENT: No seconder.

I think perhaps we can either take a vote now that the House move into Select Committee, or we can defer the motion on this until Friday - the House taking note that the matter will be raised on Friday, and this will give the opportunity for a general debate on the motion to move into Select Committee. So, I am very much in the House's hand.

Would the Member prefer to take a vote now or would he prefer to defer the motion until Friday to allow general debate?

HON. G. HAIG BODDEN: I would prefer to leave it until Friday and have a general debate.

MR. PRESIDENT: Thank you. Well, I think the Members can take note that a motion will be coming up on Friday which will give an opportunity for general debate before we move into Select Committee.

That concludes presentation or presentation of papers, and we can move on to "Questions".

QUESTIONS

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER FOR EXECUTIVE COUNCIL: ANNOUNCEMENT FOR TOURISM, AVIATION AND TRADE.

Will Government advise if the purchase of a plane is now being considered? If the answer is "Yes" can it be stated how will this venture be financed, and why were not Members of the Legislative Assembly made aware of this proposal?

ANSWER:

Yes. Cayman Airways Ltd., is investigating the purchase of an Aircraft to replace the present Twin I-11. This has became necessary because Lacsa requires its plane for other routes as well as U.S.

Government policies require more effective control to be held legally Financing is also being investigated at the same time for the purchase. Members of the Assembly will be informed when the amount is ascertained. Members will be informed in the usual manner either at Executive Council meeting room or Legislative Assembly.

SUPPLEMENTARIES:

MISS ANNIE E. BODDEN: Mr. President, a supplementary question. Would the Member state if this venture is carried out, do they intend to buy a new plane - when I say a new plane, I mean not new to us, but a new plane from the factory when this new plane has just been operation. Will it be a new plane or a second hand plane?

HON. JAMES M. BODDEN: Mr. President, this will all depend on feasibility studies and the economics of the project.

MISS ANNIE E. BODDEN: Mr. President, another supplementary question, please. May it not thought necessary not to negotiate with Lacsa concerning a new agreement if this present agreement is unsatisfactory. Has any steps been taken to ascertain if we could get a better deal from Lacsa than we have?

HON. JAMES M. BODDEN: Mr. President, I have no way of knowing how the Member would know that there is no negotiations with Lacsa, because negotiations with Lacsa are continuing, and Cayman Airlines with the association of sixty percent shareholdings to the Cayman Islands Government and forty percent to Lacsa is still in existence.

MISS ANNIE E. BODDEN: Mr. President, the only how I would know is what I am doing now, asking questions.

MR. PRESIDENT: Proceed to the next question.

THE THIRD NOMINATED MEMBER FOR THE NORTH ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

Will Government state if any plans are being made to rebuild or upgrade the Terminal Building?

ANSWER:

Yes. Long term plans are being considered and sources of financing will be investigated at the appropriate time.

SUPPLEMENTARIES:

MISS ANNIE E. BODDEN: Another supplementary question Mr. President, is this, I understand that this present shack is now being repaired or renovated at the cost of Sixty thousand dollars. Would it not be more appropriate to start a part of the new Terminal than to waste Sixty thousand dollars on this shack?

HON. JAMES M. BODDEN: Mr. President, sixty thousand dollars could not even probably buy the plans for the Terminal building. The Member is quite aware that this money was voted on in the Finance Committee meeting the first part of the year, when that Member was also in attendance.

HIGH ANNIE H. HODGE: Mr. President, I will agree I was present but I am inquiring if since it is found necessary for a new Air Terminal, would it not be more advisable to take that ninety thousand dollars and buy the plans than for it if they'll cost that much money?

HON. JAMES M. HODGE: I think your past Government took note of that when they commissioned a study for the Airport in which some plans were drawn and which I understand were very expensive.

MR. PRESIDENT: Next question.

THE DULY ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FINANCIAL SECRETARY.

What amount has been collected from all the various Heads of revenue for the period 2nd January, 1977 to 30th April, 1977?

What is the total expenditure under the various Heads for the same period?

ANSWER:

The total revenue collected is $6,592,715.

The total sum expended is $2,702,241.

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

THE SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

During the debate on the Throne Speech and Financial Statement in the June meeting of the House Members were informed that a subsidy or subsidies had been paid to the Northwester Company on the Northwester Publication.
Would the Member state the amount of these subsidies, giving details and whether approval was given by the Legislative Assembly in the Estimates and what authority and/or checks were carried out to ensure that the payments were confined to the Budgetary provision?

Would the Member also lay on the table relevant documentary evidence of payment of subsidies?

ANSWER:

I made a statement on the 7th March, 1977 that a subsidy of approximately $6,000 was being paid to the Northwester and would no longer continue. This was made as a result of information received from the file. The word "Subsidy" was used to describe the payment and was possibly only used as a figure of speech. Legislative Assembly approved an over all Budget apparently inclusive of this figure. It is not my responsibility to ensure that payments in 1976 were confined to Budgetary provision.

All payment vouchers will be made available to the Public Accounts Committee and at that time a decision can be made by the Public Accounts Committee whether this payment constituted a subsidy or was a figure of speech.

SUPPLEMENTARIES:

MR. CHARLES C. SMITH: A supplementary question, Mr. President. Was this subsidy paid to the Northwestern Company previous to 1976?

HON. JAMES M. SODDEN: I have no clear evidence that it was, but I do assume that it was also paid in 1976.

MR. CHARLES C. SMITH: A supplementary question, Mr. President. Would the Member care to say how did he arrive at the moral on the use of the word "subsidy" or "subsidies" in his statement then?

HON. JOHN M. KAMUNA: The word "subsidy" was used in the letter which was written to our advertising agency in Miami authorizing the payment of this sum.

MR. CHARLES C. SMITH: Would the Member care to state who signed the document authorizing these payments?

HON. JAMES M. SODDEN: The Minister of Tourism.

MR. CHARLES C. SMITH: Mr. President, I beg to make a motion that this matter be referred to a Select Committee to be further investigated.

MR. PRESIDENT: I'm not sure that the Honourable Member is in order in raising a motion during question time, he may like to reconsider it and submit it later in the House.

MISS ANNIE M. MUNNIN: Mr. Presidents, I too would like to ask a question. Is it not a fact that when we as a financial body vote certain amounts to any department that we do not dig out and say, so much for advertising, so much for this, so much for the other thing. My question is, is that not left to the head of that department to see how the money is allocated, and not for the Financial Committee to deal in details with such petty amounts as advertising in the Northwestern?

HON. JAMES M. SODDEN: Mr. President, I don't know whether that was a supplementary or not, it sounds more like a statement. Anyhow, I will attempt to answer it in this way. It is the responsibility of the Finance Committee of this House to decide on how specific amounts of money are being spent. The Member concerned has much more knowledge and experience in the House than I have, and I am sure that in the past she has queried many an account and many an item that was in the budget which have come before her.

It is true that Government Heads can vary their Budget from one item to the other. But then whenever it is, it comes back to the Finance Committee of this House again in the form of the Public Accounts Committee of which this Member is also a Member of, and at that time I am certain that every specific amount that is spent is queried completely by the Public Accounts Committee.

MISS ANNIE M. BODDEN: Mr. President, this is somewhat of a statement and a question combined. I happened to have been a Member of the Public Accounts Committee for quite a long time but I have never used my office as such to try to discredit anybody, and if I did, only last week we had a Public Accounts Committee when there certain questionable things that I thought it best to leave alone and I feel the same about this Parliamentary Instrument.

MR. PRESIDENT: I must remind the Honourable Members that question time is for asking questions.

MISS ANNIE M. MUNNIN: Mr. President, why is it that the Northwester is specifically challenged when so much other money is wasted by Government?

HON. JAMES M. BODDEN: Mr. President, if the Member has knowledge that anything is being done against the Northwester that would not be done against any other one of something to be found wrong, I have no knowledge of it Sir.

MR. PRESIDENT: We'll move on to the next question.

THE HON'BLE ELECTED MEMBER FOR 3RD FIFTY ELECTORAL DISTRICT HE WAS NOT TO ASK THE HONOURABLE FINANCIAL SECRETARY.

. How are payments by Government authorised and what audit checks are carried out?

ANSWER:

Heads of Departments are authorised under a Departmental warrant of Expenditure, issued in accordance with the approved Estimates and the Appropriation Law, to make payments affecting their Departments. Before payments are made claims for goods and/or services are examined first by the Head of the Department and secondly by the Treasury, who does a thorough examination of the claim and the charge. After payment is made the internal audit check is conducted and any queries which may arise therefrom are dealt with by the Head of Department concerned through the Financial Secretary until the matter is terminated. The accounts are subject at a later date to external audit check as well, and finally to inspection by the Public Accounts Committee.

SUPPLEMENTARIES:

MR. GEORGE D. SMITH: A supplementary question, Mr. President. Would the Member care to state on an average how long it takes for an item to pass through proper and complete internal audit?

HON. V.G. JOHNSON: It all depends on the urgency of the claim, sometime it can be just a week, sometime two weeks, sometime the payment is made by the Treasury within a few days, then it takes quite a few days before the audit check begins.

MR. GEORGE D. SMITH: A supplementary, Mr. President. Would the Member care to state whether there have been incidents of queries being submitted to the Heads of Department or to the Financial Secretary as stated, and yes they've been ignored?

HON. V.G. JOHNSON: Not to my knowledge.

MR. JOHN B. McLEAN: A further supplementary, Mr. President. Was it that the incident in the Agriculture Department took so long to be discovered?

MR. PRESIDENT: I think that's getting rather far away from the original question.

MR. JOHN B. McLEAN: Well, normally I thought Mr. President, it had to do with audit checks within Government all the same.

HON. V.G. JOHNSON: Mr. President, that was a very complicated matter and the investigation taken because of a specific report that was made by the Head of Department.

MR. CRADDOCK EBANKS: Mr. President, one supplementary. The answer that was given a few moments ago on a question by the Member that these checks are normally carried out within a few days to two weeks, then why has it elapsed for so long on the question that has just been asked for the discovery of this anomaly then that arose in the payments?

HON. D.H. FOSTER: Mr. President, I am not sure that this case is all over Sir, and I strongly support that there be now more discussion on it, because it will be - might prejudice what is possibly going on, Sir.

MR. PRESIDENT: I think as long as the questions are directed to an accounting matter without mentioning names, it's within the Standing Orders.

MISS ANNIE H. BODDEN: Mr. President, this is another statement, if I am wrong, please correct me. That matter was dealt with before the Court and the guilty party or the so called guilty party was acquitted before the Court, and I feel that that matter should be dropped now.

MR. PRESIDENT: I have already given my ruling on this, it's best and proper to ask questions relating accounts directly from the original question.

MR. CRADDOCK EBANKS: Mr. President, I thought I'd asked a simple question from the statement that the Financial Secretary gave that the payments are more or less taken care of within two weeks. I asked the question, how can it go on long for some to be discovered?

Mr. President, I feel that every elected Member has the right and the privilege to question and query any tax payers money that is being spent.

HON. V.G. JOHNSON: Mr. President, I feel that this is something that should not be elaborated here. I think if Members wanted to discuss the particular matter it could be dealt with better by discussing it with the Department. I think it would prejudice the case which is now under investigation.

MISS ANNIE H. BODDEN: Mr. President, if I'm out of order Sir, please correct me. But, I would like to ask if all the outstanding accounts that are now due to the Government are being dealt with, so rigidly?

I'd like an answer, please. Well, Mr. President, I'll have to quote here that it depends on who is who to get what is what. (MEMBERS LAUGHTER)

MR. PRESIDENT: That concludes the business on that question, we can proceed to Government business.

THE CUSTOMS (AMENDMENT) (NO. 2) LAW, 1977

CLERK: The Customs (Amendment) (No.2) Law, 1977.

MR. PRESIDENT: The Customs (Amendment) (No.2) Law, 1977 is deemed to have been read the first time and is set down for Second Reading.

THE CARIBBEAN METEOROLOGICAL ORGANIZATION LAW

CLERK: The Caribbean Meteorological Organization Law.

MR. PRESIDENT: The Caribbean Meteorological Organization Law is deemed to have been read the first time and is set down for Second Reading.

THE MINERALS (VESTING) (AMENDMENT) LAW, 1977

CLERK: The Minerals (Vesting) (Amendment) Bill 1977.

MR. PRESIDENT: The Minerals (Vesting) (Amendment) Bill, 1977 is deemed to have been read the first time and is set down for Second Reading.

THE REGISTERED LAND (AMENDMENT) LAW 1977

CLERK: The Registered Land (Amendment) Bill, 1977.

MR. PRESIDENT: The Registered Land (Amendment) Bill, 1977 is deemed to have been read the first time and is set down for Second Reading.

THE MUSIC AND DANCING (CONTROL) BILL

CLERK: The Music and Dancing (Control) Bill.

MR. PRESIDENT: The Music and Dancing (Control) Bill is deemed to have been read the first time and is set down for Second Reading.

THE TRAFFIC (AMENDMENT) LAW, 1977

CLERK: The Traffic (Amendment) Bill, 1977.

MR. PRESIDENT: The Traffic (Amendment) Bill, 1977 is deemed to have been read the first time and is set down for Second Reading.

THE MINERALS (VESTING) (AMENDMENT) LAW, 1977

SECOND READING

CLERK: The Minerals (Vesting) (Amendment) Bill, 1977

HON. G. MAIC BIKOM: Mr. President, I move the Second Reading of a Bill entitled "The Minerals (Vesting) (Amendment) Bill, 1977". The reason for the amendment to the Minerals Vesting Law is to add "Caymanite" to the list of semi-precious stones.

There have been many complaints especially from Cayman Brac that the rock known as "Caymanite" is not protected in large quantities, and it is decided to control this exportation. Caymanite is a very beautiful stone and it is now locally used in the manufacture of jewellery. Caymanite is found in very limited quantities in these Islands, and as far as can be ascertained this particular stone is not found in any other country in the world in any appreciable quantity. So we do have a very precious stone here which can be used and is now being used for jewellery. It is the feeling of Government and the feeling of the public as a whole that we would be better off here if the Caymanite is made into jewellery locally by only providing employment for people, and also giving us a better return from manufactured jewellery than allowing it to be exported in the raw state.

Now, under the old Minerals Vesting Law certain rocks are already mentioned, amber, amethyst, and so on. None of these rocks are found here so it is only reasonable and logical that we should add a stone which is known to be here. So all this amendment is asking is that Caymanite be listed as amongst those semi-precious stones which are considered as minerals here, and if this is done in the future it would not be legal to quarry this stone without obtaining from Government a permit, and in so doing Government

HON. C. RAIG BODDEN (CONTINUING): would be able to control the exportation of Caymanite and would probably confine the use of Caymanite to industries within these Islands.

This is a nut shell is all this Bill is asking, and I seek the support of the House on it.

SECONDED BY HON. TRUMAN M. BODDEN

QUESTION PROPOSED: DEBATE ENSUED.

CAPT. KEITH P. TIBBETTS: Mr. President, I would like to support this Bill as mentioned by the Second Elected Member. I believe I was one that brought this matter to the notice of Government. At the present time this Caymanite is being removed from Cayman Brac/fairly large quantities, and in truth and in fact there is no one collecting any revenue whatsoever from it. Usually tourists will get a Taxi Cab and ask them to take them to where the Caymanite was found, and they would go there and collect what they want and take it back and when they are ready to leave the Island they would carry it with them. So there is no one except the Taxi driver collecting any fares.

I feel like we should collect money for such things when we have it as a semi-precious stone. And I fully support the idea of having some type of licensing for people to gather it, and also for people that take it. I know there are several small outfits in Cayman Brac that is making jewellery from Caymanite, and they do sell small amounts to the tourists but it would go much further providing it's controlled where the tourists will have to buy the manufactured goods rather than taking these amounts of the unfinished/ stuff. I am not saying that they should not be allowed to take away small amounts of the stone because that would be a souvenir, but I'm saying it should be controlled no small amounts and it should definitely/a manufactured product for them to remove from the Island.

MR. PRESIDENT: I think the Honourable First Member for West End has the floor.

MR. BALDWIN D. BLANCO: Mr. President, I too want to support this Bill because I feel since we have a very little bit of mineral here, Caymanite is a precious stone and it can be used here in our local factories. I don't see why it should be handled up and removed when it can be used here. If tourists or anybody want anything or a piece of it as a souvenir, well, they can buy it from the factories. So I say, let's hold it in our Islands and preserve it as one of our assets.

MISS ANNIE F. HOWARD: Mr. President, I too support this Bill. I feel that with our limited resources if we have anything from which we can derive some revenue that it should be well taken care of. And I'm sure the trend of most people is, get all you can for nothing, and I feel that we with our limited resources, and since this Caymanite have been discovered that we should protect it by Law if necessary.

Now, tourists do fill a great place in the life of the Cayman Islands, they bring money and the money is spent and everybody more or less profits by their coming here and it would be a sad day if anything happens that they were driven away. But I feel, Mr. President, that we must protect what little we have, and I feel that this is a good way to take care of this natural resource. Since the supply is so limited, we must do everything possible to protect what we have left. I am beginning to fear that we are a bit late in this item, because I have seen people leaving the Airport with packages, with sacks. I remember about two or three years ago I saw some tourists leaving that Airport and they had several bags of what I do not know, but I hope it was not Caymanite. They have taken away a lot of the sea life that we have, and now that we have

MISS ANNIE H. BODDEN CONTINUING: discovered that this Caymanite can be used locally to manufacture jewellery, it will enable people to get work, and we must support the good cause of this asset which God has given us. Thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President, giving support to this amendment is not all to it, the problem that bothers me is, whether it's an amendment to an existing Law or a new Law? After it's gone into effect or ought to be into effect it seems to be so carelessly administered, and many or most of the Laws of our country today are not administered to the full extent. And while I give my whole support to this amendment, if I may ask a question, how long will it be before it becomes effective? And to see that what the amendment proposes that that will be carried out.

We have little or no minerals, and with these small findings of such materials in the country it ought to be taken care of. It ought to be return Licensing carried for given to the effect that this is not abused and can be easily - still continue to be taken away. That we don't have it in abundance that it could be exported, then we ought to have a very stern, strong Licensing, or in the issuing of a license that it rejects from taking this away what it would mean. Which I know it's utterly impossible to make it steel right, but nevertheless we should make every effort that we can to obtain and retain whatever material that we can find in our Islands that could be use for whatever purpose or purposes that may - and see them that the people get the benifit of it.

So, I give my whole support to this amendment, and as I'm told in the beginning I heard that when it goes into effect, and that ought to be at a very early date so that they will be able to curb this material that is being taken out of the country. I thank you.

MR. PRESIDENT: Does any other Member wish to speak on this motion? Does the Honourable Mover wish to exercise his right as reply?

HON. C. WIG HOUGH: Mr. President, I would like to thank Members for their support, and on the matter of the administration of the Law I would say that a lot will depend on public support. If members of the public know of instances in which this law be breached they should report the matter to the Police or to somebody in authority and then investigations could be made. So the enforcement of this law will depend a lot on public support.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

HON. C. WIG HOUGH: Mr. President, I move that this House resolve itself into a committee of the whole House to consider Clause by Clause the Bill entitled 'The Minerals (Vesting) (Amendment) Law, 1977' and to amend it where necessary.

SECONDED BY HON. TRUMAN M. MORREN

MR. PRESIDENT: The question is, that the Assembly resolve itself into a committee to consider the Minerals (Vesting) (Amendment) Bill, 1977 Clause by Clause and to amend it where necessary. If there's no debate I'll put the question.

QUESTION PUT: AGREED.

MR. PRESIDENT: I think perhaps we might defer moving into committee nevertheless, until we've taken the Second Readings of the other Bills. And it may be that if we move through our business quickly today, if the Clerk has no objection, we could take the committee stages or leave them all until tomorrow. I would however, like to remark, that under our new Standing Orders once a Bill has been read a Second Time it automatically stands committed to a committee unless the House on motion refers it to a Select Committee. So that under our new Standing Orders there's really

MR. PRESIDENT CONTINUING: ...no need for a Member to move a motion to move into committee to study a Bill unless the other procedure is, if a Member gets to his feet and proposes that it be referred to a Select Committee. If that is not done automatically we'd move into committee on the Bill when the Clerk puts it on the order of the day.

THE REGISTERED LAND (AMENDMENT) BILL

SECOND READING

CLERK: The Registered Land (Amendment) Bill

HON. D. KID BODDEN: Mr. President, I move the Second Reading of a Bill entitled "The Registered Land (Amendment) Law".

The purpose of this amendment is to provide for an Assistant Registrar or Assistant Registrars to help with the administration of land registration. Under the present law, Section 6, the Governor has appointed only one Registrar of Lands and it has been found that the public is put to a lot of inconvenience if this particular gentleman is sick or on a holiday or off the Island or in any other way indisposed. We have had a similar situation in which it has been necessary to appoint assistants that can carry on the duties of public officers. So, this amendment will give the Governor the power to appoint an assistant and it will also give the Registrar the power to delegate certain of his duties to an assistant.

This amendment will therefore make for a better working arrangement than the old one. However, I'm not being critical of the old Law in that when that was passed there was not the need for so many officers to carry out these duties. Nevertheless, we feel it's a worthwhile addition to the Law and should make everybody, particularly the public who deals in land transactions much happier. I therefore seek the support of this Honse.

SECONDED BY HON. TRUMAN M. BODDEN

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. HUTCHINGS: Mr. President, I rise to support wholeheartedly this amendment.

Now, Mr. President, last year on bad at the Registrar's office I would say the most efficiently runned office in Government. Well, changes do occur and other departments have been benefited greatly by certain moves which have been made in that office. And I feel, Mr. President, that we can well do now with a second man as a deputy, because sometimes when the Registrar is not present even for a day business is held up and this would greatly facilitate public. We have in that office a young Caymanian who really I am very proud of, and I hope that when it comes to your appointment - I'm not trying to dictate of course, because I know that is your office and I'm not trying to usurp that little humble authority that I may have. But I feel, Sir, that we do have in that office quite an ambitious gentleman who could be Deputy.

Nevertheless, Sir, if I had my way I would prefer back to where we were before, but of course that is not possible. But now that we have found out the need to have a second Registrar I have to support this Bill and I would ask that the appointment be made as early as possible, because in the meantime, sometime you have to wait even as long as a week and a half to get a paper that ordinarily you could get in a day if you had a second man to sign the necessary documents.

Thank you, Sir.

MR. CRADDOCK EVANS: Mr. President, I don't know any in any place where one of anything is any good. (LAUGHTER) - Miss Annie H. Bodden: I resent that remark, I'm a lone woman and I'm sure I'm good.) - but she must have the second pair of shoes or the third or the fifth or something, 'cause one is not enough.

Mr. President, then this proposed amendment to another law seems to me very reasonable and I don't really see why something couldn't have been done about this long before now, from the very beginning it should've been somebody that would fill in. It's the public that suffers for this service, people travelling from the outer districts such as East End, North Side, coming into town to have a document attested by their Superintendent and when they get there they are told, well, it's nobody in that can sign it for them. That's not good enough, any Department of Government from the lower level of dealing with the every day affairs, there ought to be more than one individual to cater to the public. I quite remember when it was a shuffle into that department, and if I understood [illegible] previous young man that is now working in the office if prepared soon to transfer him from that to another department making it more inconvenient to the public.

So, I trust that Government will find it very convenient at a very early stage to make this appointment, and to [illegible] some sort of maintenance in the case that whoever may be the Deputy that have to be off or that had to go off some place that somebody could take care [illegible] to enable things to [illegible] the Deputy or whoever it be returns. So I give my whole support to this and trust that the public will be reasonably relieved of the difficulties as have been experienced from time to time going into the office to have their papers and documents and registration and what not looked after. I thank you.

CAPT. KEITH F. TIBBETTS: Mr. President, I too stand to support this Bill. I feel like it's a great necessity, but we have a greater necessity to be incorporated into this same Bill. As you know I am from Cayman Brac and we are separated by ninety miles of water and for the people of Cayman Brac we have their land matters attended to they have to send them down by mail or come down in person to have them registered. Now, that we are the people here in Grand Cayman seen where it has become a necessity to have and Assistant Registrar appointed stationed in Cayman Brac to facilitate the people over there at this time. It's very inconvenient, very expensive for the people of the Brac to have to come over here to have their lands registered.

I am sure such can have only matters that we are part of the Cayman Islands, but then we are a separate entity in the office as I have said before, we are separated by ninety miles of water. And there are times when land transactions were being consummated, sale could have been made if we had an Assistant Registrar or someone responsible for Cayman Brac that these documents could've been completed and fulfilled. Therefore it is a necessity that one be appointed in Cayman Brac as such. I quite realize the expense, we have, but think can be somehow worked out where the person responsible/doing this job in Cayman Brac can transfer it to Grand Cayman in the due time - and they say it would have been consummated at the time that it was wanted to. Thank you.

MR. ORLMAN P. HAINES: Mr. President, I too want to support this amendment, I think it's time enough now that we have an assistant in that office to help because, Government and everybody in general and I give it my support. I also want to support the Member from Cayman Brac, I really don't see why we shouldn't have an assistant up there or somebody doing foot work up there, and then they can send it forward to the Island. I support also that.

Thank you.

MR. CARLTON E. SMITH: Mr. President, I rise this morning to give this amendment my wholehearted support.

Mr. President, as the mover rightly said, this Law - there was nothing wrong with it in the days when it came into force, but we must remember today that we have expanded vastly in the Cayman Islands and I think, Sir, that this post should be given some assistance so that the public can be treated fairly and squarely at all times. I do hope, Sir, that this will be given prompt attention and that this Deputy or Deputies will be appointed in the near future.

I thank you very much, Sir.

MR. SPEAKER: If there are no other speakers I'll ask the Honourable mover if he wishes to reply.

HON. G. HAIG BODDEN: Mr. President, again I want to thank the Members for their support of this Bill. In regard to the matter raised by the Member from Cayman Brac and supported by other Members, we are cognizant of the situation in Cayman Brac. And the question of whether a Registrar should be appointed for the Brac or not or on the Brac has been gone up, it is worthy of consideration because the people there are not at a great disadvantage. However, there are somethings we should consider, one is that at the present time all the records are kept here and even if an Assistant lived in the Brac he would still have to communicate with the Central Registry. Another thing is, only about ten percent of the land transactions at the present time are carried out for Little Cayman and Cayman Brac, so we can readily see that having a Registrar on the Brac would be in one sense an expensive proposition, on the other hand there is a need for it and certainly the Government is willing to look into this carefully and perhaps make a recommendation to you as Governor as whether an appointment should be made or not. There is a possibility that a person already in Government employment in the Brac could be given the added function of an Assistant Registrar.

There is a need for one on the Brac, how great the need is, is a matter of degree and something that will have to be considered. But personally I have no strong objections to the idea, and I will give the Member the assurance that we will look into this and certainly if at all possible Cayman Brac will have an assistant.

With these few remarks, Mr. President, I want to thank the House again for the support.

QUESTION PUT: AGREED. THE BILL WAS GIVEN A SECOND READING

THE MUSIC AND DANCING (CONTROL) BILL

SECOND READING

CLERK: The Music and Dancing (Control) Bill

HON. JAMES M. MILLER: Mr. President, I move the Second Reading of a Bill entitled "The Music and Dancing (Control) Bill".

The reasoning behind this Bill is that the hours that were in the old Law conflicts with the hours under which the Liquor Licensing Authority operates. Another thing that is conflicting here is that the licensing period under this present Law, means that a place will be licensed yearly from December to the next December. But under the Liquor Licensing Law the licensing periods under that Law is the quarterly sessions with the main session being held in September of each year, so if we do not change this Law we will have a conflict in the hours as well as a three months' lapse in between the time of one license and the other.

The final point to be considered in this Bill, Mr. President, is that under the present Law the Law calls for it to be administered directly by yourself. Under our new portfolio set up this is

HON. JAMES M. BOWMAN (CHAIRMAN): has been passed over to my portfolio to be administered, and it is therefore necessary to change the authority from yourself and put it into the hands of the Chairman of the Liquor Licensing Board. I trust that this will have the support of the House, Mr. President.

SECONDED BY HON. BRUCE M. BOGGIO

QUESTION PROPOSED: DEBATE ENSUED.

MR. CRADDOCK ESQUIRE: Mr. President, as has just been pointed out that one of the main reason for dealing with this Music and Dancing (Control) Ordinance is to be enjoyment, and as we all know it means to us the kind the places of entertainment which usually fall under Liquor Licensed premises, and naturally that is how we view the functioning of the Ordinance. Now, Mr. President, there have been feelings expressed that it should remain still under the supervision of the Governor primarily for the reason of extending extra hours that may be required on request. But I can't see where the Chairman or whoever may be in charge the Liquor Licensing Board should'nt use those discretions as well, for time and places that would be in my way of thinking, well warranted, providing it did not tie in or interfere after the old night hour that would mean New Years Day or Christmas Day, or Good Friday or such as that. But other than that, on those special and occasions where I don't feel and I can't agree that any permission should be granted to anyone for their dance to enter into on these special days.

But if it was defined in the Law that the dancing period would be from eight at night or nine till two in the morning or one in the morning, and for some reason, probably a really good would like their dance to run till three in the morning or four in the morning, providing it does not interfer with the surrounding public. I can't see why the Chairman of the Liquor Licensing board shouldn't feel free or privileged to exercise and grant the extention hours that would only occur once in a while. But away from that, Mr. President, it's a lot of these things that definitely need to be controlled, and I am only again say as I have said a while ago, there seems to be rather much negligence exercised in the administering of the Law. A lot of this comes under the jurisdiction of the Police and the dancing/internal to whether it interferes with any surrounding neighbours or not, what should be the closing time ought to be the closing time except on occasions when there may be extra hours permitted.

The same applies to the Liquor Licensing Law, that's abused from every angle, every corner, those that are responsible that ought to do something is the most careless about doing something about it. When we go into the Committee Meeting with these amendments, in the manner that I will be asking some questions to get a better understanding on some of these things, I will then make further contribution or comments in connection with the Music and Dancing Law. It's very essential. It can be disturbing I know to a lot of people and the public and we need to give every consideration and see that both sides, those that are sponsoring the entertainment and those that are enjoying it, everybody should get their fair share and justice administered to its full extent.

So, as I have said, I'll no go into the Committee I will not say anymore at this stage on this Amendment.

HON. DALMAIN D. EVANS: Mr. President, on this Law I will agree to move the power to the Chairman, fine. Really what I have to say is this, I can't agree, although I may be unbelievable for saying this, that putting the hours at one o'clock especially on week days are helping anybody in this Island. I feel, I know that if the hours were extended to three it would help the situation much better, Government would charge more on the licenses which would help; and because then Bootleggers won't have an opportunity to

MR. CALHOUN D. FRANKLIN CONTINUED: operate as strongly as they do, because when you close a place at one o'clock, I will say this, that half an hour after that you can find half of the people that were in any place at that time at a bootlegging place enjoying themselves and having fun.

At one o'clock again, Sir, the people come out at eleven o'clock and they get to leave at one, so about twelve o'clock they're drinking up as much as they can to try to enjoy themselves and that's when they get drunk. Again you have the congestion on the streets, everybody moving back and forth at one o'clock trying to attain somewhere else to have more fun. I would like to see the hours extended, Sir, I say at least to three. I don't think I'll get any support, but it's my opinion and I know it will help in the community. Thank you.

MR. SHADDOCK BARNES: Mr. President, on a point of clarification. I spoke by your ruling, Sir, but when I said one, I'm sure I think the Member's debate is somewhat on the Liquor Licensing Law and not the Dancing Law. And I only merely said, that if the hours were set at one, two or three then it would - but it wasn't that I was suggesting the timing to set the dancing for one o'clock, not at all Sir.

MR. PRESIDENT: I think the Honorable Member's wedding party ought to be allowed to dance 'till June.

MR. JOHN E. McLEAN: Mr. President, I wish to endorse some of what was said by the Member from West Bay, and I do not think that this is the answer in putting this Law together and not hoping it carried out. We could sit here and make laws until they reach the ceiling them in the hands of somebody, who I could say, is pretending not to be capable of carrying them out, it's just not solving the problem. Each and everyone of us are aware that when somebody wants to drink regardless of the hours put on these places they're going to get this liquor and they are going to drink.

And I will agree with what the Member stated concerning obtaining this alcohol from the bootleggers, you will just be pushing, I could term it, in the bigger places out of commission and building up the bootleggers. However, I am quite aware that there is something that's needed to be done, and something has to be done, but I do feel like you could concerning certainly the hours - if somebody gets to the point where he or she knows that a certain place will be closed down, for example at one, supposing this person continues to drink, he don't he's going to try to drink as many drinks as possible, and this can only create one thing and that is, when he gets on the highway trying to get home you're having, and there we are faced with it. No doubt if we close down at one, like I have said we will have people that will have the sentiment to have that your driving is worse tragedy on the out side. But can we put this into everybody? It's just like talking to a child, we could take them and lay it before them but not everyone will stand by what we've said.

I thank you, Mr. President.

MISS ANITA H. BODDEN: Mr. President, I had no intention of speaking on this Bill, but if this pertains only to Music and Dancing as far as I'm concerned they could dance from sun to sun provided the music was kept in a low tone, that it would not disturb neighbours, but if it's liquor to be mixed up with it, I say Sir, that we must control these hours. But this Law or this Bill that we are dealing with is a way to repeal and replace the Music and Dancing Law.

Now, I don't know if it's intended that the liquor will be bootlegged into these places where this dancing is. It appears to me that it is a consensus of those Members who have spoken, that liquor is a part of this Dancing too, and if such is the case I would say, you better see that the hours are kept, and controlled as the Law specifically states.

Now, I remember last Friday a man who had been charged by the Police concerning being one of these bootleggers for the sale of liquor came to my house, and they said, "Miss Anita I want to make a report to you", I said, "what kind of a report, sir", he said, "I passed a certain place today and the music was blaring out and drinking going on";

MISS LOUISE D. GOODEN (Continuing): It was Good Friday. He said, "I want you to do something about it", I said, "well, the best I could do sir is, there is my telephone use that and call the police" which he did, and after two weeks later he told me that no action had been taken by the Police. So, it a case where when the Law is broken that some actions should be taken to see that those who are breaking the law are brought to justice. I would say, Your Excellency, as far as I am concerned that music is lovely so very soothing to the human being, but it is when that music like everything else is abused, sometimes even preaching. There are certain preachers that live not or have the entire rest too far from my house and sometimes up 'til twelve o'clock in the nights you can hear them bleating, going on with their singing, their preaching and making I would say, a general disturbance, because that is not how I presume you can convert people by yelling it out loud as you can, and they too can be a disturbance.

So I would say Sir, that when we are going to control Music and Dancing it must be that not only calypsoes etc., but people who disturbs other men at late hours in the nights, even though they are singing religious songs. While I am one hundred percent for good christain preaching and singing, I feel that we must put in our Law that there must be some control after certain hours. I feel, Mr. President, that this Law has some good points but there are other parts of it that I just do not agree with. I feel that it was better to have the hours regulated along with those of the Liquor Licensing and the closing of Discoes, that is good and alright, but I do not feel that it should be too much discretion in the hands of anyone person to issue the licences or not issue a licence. Because, let us be very realistic about it in these days, some of these dancing places have fights, there are confusions, there is everything going on just the same as in the liquor place and we must do everything to prevent this entertainment which normally along with it dope and liquor. And when we are issuing any such licence as this Music and Dancing there should be stipulations on that licence that if you are dancing you cannot dispense of alcoholic beverages there and then there should not be a combination. Because we have seen in this past week and what was said then in going to the youth, if it keeps up at this level, talking about youth taking over, well in fifteen years time if they continue as they are doing now five in a week we will not have any youths.

So I would say, Sir, that when we are considering the granting of licences there should be special terms reserved to these areas. If the place is purely for entertainment it should not have bar in it and there must be regulations when hours are kept. All the tragedies that I heard about in recent years occurred after mid-night. I hardly hear about anybody getting killed round 2, 3, 4 o'clock in the night - it is after these late hours when they have drank so much alcohol that they are not themselves anymore that they drive so reckless that they not only kill themselves in some instances but they kill innocent people.

Now I say if it is just music and dancing, let them stay as the song I used to hear when I was young, "Will they not all night with Maryanne down on the sea-shore shifting sand" - let them dance all day and all night, provided liquor is not mixed up in it.

MR. GEORGE SMITH: Mr. President, first of all I must say I'd like to commend the person responsible for submitting this new Bill. The first time I read this bill I reacted almost in a violent manner. I questioned what was the Member trying to prove. However, after going back and reading the Music and Dancing Licensing Law (Revised) I took my words back and I should say I promised I had to commend him on a job well done. If we examine the Law, the Music and Dancing Law (Revised), I question whether we must blame the police for carrying out their authority, or should I say enforcing the laws in our Islands on many occasions. There are items in the

MR. GEORGE C. SMITH CONSTITUENCY: point law that I think were ridiculous. I think they were potentially infringing on the rights of the citizens in the Cayman Islands.

And again I'd like to say, I think the Member has done an excellent job. I think there is room for improvement, but again comparing it to the past law I wouldn't make too many comments. There is one item that bothers me a little bit in the new law, I should say, it's a failure to clarify the words "Music and Dancing". We have a Law which mentions Music and Dancing and there is no definition of those two words stated here in the Music and Dancing Law, or as far as I could find out Law 11 of 1974 who deals with the Music and Dancing Law. I question this from the point of view that - it appears to me that the discretion is either left with the Judge of the Cayman Island, or should I say, the Magistrate or with the Police, and being human it leaves the door open for persons to be prosecuted under these Laws unnecessarily. With this, I mean a Police or a Constable may go into a certain premises which is in his should be licensed to entertain by providing music and allowing an individual or a number of individuals to dance or I should say, go through the motion and may decide that there is an individual in there and he just - should I say, under the influence of liquor if I may use that word that rambles a little bit, may interpret his actions as being those of dancing and may be prosecuted.

I realize that to define the word "music" and the word "dancing" is very difficult, and I would hope that further discussions of this Bill that attempts should be made or will be made to more clearly define these two words. I thank you.

HON. G. HAIG BODDEN: Mr. President, in general support of the Bill I would like to mention certain parts of the Bill which took me sometime to comprehend. This Bill applies to places in which dancing is done if a charge is made for admission, in other words it would not apply to a person's patio or dancing room if he was having a dance. Rather, it applies to places where food or refreshments are supplied to the public and would not as I see it apply to somebody having a party in his back yard unless he had made a charge for admission or a charge for the food. It will also apply to places like clubs where liquor is sold and where the places are licensed, and so while it generally applies to public places there are certain exempted premises which are listed in clause 2 and these exempted premises are the cinemas, so if somebody should be stirred to dance by the rock music in a cinema he could not be harassed by the Police. And it does not apply to places used for dramatic entertainment, these places would be exempted so that if, say an actor in a play had to perform a body dance this Law would not apply.

Another exempted premises would be areas in hotels which are not opened to the general public, I suppose this would mean places like the bedrooms of the hotel rooms and so on. Also it does not apply to Town Halls, but it would apply to a town hall if somebody had a license there to sell liquor but normally if somebody was having a dance at the Town Hall and they wanted to dance all night I suppose this wouldn't apply. The hours for dancing will be set under this law by the Board and I suppose when the Board gets around to doing this they will take into consideration the remarks made by the Lady Member from George Town and allow people to dance as their hearts content providing there's no sale of alcohol.

The general intent of the Bill has been carried out in this Law in that it seeks to transfer the control of these places to a Board which by its previous knowledge of such places is better fitting to do that job than the Governor in Council whom it is presumed does not have so intimate a knowledge of this type of entertainment. There has been no attempt to define as the Member pointed out what is really Music and Dancing. This I imagine is a broad term, the Bill says, "you should provide the Land with Music and Dancing", and it takes many variations and it would be a matter for the Court to decide whether a person was in fact dancing or was only moving up a little before a juke-box at the Kiosk parlour. So it is wide in its meaning, but I imagine the question of whether a person was

HON. C. HAIG BODDEN CONTINUING: dancing would be a matter that the Court would have the discretion on the wisdom and experience of the Judge to determined. On the whole it seems to be a good Law, and as the Member from George Town correctly pointed out, it is a vast improvement on the Law that it replaces.

MR. PRESIDENT: Does any other Member wish to speak on this Bill? I shall ask the Honourable mover if he wishes to reply.

HON. JAMES M. BODDEN: Mr. President, I thank the Members for their support on this Bill and I would just like to say a few things on some of the points that have been raised. In this Law no hours have been set but they will be prescribed at a later date, they will be set to coincide with the hours that will be set under the Liquor Licensing Law.

Now under the present Law, Sir, I'd just advise the Members of an anomaly that existed. Because under the present Law a Music and Dancing License is only good until twelve o'clock at night, so ever since that Law came into effect people have been breaking that Law because every establishment usually have been staying open until one o'clock which is the prescribed hour under the Liquor Licensing Law, and they have been having their music and dancing between twelve and one. No one ever caught this I don't think before and when I brought it to the attention of the Police they were a bit flabbergasted about it as soon as I was when I found it. So for years and years the Law has been broken in this country because your Music and Dancing License only permitted you, but the Liquor License allowed you to be opened 'til one and so the dancing and music continued.

I will also point out that under Sections 4, 5, 6 and 8(2) that this Bill will give the Authority to grant occasional licences, and I will say,Mr. President, that they will be granted when there is good cause shown; remember what I have said, good cause shown. With the Governor having the authority instead of the Chairman of the Board it would really serve no purpose, because as I just pointed out, Mr. President, with you being the Chairman of the Board you could set the dancing and music and give permission 'til three o'clock but if the Member on the License Board were not to not grant a further extension past one o'clock, what is the use of you giving this one when the other one is to go to close at one o'clock anyhow to give it 'til three o'clock. So whether it stays in your hands or both of them would look to you, Sir, it makes no difference to me. I'd only like to point out to the Members that you can have cross purposes in this if you don't have the two running together.

Someone raised the point about the hours and what effect it would have on bootlegging and so forth and so on. Again Mr. President, that really does not come in under this Bill but I feel I should speak on it. Years ago the old Liquor Licensing Law called for all alcohol sold in the retail places other than a package alcohol to be consumed on the premises, and you were not allowed to take it out. A couple of years ago the past administration saw fit to change that, and in Section 10(2) I think it was they inserted just two words "or off" which meant that you could be drunk at a place,come out o'clock, you have no reasons to go and look for a bootlegger because you can buy any amount that you want them and take it out on the road with you; we are hoping that we'll change that in this session but I am only just pointing out,Mr. President, that the old Law did here that in it so it didn't make any difference about abootlegging or what time you closed because you could/ say I wanted and take it out with you when that place. So the only thing would do is, instead of the Bar Room being a Bar Room the bar automatically become the Bar Room, and may be that is one of the reasons today, Mr. President, that we are having such a traffic toll in regards to death on our roads, is because the people consumed and all in there and drink to their heart's content, get as drunk as they want to, nothing is done about it and/when they get ready to leave and get into

HON. JAMES M. BODDEN CONTINUING: their cars and become a menace to society, they are allowed to buy and take any amount out if they want to do so. So I hope that will be amended, and I had just wanted to speak on it although it has no relevancy on this Bill.

There are a few amendments which I will be proposing to this, Mr. President when it comes into committee stage. Thank you.

MR. PRESIDENT: The question is that a Bill entitled "The Roads and Roading (Control) Law" be read the Second Time.

QUESTION PUT: AGREED. THE BILL WAS GIVEN A SECOND READING.

HOUSE SUSPENDED AT 12:40 P.M.

HOUSE RESUMED AT 2:30 P.M.

THE TRAFFIC(AMENDMENT) LAW, 1977

SECOND READING

CLERK: The Traffic (Amendment) Law, 1977

HON. CHARLES L. KIRKCONNELL: Mr. President, I move the Second Reading of a Bill entitled "The Traffic (Amendment) Law, 1977"

The Objects and Reasons for the proposed amendments are briefly stated in the Bill. However, some amplification of the various amendments is in order. The first amendment relating to "park" has been removed necessary because of the ambiguity ~~[illegible]~~ of the Law and Regulations. In one Section it was found that it could be construed to have one meaning while in another Section another meaning could be ascribed. A previous amendment to remedy this defect whereby the word was deleted in some places did not achieve the objective, therefore it has been decided to define "park" so that it will have the same meaning wherever it occurs in the Law or Regulations.

Referring to amendment (b), the interpretation section of the Law defines a "ton" to be a shipping ton of forty cubic feet; since actual weight is what is important in regulating the loaded weight of a vehicle it is necessary to define "ton" in actual weight. A shipping ton is forty cubic feet while an avoirdupois ton is two thousand two hundred and forty pounds. The amendment will now define "a ton" as two thousand two hundred and forty pounds.

(c) the third amendment as will be noted adds a new sub-section to section 40 of the Law thereby ~~[illegible]~~ responsibility is now being placed on the person who causes or permits anyone to drive a motor vehicle, to make certain that such a person is qualified to drive, that is, he hold a valid driver's license. With respect to the proposed amendment in section (d) the Interpretation Section of the Law defines Rent-a-Car and Rent-a-motor-cycle. However, in Section 40 Rent-a-motor-cycle firms were entitled and have issued learner driving permits to motorists as is the case in the Rent-a-car firms; this was not the intention of the Law hence the necessity to remedy the defect.

The amendment at (e) seeks to give the Commissioner of Police discretion in regulating parking in areas where yellow lines appear. As the Law now stands parking near a yellow line is prohibited during four hours a day and seven days a week; this is unnecessary since during non-rush periods such as late mornings, nights, Sunday and Public Holidays, parking could be allowed. The Commissioner of Police will also have discretion in allowing parking near yellow/for limited periods; example, near the Post Office.

HON. CHARLES L. KINNOUNOU, CONTINUING: Proposed amendment (f) will replace the phrase "having/loaded capacity in excess of three tons" with "of a gross weight in excess of 8 tons". The loaded capacity of a vehicle is the weight of the vehicle plus fuel, spares and crew while the gross weight is the weight of the vehicle, its fuel and spares only.

Amendment (g) is a new sub-section to Section 69 of the Law, and provides for vehicles in unlighted areas at night to display parking lights front and rear. This amendment is necessary as there have been repeated accidents where motorists have crashed into unlighted parked vehicles, some of these accidents have proven fatal to drivers.

Since "park" has been defined in the Act in order to repeal Section 19 of the Traffic (Amendment) Law, 1976 and restore Section 69 of the Traffic Law to its original form. I beg the support of other Members of this Honourable House as this Bill seeks to amend the Law accordingly.

SECONDED BY HON. G. ALIC HUDSON

QUESTION PROPOSED: GENERAL DEBATE.

MR. CHAIRMAN: Mr. President, traffic problems and problems of the public have been a sore spot for me for sometime and I don't feel that I can give my full support to all the proposed amendments to this as we asked - and even as the Member pointing out in his debate the reasons for making these amendments. For sometime it looks like it has been the mechanism of the Traffic Department to make it as unreasonable as possible for the public to find place to park. I don't know what they expect the motorists to do, to sit just to drive around the Town and see how many minutes they can make; and many times they have to do that to find somewhere to park.

The time being asked to permit parking in yellow line areas, it doesn't matter for me I'm concerned, the only parking is on paper because at nights and Sundays the Town is vacant, it's dead, it's nobody. What are you going to use - experts them or wanting to point out to them that they can use the yellow line areas for parking on these occasions. Certain areas might have in the centre of Town you'll find where they are trying to park approximately twenty yards away from the light pole. How many motorists than are going to find themselves in a reasonable position of parking twenty yards away from the light pole? Which judgements may not be that good, then if parked eighteen yards from the light pole he can be prosecuted because the two rays merely parallel. I don't know why it has been remembered now that the Post Office area should be allowed for temporary parking if it is in the same bracket - field are other parking areas, then it doesn't help. The time that should've been designated to that area if you didn't want it a no park area, Sir, the customers, the people that have got business in the Post Office during weather conditions such as rain and what not, and the elderly people, all of this should have been looked into before they put the first yellow mark down there, or even if they put it down there to allow a certain period of time. But people have been prosecuted for parking by the Post Office, because it's a yellow line there; yet the Post Office is a public place for business for the people, and you're going to restrict them in certain areas at certain times that they can't - not taking into consideration age, health, weather and what not surrounding the whole situation. There are some of the things that's created a sore spot within me for some of this parking.

And the proposed amendment, the (h) "parks any vehicle other than a bicycle by night on a road more than twenty yards distant from a street lamp unless such vehicle has its rear lights and, in the case of a vehicle other than a motorcycle, two side lights illuminated". What's going to happen to the vehicles that don't have a side light? We have got many a vehicles in this country that don't have a side light on it, what's going to happen to these vehicles now then? Other words you're telling them

MR. CHAIRMAN KNOWS CONSTITUTING: that they can't park there because they don't have a side light, if they park there then they're going to be prosecuted because they don't have a side light.

It seems to me, Mr. President, from time to time that this Traffic Department has never gone into this with the understanding that they should have gone that much. They've got signs in different areas put there that're an obstacle to vehicles in turning or trying to get in and out of places; I drew their attention to it. It's a sign right across from Godden's Store on the water front, it's planted outside the seawall, with the big motor vehicles, trucks, buses and what not turning into that area, they tear and scrape on the side of this sign simply because the sign is projected out just out in the road. If it was planted on the outside of the wall then the sign would stay over the wall and it wouldn't be an obstacle to motorists; I pointed this out and they can't see that, just the same way people can turn around and do some things that are some them than what I've pointed out to them.

I am not trying to downgrade or disrespect the Member that brought this, but we must come other things looked into, Mr. President, that are more serious than these frivolous amendments if we want to call them that. There is another sign right in the area between the Bank of Nova Scotia and Barclays Bank, the way that that sign is planted in there it restricts people from parking in half way decent and people that are parked in there it's hard for them to get out because the sign is planted out - such a distant out from the curve that it makes it quite hard. Why people there are in, they have got their qualifications and experience, knowledge and understanding in these things why do such stupid things? Only for the reason to make it hard for the public, that's all I can put it to.

What part of this proposed amendment that I will agree to I will do that on not do it when we get into the committee stage, but as is now this is going to have to be somewhat different from what is presented here before I give it my full support, not that we don't need some changing up in some things in the Traffic Department and on the roads and what not, but this don't solve very much as far as I'm concerned. So until we go into the Committee Stage then I will leave it at this and raise my further objections in agreement or disagreement as the case may be.

HON. TRUMAN M. BODDEN: Mr. President, the present amendments have been necessary, at least the one relating to parking, for some while now as there was a problem with the law in that respect. The one in relation to a vehicle parking within twenty yards of a street lamp is useful, but I note the Member for North Side has mentioned about the side lights on vehicles. I think the provision under (a) is quite a useful one because there are certain parts of the road which should be restricted at specific periods but which need not be restricted at other times as he has mentioned, probably on week ends. The problem with the side lights is under Regulation 15 sub-section 7 paragraph (a), it is necessary to equip a vehicle with side lights, and it has defined a side light under 2(b) as in one pair of lights placed on each side of the front of a vehicle, there are in force now or have been in force from way back in the middle of December 1974. Having said that, Sir, I think the amendment is one that is needed; I take especially the point with Side Member's point that there are other areas, in fact I think he did mention one or two have referred to one from time to time which is the routine maintenance suspension of licences which come under another law and leaves no flexibility at all with the Court.

I have nothing further on this, Sir, I think that the short amendments will improve the law and make the enforceability a lot more practical. Thank you.

MR. PRESIDENT: Does any other Member wish to speak on this Bill? The Honourable mover may reply if he wishes.

HON. CHARLES L. KIRKCONNELL: Mr. President, I wish to state here that parking twenty yards, that is not a particular area a car can park under the light, and the twenty yards, it is estimated that once you're twenty yards removed from a pole your car will not be seen by on coming traffic that is why - but they do not say that you are to park twenty yards from the pole to each, you can park right under the pole. But the law says, after twenty yards away from the pole you are to put on your parking lights, front and rear.

As the First Elected Member for George Town pointed out "side light", there was a question in my mind yesterday as well, but it is defined under the Traffic Law Number 16 of 1975 - the Traffic Regulations. A side light is one of a pair of lights placed on each side of the front of a vehicle, and a rear light is a red light placed at the rear of a vehicle. Now, Mr. President, to exactly what we have now, I think that all of us including myself is getting rather confused and thinking of the new name which have come out that the little side lights are the lights we're referring to here, but the side light is an English term meaning "parking lights".

I wish to thank the Members for their support of this Bill, and the Honourable Member from North Side for his contribution. And accordingly, Mr. President, I formerly move the Second Reading of this Bill.

MR. PRESIDENT: The question is that a Bill entitled "The Traffic (Amendment) Law, 1977" be read the Second Time.

QUESTION PUT: AGREED. THE BILL WAS GIVEN A SECOND READING.

MR. PRESIDENT: The following four Bills:- The Minerals (Vesting) (Amendment) Bill, 1977, The Registered Land (Amendment) Bill, The Music and Dancing (Control) Bill and The Traffic (Amendment) Bill, 1977 are to stand committed to a committee of the whole House under Standing Order 69 (1), and if Members see no objection the House will now resolve itself into committee to consider these four Bills.

If there is no objection the Assembly will resolve itself into committee.

HOUSE IN COMMITTEE

THE MINERALS (VESTING) (AMENDMENT) BILL, 1977

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PROPOSED:

HON. C. HALIC BODDEN: Mr. Chairman, with your permission Clause 1 should read the figures 1977 at the end of Law so that the title would be - we'll amend that when we come to the title. It should read "The Minerals (Vesting) (Amendment) Law, 1977".

MR. CHAIRMAN: If there is no objection to that slight amendment. I will simply put the question that Clause 1 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED AS AMENDED.

CLERK: CLAUSE 2. CAP. 102 AMENDED.

QUESTION PROPOSED:

HON. C. HALE HOLDEN: Mr. Chairman, in Clause 2, this is really not an amendment as it has already been corrected but I just want to let the House know that in the third line that funny little mark there after sub-paragraph (a) actually the Roman number I in brackets.

MR. CHAIRMAN: I think that has already been corrected on the copies circulated to Members, so we can take it that we are studying the Clause as amended.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE MINERALS (VESTING) LAW CAP. 70R.

QUESTION PROPOSED:

HON. C. HALE HOLDEN: Mr. Chairman, the title will have to be amended to add the figures "1977". Sorry, Mr. Chairman, it's already on it's the other Bill that we left off the title.

MISS ANNIE B. BODDEN: Mr. Chairman, I was going to suggest, but I believe I'm too late that the fine when anyone is guilty of an offence I would suggest that we say, twenty pounds which is fixed in the original law, "that is now not exceeding one hundred dollars", if that could be inserted because twenty pounds is only forty dollars and I feel that the fine if anyone is found guilty should be increased to a little larger sum. I do not know if that will be possible to put that in this Bill or there could be a Regulation as such.

MR. CHAIRMAN: Well, we are considering procedure slightly because we've moved on to the title unless the Honourable Member wish to press it I think we should .....

MISS ANNIE B. BODDEN: So, I'm not going to press it Sir, I should've spoken quicker.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: I think the Law's remarks will remain on the record if an Amending Bill comes up in the future.

That concludes examination of a Bill entitled "The Minerals (Vesting) (Amendment) Bill, 1977". We'll move on to a Bill entitled "the Registered Land (Amendment) Bill".

THE REGISTERED LAND (AMENDMENT) BILL, 1977

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. SECTION 5 OF THE REGISTERED LAND LAW (REVISED) REPLACED.

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. Chairman, I think that "R" should really be "Revised", I don't know whether to use a shortening for revised but probably it would be better to just write it out in the marginal note where it has "the Registered Land Law(R)". There is no interpretation in the Interpretation Law saying "R" means "Revised". It may be better to just write it out.

HON. DAVID R. BARWICK: It can be altered at the Table.

MR. CHAIRMAN: The alteration can be made, I think without formally moving an Amendment.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE REGISTERED LAND LAW (REVISED).

QUESTION PROPOSED:

HON. C. MAIO BODDEN: Mr. Chairman, with your permission the figures "1977" should be added to the title after the word "Law".

MR. CHAIRMAN: If there's no objection to that proposal I'll put the question that the Title as amended do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of the Registered Land (Amendment) Law, 1977. We'll move on next to the Music and Dancing (Control) Bill.

THE MUSIC AND DANCING (CONTROL) BILL

COMMITTEE INTERIM

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PROPOSED:

HON. DAVID R. BARWICK: I think that Clause needs an amendment to it by the addition of the figures "1977". The figures "1977" ought to be added.

MR. CHAIRMAN: It's being proposed that "1977" be added after the words "Music and Dancing (Control) Law" in Clause 1 with a comma (,) before it. If there's no objection I'll put the question .....

HON. JAMES M. BODDEN: Section 1, Sir.

MR. CHAIRMAN: Clause 1 of the Bill? I'll put the question that Clause 1 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PROPOSED.

HON. JAMES M. BODDEN: Mr. Chairman, I have an amendment to Clause 2 Sir. In the last line on the first page "premises subject to this Law" means "Premises other than exempted premises". I am proposing that we delete out "other than exempted premises" and put in the words "but do not include exempted premises". And under subsection (2) on the second page I propose that we add another amendment there by inserting the words after "public" "for a charge".

MR. CHAIRMAN: Both of these amendments proposed are dealing with the same definition. Under "premises subject to this Law" he's being proposed that the definition be amended by deleting the words "other than exempted premises" and inserting the words "but do not include exempted premises"

MR. CHAIRMAN CONTINUING: And under sub-section (b) deleting the semi-colon (;) inserting the words "for a charge" after "public", the last word under subsection (b), and then inserting a semi-colon (;).

HON. DAVID H. HARWICK: Just on a point of clarification, Mr. Chairman, Sir. The words "but do not include exempted premises", it is suggested to add it at the end of the definition it's really moving down the reference to exempted premises, that might be brought to qualify the three categories mentioned in (a), (b) and (c). So that the definition, if I apprehend my Honourable friend correctly will read "premises subject to this Law" means premises - (a) with respect to which a charge is made for admission; (b) where food or refreshment is supplied to the public for a charge; (c) which are licensed under the Liquor Licensing Law but do not include exempted premises.".

MR. CHAIRMAN: Thank you. Are you agreed that that is the Amendment we're considering?

HON. JAMES M. BODDEN: Yes, Sir.

MR. CHAIRMAN: I'll put the question first that Clause 2 be amended as has been read out by the Honourable Attorney-General.

QUESTION PUT: AGREED. CLAUSE 2 AMENDED.

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

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 3. CERTAIN PREMISES REQUIRE TO BE LICENSED FOR MUSIC AND DANCING.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. EXEMPTIONS OF LICENSES.

QUESTION PROPOSED:

HON. JAMES M. BODDEN: Mr. Chairman, I have an amendment to Section 4. In (1) "General licenses and the renewal thereof may be granted or revoked by the Board," I am suggesting that between "granted" and "by" that we insert "or revoked".

HON. ANNIE B. HOUSON: Mr. Chairman, with regards to that paragraph (1) "General licenses and the renewal thereof may be granted or revoked" is it "may be" or "shall be"?

HON. JAMES M. BODDEN: Mr. Chairman, I'm sorry for that one, I made a mistake and we will be bringing this amendment to Section 7 instead.

MR. CHAIRMAN: The Lady Member has asked whether the word "may" is correct or whether the word "shall" is intended?

HON. JAMES M. BODDEN: I bow to the Attorney-General on the ruling on that Sir.

HON. DAVID P. DARWICK: I think Mr. Chairman, Sir, that 'may' is the correct word, that it's permissive and there's no mandatory duty to grant the license.

MISS ANNIE E. DODDEN: My point was Sir, that if we agree to grant it he may or we may not grant it to - but suppose that we do agree, is the word 'may' the right word Sir? I mean I bow to the Attorney-General ruling, I merely a this.

HON. DAVID P. DARWICK: I think the point the Honourable Lady Member is trying to make will be covered when she hears the amendment which the mover of the Bill intends to make to Clause 7 which covers the question of revocations, suspensions and matters of that sort.

MISS ANNIE E. DODDEN: I accept that Sir.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. CONDITION OF GRANTS OF LICENCES.

QUESTION PROPOSED.

HON. JAMES M. BODDEN: Mr. Chairman, I have an amendment to Clause 7 at the end and it reads as follows:-

"Provided that where on licensed premises there was been committed an offence contrary to -

(a) this Law; or
(b) the Liquor Licensing Law; or
(c) the Misuse of Drugs Law;

leading to the conviction of the offender, or where other good cause exists, the Chairman, within one month of such conviction may suspend the relevant license until the next Session of the Board and the Board at such Session, after hearing the licensee and any objections to the confirmation of the license may -

(a) raise the suspension, making any order for compensation from public funds to the licensee as appears just; or
(b) revoke or refuse to renew the license;

and a licensee aggrieved by an order regarding suspension may appeal to the Summary Court for a variation thereof and the decision of the Summary Court shall be final."

MR. CHAIRMAN: I think if the Honourable Member would deliver that to the table it would be clearer. If Members would like five minutes suspension to have this copied, I think we would all understand this better if we were looking at the proposed amendment. 'Mornings - yes Sir.)

I'll suspend for five minutes while the Clerk has this copied out. Is there any other Law amendments?

HON. JAMES M. BODDEN: No, Sir. The only other amendment will be in Section 9 and it is just changing the word "October" to the word "September".

MR. CHAIRMAN: Good. Thank you.

Well, I'll suspend proceedings for five minutes and we'll resume at 3:35 P.M.

HOUSE SUSPENDED

HOUSE RESUMED:

MR. CHAIRMAN: Proceedings are resumed. It has been moved that Clause 7 be amended as set out in the paper circulated to Members adding the following at the end of the Clause:-

"Provided that where on licensed premises there

MR. CHAIRMAN CONTINUING: has been committed an offence contrary to -

(a) this Law; or
(b) the Liquor Licensing Law; or
(c) the Misuse of Drugs Law;

leading to the conviction of the offender, or where other good cause exists, the Chairman, within one month of such conviction, may suspend the relevant license until the next Session of the Board and the Board at such Session, after hearing the licensee and any objections to the revocation of the license may -

(i) raise the suspension, making any order for compensation from public funds to the licensee as appears fit; or
(ii) revoke or refuse to renew the license;

and a licensee aggrieved by an order requiring compensation may appeal to the Summary Court for a variation thereof and the decision of the Summary Court shall be final".

HON. JAMES M. BODDEN: Mr. Chairman, on further reflection. On the third line down after the word "conviction" we should add "or of his becoming aware of such cause", that would tidy it up a bit - "or of his becoming aware of such cause".

MR. CHAIRMAN: Is this after the first word "conviction", leading to the conviction of the offender?

HON. JAMES M. BODDEN: No Sir. "within one month of such conviction; may", and this would be between "conviction" and "may".

MR. CHAIRMAN: So, it's in the eighth line after the words "within one month of such conviction" inserting the words "or of his becoming aware of such cause".

MR. GEORGE C. SMITH: Mr. Chairman, first of all, on line two the word "offence" isn't clear to me Sir. Does this refer to the person applying the license or an offence committed by an outside person on the premises? Also in (c) The Misuse of Drugs Law, I cannot see placing restrictions on the proprietor for an offence committed by someone visiting the property, he has little or no control over the person visiting the property or any articles that the person visiting the property may or may not have on them. I think this is going too far.

MRS. ANNE M. HUDSON: Mr. Chairman, on I must this, it says, "Provided that where on licensed premises there has been committed an offence" an offence committed by who? Would it be one of the men who is applying to get this license or an out-sider, who would this offence has to be committed by?

HON. JAMES M. BODDEN: Mr. Chairman, I think that is pretty well spelled out in the beginning of Section 7 where it says that the condition applying to the grant, transfer and renewal of license, so it would be to the licensee it would not be anyone else because it would only be the licensee that you would be granting or renewing the license for.

MR. GEORGE C. SMITH: Well, if I may question that Sir, it means that if the proprietor has been accused of the misuse of drugs then he would not be granted a license.

HON. DAVID P. BAERWICK: With respect to the Honourable Member who is moving the Bill, I think this present wording would be wide enough to include persons other than the licensee, and that if the intention of this House is to make this proviso applying to the licensee and to have this operate only when the licensee is being convicted then the word "offender" in line four would be amended to read "licensee", although one would wonder whether the effect of this proviso would not then lose some of its power.

HON. EDWARD M. DODDRIDGE: Mr. Chairman, on this, I agree that it's sufficiently wide to cover anybody committing an offence. However, it must be on the licensed premises, and I would think that if anybody is caught smoking ganja then it's quite obvious that perhaps the licensee may have seen him or should have seen him. If it is limited merely to the licensee it is going to limit this extremely narrow and probably it's going to lose quite a bit of the effect, but it does now cover as the Member for George Town mentioned, it is sufficiently wide to cover everybody. But, I don't know, it's .....

MISS ANITA H. DODDRIDGE: Mr. Chairman, how I look on this is that, suppose I'm running a dancing house and one of my guests comes there and is smoking weed or using cocaine or what ever is my drink quite unknown to me. Now, would it be right and fair that I could not get a licence because somebody came there and did a mischief. I really, while I am against this liquor, drugs and every thing else I have to feel that if I pay my licence and somebody comes, one of my visitors, guest or be what it may and they are using drugs unknown to me I can't see that I should suffer and my licence be suspended because this person happens to come on my place using this. I think this is really harsh. While I am sure to get drugs put out of premises if it was possible, but it's not I am afraid.

And then I can't really agree to taking public funds to pay for any mistake any Secretary make, I don't go for that. And furthermore the Summary Court should not be final, it should be the Grand Court and if necessary if they want to take it to the Jamaica Court of Appeal or whatever Court of Appeal we have, take it right on . . . because - I mean this really quite something, because we know some or how if we'll admit it that in most of these places where these dances go on there is drinking, there is gambling, there is use of drugs, but it might not be known to those who really have applied for supplying the licence. It might not be known to them, it might be more known to an outsider/stock and such a thing is going on on their premises and the person might not even be brave enough to go and tell the manager of some hotel, you know so and so is going on in your place. A lot of people know a lot of things but are going on in this little Island but to keep themselves out of trouble and perhaps save their lives, they wouldn't go down to any hotel and say, well you know so and so seem to be doing so and so in your place, they wouldn't dare to go.

HON. JAMES M. DODDAY: Mr. Chairman, I think may be a compromise that could be reached on this, is that these present persons are somewhat on the Liquor Law anyhow because we have at the present time really a license that has been refused for similar things under Section (c) here and ninety-nine percent of the licenses that are going to be issued under this Law anyhow would be issued to liquor licensed places, and you already have the power to do the same thing we're talking about here. So may be if a compromise was reached to make out (c) the Misuse of Drugs Law and just put the other two clause on the license that might be an equitable way of doing it.

MR. CHAIRMAN: We now have two Amendments to the Amendment before us. The first one is to add the words "or of his becoming aware of such cause" after the word "conviction" in the eighth line; that's after the words "within one month of such conviction". And the second Amendment is to delete "(c) The Misuse of Drugs Law" in the fifth line. So to clarify procedure I'll take a vote on the first of these Amendments, that is to add in "or of his becoming aware of such cause" then we'll take a vote on the deletion of "(c) The Misuse of Drugs Law". Thirdly, a vote on that the Clause be amended to take this Amendment into account, and lastly the amended Clause stand part of the Bill.

So, firstly I'll put the question that the Amendment before Members be amended by the addition of the words "or of his becoming aware of such cause" after the words "of such conviction" in the eighth line.

QUESTION PUT: AGREED.

MR. CHAIRMAN: That Amendment to make to the Amendment. The second Amendment proposed that this Amendment be amended by deleting the words "(c) The Misuse of Drugs Law".

QUESTION PUT: AGREED.

MR. CHAIRMAN: We'll now have the Amendment with "(c) The Misuse of Drugs Law" omitted and the words "or of his becoming aware of such cause" added in the eighth line. I'll put the question that the Amendment as amended be approved.

QUESTION PROPOSED.

MISS ANNIE E. BODDEN: Mr. Chairman, just a minute Sir. Now, does this approval includes the small (i) in the last part of this paragraph Sir, because I would like to make an Amendment to that? Do we approve now of this complete paragraph or just that Section Sir? It looks to me that when we appoint now we'll approve the whole thing, and I would like to say that I feel that my decision whether its on the part of the Crown or the Governor that they should have the privilege to appeal from the Summary Court to the Grand Court or to the Jamaican Court of Appeal if necessary. Because these things, there do always a question of what they will participate and I feel that any aggrieved party should have every right to have his/hearing as far up as he has the money to take it.

MR. CHAIRMAN: Is the Honourable Member suggesting two further Amendments One to delete Clause (i) and the second .....

MISS ANNIE E. BODDEN: Not to delete it Sir.

MR. CHAIRMAN: Not to delete it.

MISS ANNIE E. BODDEN: It seems it is to go on that the decision of the Summary Court shall not be final, but that the licensee and both the Government if necessary will have the right to take their appeal as far as they want to take it.

HON. JAMES M. BODDEN: Well, would you be satisfied if we inserted "Grand Court" in place of that there?

MISS ANNIE E. BODDEN: No Sir, because decisions have been made in this Court that the Jamaica Court of Appeal have completely over thrown, and I feel that any aggrieved person should have the right if they have the money and the time to have the satisfaction of knowing that it is settled by a higher Court. We would of course take it to the Privy Council but that is out of the question, but I feel that we should not confine it just to the Summary Court.

HON. JAMES M. BODDEN: Mr. Chairman, I think that I could propose here to, to put the Clause stand in this sense "for a variation thereof", put a fullstop (.) there and strike out "and the decision of the Summary Court shall be final" and then that will make it that it could be subject to appeal further than that Sir, if the rest of the Membersould be in favour.

HON. D. H. FOSTER: Mr. Chairman, can I just make a suggestion to the Member Sir? Why it was, would one "(i) notice the suspension, revoke or refuse to renew the license", finish, cut out the whole compensation bit and the appeal and everything; then compensation bit can be very dangerous.

MISS ANNIE R. HARMAN: Selling me, it can wreck the Government.

HON. THOMAN M. BODDEN: I'd be far happy if I saw that compensation limited because if there is a wrong move on this and a club is closed down for any, a month and they are asking say, on area of a thousand dollars profit a week it could be quite a bit of money. It's a risk that one always runs under this.

MISS ANNIE J. BODDEN: You better take that out without paying any compensation.

HON. THOMAN M. BODDEN: Anybody limit the compensation to a specific amount say, not exceeding five thousand dollars or something.

MISS ANNIE R. BODDEN: No, but we can't give away Government funds that kind of way Sir.

HON. T.G. JOHNSON: Mr. Chairman , I haven't said anything about it but my normal reaction would be to oppose any compensation there. My normal reaction would've been to oppose any compensation being awarded by the Law.

MISS ANNIE R. BODDEN: Now, Mr. Chairman , let us be realistic about it. I am too old and even if I was young I would not be going to these clubs period, because we are very well aware of the fact that certain things go on there hotels, clubs and other things which are not the best interest of the way that we have been accustomed to living.

Well, if I had a young child, a teenager going out to such places I would use my best endeavours to say, change your way and go some place else; and these people are out to make money and they're going to make it, these are going to sell liquor and presumably unknown any be to the managing Directors or call them what you like, drugs are being sold. Now, they can botch up any kind of figures as to what their loss should be if they are closed down for a period of time, and we would really be taking the funds of this Government in our hands to make any one that we're going to pay them for compensation when we don't know whether we're going to win or lose. And I cannot agree for taking even part of our few pennies - well, I see in the Caymanian Compass that the Government is so bad off that our honourable people can't even make their salary which is allowed to them, and then we must pass a law that we're going to take our money to give to these club owners, not Annie Publish Bodden.

HON. JAMES M. MCCOY: Mr. Chairman , I did not draft this so I'm very flexible, I mean all I'm looking for in the law that will accomplish what we're trying to do Sir.

MR. CHAIRMAN: There is a technical objection to the Amendment, in that the Governor's recommendation has not been given or sought for an Amendment making a change of Ordinance. I don't want to be unduly dumb, but it seems to me that there's two possibilities, one is to leave the compensation in but requires the normal procedure of appeal, and the normal presumption is to delete all reference to compensation altogether and then there's no requirements really to bring in the Courts at all one leaves it to the Board.

MISS ANNIE R. BODDEN: Mr. Chairman , I would move that we remove any words that pertain to our Government paying any compensation, cut it as short as possible, we're not going to pay them any compensation. Because I am sure more or less that would be wrong in doing so it and they might get it over us somehow.

MR. GILLIAN C. SMITH: Mr. Chairman , I can't agree with revoking a licence when there is a possibility that the prosecutor may be in error.

HON. JAMES M. BODDEN: Well, Mr. Chairman, I don't know whether this would be an amount to it but I am only a layman, but if they will take more of it I am agreeable that after the word "may" the licence and any objections to the revocation of the licence may raise the suspension or revoke the licence, and leave it at that.

MR. CHAIRMAN: Delete the words "or refuse to renew"?

HON. JAMES M. BODDEN: Well, what I am suggesting is that after the word "may" that we would add "raise the suspension or revoke the licence", this would be the word, and to strike out the entire sub-section (4).

HON. D.H. FOSTER: I think that would be much better Sir.

MR. GEORGE C. SMITH: Mr. Chairman, I still can't see revoking a licence without compensation. If it is a case where the prosecution was not necessarily wrong but prosecuted, I think that the responsibility to indemnify should be placed on the person or persons prosecuting the prosecution.

HON. D.H. FOSTER: Well, Mr. Chairman, if they have suspended him (Inaudible) let us say, call it that way or wrongly let him use the Civil Court to get compensation, that's all that we're saying, let him sue for it.

HON. TRUMAN M. BODDEN: Mr. Chairman, if we are going to open an opening for a subtraction the Board for compensation I think we'd better deal with this through legislation. Because as I now understand it the First Official Member is saying that - I mean the remedy within the Civil Courts, damages in this case could be substantial, extremely substantial if it has to go in through the appellate system, you're looking at several years probably four years. It may be better to deal with this here and put some sort of a limitation on compensation which would exclude any Civil right for wrongfully exercising the power to revoke.

I don't know what the Attorney-General thinks on this, but if a Civil suit can be brought, which it probably can if the decision is arbitrary, that it may be better to limit it in this law rather than running a risk because it could put the Board in a very tenuous situation and there are going to be afraid to revoke because they're going to be threaten with a Civil suit. And I think may be our better course may be to so put a limitation it of say five thousand, which means that they will have to speed up the appellate system from the expeditious point of view and try to have an early hearing on it.

MRS. LUCILE H. BODDEN: Mr. Chairman, I would take it, it's like a case of, sometime ago before our Court where it was alleged - alleged I said Sir, that Police beat up a certain man and he didn't have any provisions in the law that he would have to get so much money if he was found innocent. He took the case to the Grand Court, he got something like sixteen thousand dollars I think it was and they appealed it to the Jamaica Court of Appeal and that compensation was cut down. I don't think the case has ever been finished yet, I'm not sure, but in any case I'm saying that we should not try to involve our Government in any way where they would have to find money because if a licence holder in error he be wrong, if he's right he's right and his remedy, I take it, although I'm not a professional lawyer that it would be that he would take his case in the Grand Court in a civil manner and claim, well, I was out of so much money because my licence was suspended. But they would only be too glad to get it back without questioning, because I'm sure they would be wrong.

HON. DAVID F. BARNICK: I find myself in sympathy with what the Honourable Member for Health, Education and Social Services has said, that if we do not within the ambit of this Clause attempt to deal with that case, that all

HON. DAVID R. HAWICK (CONTINUED): ...can name one case one could've hope in which a license was wrongly suspended, suspended for an adequate cause then the ordinary law would take its course, but that this would have unfortunate repercussions with public affairs. On the other hand as an Attorney-General my inclination is seeing that the ordinary law of the land is my bind, and the points that the Honorable Members have made are valid ones.

HON. D.H. PEDEN: Mr. Chairman, it looks to me that the dangerous words Sir, are 'where other good cause exists'. If you could get rid of them. In other words the offender has been convicted, if he is convicted, well, then you can't go wrong if it be written in the Law that you can suspend or do anything, you can't go wrong with that. But it's where you just have evidence enough he hasn't been convicted, you just hear a rumour or you believe something, that's where the trouble is going to come.

HON. TREMAN W. PEDDEN: Chief Secretary, the problem you have, suppose that a person is convicted in the Summary Court and he appeals you cannot then suspend you may be another four years or three years before you can suspend, you must have another good cause, you're either going to have a result that works or one that isn't going to work. The question which may arise out of this, once a person is convicted during the appeal, what happens if you take - revoke the license, he is done - when it has the appellate the Court of Appeal two, three years later it's reversed out. While it appears on this that ought to be reinstated whether he has appealed or not that there is good cause. But if you take out 'on good cause' I think you're going to limit the discretion in a place where it's going to be useless, either you're going to give the Board a right to revoke or now'no not? If you're going to give/to them I think we should not leave out dealing with compensation I think, let's do it now rather than being forced with another situation like unnamed dollars thing as a case arose with the Police the other day. The thing is that it'll be a most unreasonable argument Mr. Berkley and he would then join the Government, and it's a very precarious position. I would never exercise the power unless I was not only sure - I was absolutely sure, I probably had a good Government policy over the Lawyer who advised me to revoke.

HON. V.C. ROBINSON: Mr. Chairman, would I ask the Member how an order for compensation in this particular case would be made? I am not too certain how the Law would operate in this particular instance how the order for compensation would be made. I wonder if the Member could explain that please, on the Attorney-General.

HON. DAVID R. HAWICK: Well, normally it would be with reference to the loss actually suffered by reason of his license having been promptly taken. A person who was in charge of an establishment where a dancing or music was taking place would have made various arrangements, would have hired musicians, he would've perhaps arrange the premises, sold tickets to people who wished refunds and so on, the compensation would be a determinable amount.

HON. V.C. ROBINSON: I mean, who would be the parties involved in deciding the compensation?

HON. DAVID R. HAWICK: It would be a matter for the Licensing Board to determine if the Amendment is accepted in this form.

HON. V.C. ROBINSON: It would be the Board.

CAPT. KEITH F. TIBBETTS: Mr Chairman, as I see this matter, I am not too concerned with the Liquor Licensing Law but I'm wondering if there is anything in the Liquor Licensing Law that says, if you revoke a license that the person had to be compensated for it, I don't think it's there unless it came in very recently. And I take that Licensing Law, if it's going to be handled by the Liquor Licensing Board it should be one and the same with the Liquor Licensing Law. And I really cannot agree where we should put

DEP. SPEAKER P. THOMPSON CONTINUING: in any clause that could involve our Government as far as compensation is concerned. I don't know of any other law that we have that grants a person the privilege of fighting for compensation other than going to the Civil Courts, and I would say that the two should be made one and the same and if a reasonable amount has to go to the Civil Courts and trust and hope that we have the right people to take care of it.

HON. ANNIE M. BODDEN: Mr. Chairman, if I may be permitted to ask the Financial Secretary, we had a case before the Court sometime ago whereby a man was refused a Liquor License and he went to the Grand Court, but I am not sure if that case was ever finished, and if the Government had to pay any money while that particular place was closed down? I have never heard the outcome of the case.

HON. V.H. JOHNSON: This is not to my knowledge that the Government paid any compensation in that particular case, Sir.

HON. ANNIE M. BODDEN: Mr. Chairman, that was a case whereby ganja was suppose to have been found on the premises and we on the Liquor Licensing board, on the recommendation of the Police, we did not renew the license. And I know afterwards that there was a case made out to the Grand Court but I never did know the result of it, it might still be pending for what I know, but in any case I don't think that place has been opened up since.

MR. CHAIRMAN: Well, I think the Amendment to the Amendment we're now considering is deleting all the words after "may" that's in the fourth line and substituting "issue the suspension or revoke or refuse to renew the license". Is that the Honourable mover's suggestion?

HON. EDWARD M. BODDEN: Mr. Chairman, I would like to make an amendment to this same Section. What I propose to do, this amendment will be one which will exclude the Member from liability or limit the liability of this Government when he acts in his capacity as Chairman. And what I'd ask is that we put in "provided that such compensation shall not exceed five thousand dollars, and the licensee shall have no other claims, demands or rights to damages, compensation or otherwise", because if it is left open Sir, this Section will not operate.

HON. ANNIE M. BODDEN: Mr. Chairman, I'm not sure, but I do not think that in the Liquor Licensing Law there is any such stipulation, I don't think so, to my knowledge, would be wrong and I don't think that we should create a precedent talking about paying compensation. If we know they're right we should never take them to Court. I don't like to refer to the Police because some of them are very well, but it's public talk that they can't win a case, I just that they do do some good work but I am very sure that they would not be so foolish as to go and bring a license holder for music and dancing before the Court when they know that they have not got a case even lined up, and for us to put in the Law anything about five thousand dollars, five thousand dollars in these days is a small amount but not many five thousand dollars does it take to put into hundreds of thousands and I am not agreeing to any compensation to be paid to any of these people, if they do anyway all it just like we go to Court continually.

I was in the Court the other day with a lady whose daughter got killed on the spot, dead as a nail and because I did not have the time because the woman was not aware of the Law to take out letters of administration so that I could file the suit before one year had expired she never got one red cent, whereas the other lady got I think was nineteen thousand dollars. And I feel today that we cannot lightly dispense with our money, we go to Court taking a chance we might or we might not win, and I am not agreeing to put in any public funds in this Law.

HON. NORMAN W. HOOPER: Mr. Chairman, I think it's only fair that if a discretion is exercised wrongly that there should be some right to compensation. The question of dispensing of public funds has a very wide meaning and I am afraid there are many other ways other than this that that can take, but if somebody does something wrong then I believe it is better to limit liability at this stage than to leave it at large. And I believe that the Member would be in a very precarious position to exercise this unless he was absolutely sure, and if he's going to exercise it then there is no reason why we shouldn't limit liability to a certain amount.

HON. ALVIN H. DOOLEY: Mr. Chairman, how I feel about it, if the Members have any fear about the Liquor Licensing Law and the Dancing Law and every Law how to it, because I will not agree that we should write in any Law that we - you know if I had - let's be realistic about this thing. If I had my grudge against any special hotel or boarding house or rum shop I would do my best to/eliminate them from their business you know, and I mean when we are making laws we must forget personality altogether. And if the licence holders are right they are right, if they are wrong they are wrong and we should not go just because we don't like so and so and bring them before a Board or a Court and disagree with their licence, not at the same time we are in fear that we don't know what we're doing that we have been guided through not knowing the law or personal principles or what they may be. I am saying that to my knowledge we do not have a Law in all the many Laws that we have passed which says, that if the Government is wrong or if/ if it's Officers that's wrong we are going to guarantee to give so and so so much money. I don't know if there's any Law, I don't know, could be but I have never heard of it.

HON. V.C. JOHNSON: Mr. Chairman, I too feel very strongly about providing compensation in Laws in these particular cases. My own view about it is to, that action being taken under these Laws should be such that one should take every necessary precaution to ensure that proper investigation is carried out before an action is taken against an individual so as to eliminate as much as possible the need for any compensation. If there is at any time the question of compensation and it is not provided specifically in any Law, I think there is a recourse under a civil suit against the Board or against the Chairman or against any officer of Government. But to go and provide to make provision under a Law to have to pay compensation in these particular cases and we don't know to what extent the compensation will be, it's committing public funds to unlimited sums and we've got to be very careful with them. I think it can be provided in this particular case, I don't think there is any need to provide compensation under this particular Amendment Law and I would strongly suggest that we find some way of recommending an Amendment in this particular recommendation so as to remove any suggestion for compensation.

HON. JAMES M. DOUGLAS: Mr. Chairman, I think that the whole thing is from the time this Bill came on the floor this morning, I think it is being mixed up too closely with the Liquor Licensing Law, this is a different thing than the Liquor Licensing Law this is the Music and Dancing Law. In regards to compensation it would be in my mind very limited anyhow, because they would have to prove by you taking the licence away for them to allow music has caused them to lose money, I can't see where it would seem amount to much. Anyhow, what I'm going to suggest to this, I did not draft this Amendment Sir, I'm only just passing it out to the House. I have had no time to study it like anyone else, it's just been short, but I think that may be this whole thing could've been covered by using the two Amendments that I had suggested in Section 6, where it says "that the general licences and the renewal thereof may be granted" and I had suggested "or revoked by the Board". And then under (2) Occasional licences may be granted or revoked by the Chairman", an occasional licence can only be granted up to six days anyhow. So I think if we were to

HON. JAMES A. MACDONALD: go back to number 8 and put in "or revoked". because this has does not have any place in it which deals with revocation either then here. And if you were to put that into Section 8 (1) and (2) and do away with this additional amendment here completely it may be an answer to the whole problem. But I'm not strong on it Sir, because, like I've said I didn't have nothing to do with really drafting this and I won't say that I fully agree with it either. So I think if we went back to Section 8 and put that in that it might work, I don't know.

HON. DAVID H. HANWICK: Well, on a point of clarification also, Mr. Chairman... I must associate myself with the words of the last Honourable Member. I didn't study this either and to some extent I don't go along with it all myself, but I think that I must emphasize the points which the Honourable Member for Yellow Knife made, there is validity in them and even by adopting the amendment simplicter contained which the mover of the bill in his preparing now still not exert the possibility, but rules will be if the power is wrongly used.

HON. JAMES W. SIMPSON: This is really what the Lady Member for Georges Mountain Johnson, the fears they have expressed is really that civil suit will lie, and unless we limit that liability or remove that liability then this Government is going to have to pay money. Now, this was all I was attempting to get through, either you're going to come to grips with it or you're going to leave it because a civil suit is precisely what compensation is, and when they are it'll be an accumulation of damages over a period of time and if it affects the other licensees than I can afford whatever the time lose so it's going to be. So unless something is done, then exactly what the Lady Member and Mr. Johnson have expressed their doubts about they are going to end up with this Government paying money.....and that really was all I have to say on it, but once they clearly understand it this is nothing, then damages are going to be.

MISS ANNIE P. DOLSEN: Mr. Chairman, I would say this, if our Government are so stupid as to go and drag Annie Dolsen before the Board and say that she has done this and that and the other thing and they have not got a very strong case against me they should pay, they should pay, that's all there is to it. The investigation must be on persons of possible undue the present set up that they have a justifiable case to take me before that Board and disembowel my income.

Before your arrival here Sir, not many people know a lot of things that I know, didn't our Government pay twenty-five thousand dollars to an American actor there when the Cayoosian Hotel was to assume because they falsely arrested him on the Airport, he had to go back to the navy or the army or something and they grabbed him and threw him in jail, didn't it cost our Government twenty-five thousand dollars because they didn't know what they were doing? And if we are still stupid enough that we don't know what we're doing let them pay for it..

HON. V.G. GORDON: Mr. Chairman, we have paid many compensations in the past and I reckon we will pay many more in the future. But I think the Law must have its course, and whenever through a civil suit an award is made to anyone against Government that we have to face our liabilities then.

HON. D.H. FOSTER: Mr. Chairman, I think the point that the mover made a while ago was very valid Sir, I think we've encountered the same with the Liquor Licensing Law and I don't think there can be much damages due for the lack of a Municipal Planning Law, because there are not many places really that depend on that solely and wholly. In other words if you suspend the Municipal Planning Law it doesn't say that you can't until Inuvik, it says, the same place might have two licenses which is, you never find one without the other.

MR. CHAIRMAN: Well, I think we've got to divert one minimum from suspending Licences to suspending the House, it's now half past four. It is a good time to suspend however I think to give the Member who is introducing the amendment time to reconsider in the light of the debate today.

I think the debate does add point to the normal provisions of Standing Orders that ten days notice of amendment is normally required for a very good reason, but if notice is not given the time of the House is taken up in people looking at something whereas if it had a little more notice of it, I am not blaming the Member for this, perhaps we could have got this sorted out then came into the House with an agreed attitude to it. At any rate I'll suspend proceedings in Committee and we'll resume on this tomorrow morning and the Member may be able to suggest a final version of this clause.

HON. JAMES M. BODDEN: Mr. Chairman, I would just like to say, Mr that I didn't drop this as I've said before, I am only presenting it and I have no hard and fast feelings on it I would just like to see it worked out the way it would be a workable law. I can't, my associate myself with agreeing to having to give ten days notice for an amendment because I think the House in the past has seen many times when an amendment that came rightfully of the blue has been very beneficial and I think that if we limit ourselves in this House to where we've got to give ten days written notice before we can make an amendment we will either have the Cayalma Shopping Association and have a very lengthy time or we will miss a lot of good points that could be put into the law.

MR. CHAIRMAN: I take the point, and equally I think what if it is a long amendment, or this one is, the more time that we have to consider it the better but the Chair can always allow a short amendment in Committee and I think as Members are aware I frequently do this.

I'll interpret the House to be agreeable at this stage.

HOUSE SUSPENDED AT 4:30 P.M. IN COMMITTEE STAGE ON THE MONEY AND BANKING (CONTROL) LAW TO RESUME AT 10:00 A.M. ON TUESDAY, 31ST MAY, 1977.

M I N U T E S

SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 10th MAY, 1977 AT 10:00 A.M.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE., — PRESIDING

GOVERNMENT MEMBERS

HON. O.B. FOSTER, MBE., JP.	FIRST OFFICIAL MEMBER
HON. DAVID F. BURNSTON, CBE.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ORGANIZATION
HON. JAMES M. BODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. BALMAIN D. EVANS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN GRANTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. DOTHERLAND L. EVANS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE H. BODDEN, CBE.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. KEITH P. TIBBETTS	FIRST ELECTED MEMBER FOR THE RURAL ELECTORAL DISTRICT OF THE SISTER ISLANDS
MR. CRADDOCK EVANS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN D. McLEAN	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

THURSDAY, 28TH JULY, 1977

1. QUESTIONS:

1. THE SECOND ELECTED MEMBER FOR THE SPOTTED KING ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES:

HOW MANY PERSONS RECEIVED GOVERNMENT SCHOLARSHIPS IN THE PAST TEN YEARS?

(a) HOW MANY PERSONS APPLIED FOR GOVERNMENT SCHOLARSHIPS IN THIS PAST 10 YEARS?
(b) NAMES AND RELATION OF SUCCESSFUL APPLICANTS TO KEY CIVIL SERVANTS?
(c) WHAT WAS THE EXTENT OF AID GIVEN TO EACH SUCCESSFUL APPLICANT?
(d) WHY WAS THE UNSUCCESSFUL APPLICANTS REFUSED AID?

2. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF NORTH SIDE TO ASK THE HONOURABLE FINANCIAL SECRETARY

IS THERE ANY OUTSTANDING CUSTOM DUTY TO BE COLLECTED BY 30TH APRIL, 1977? IF THE ANSWER IS "YES" WILL GOVERNMENT TAKE STEPS TO RECOVER SUCH AMOUNT?

3. THE FIFTH ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE MEMBER RESPONSIBLE FOR AGRICULTURE AND NATURAL RESOURCES:

WHAT IS THE PERCENTAGE OF ROYALTY COLLECTED BY GOVERNMENT ON THE FRANCHISE FOR LAND AT "SAND BANKS", IN THE ROW POINT AREA FROM THE EXECUTION OF THE FRANCHISE UP TO AND INCLUDING 30TH APRIL, 1977?
IS THE SAND PURCHASED FROM THE GOV. IN THIS AREA BEING SOLD IF THE ANSWER IS "YES" WHO BENEFITS FINANCIALLY FROM THE SALE OF THIS SAND?

4. THE FOURTH ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE CHIEF SECRETARY

WILL GOVERNMENT GIVE WHY NO PRESS CONFERENCES ARE BEING WITH THE NORTHWESTER COMPANY AS HAVE BEEN HELD WITH THE CAYMANIAN COMPANY?

2. GOVERNMENT BUSINESS:

BILLS:

(a) The Wards and Boundary (Amend.) Law, 1977 - Committee thereon continued & Third Reading.
(b) The Traffic (Amendment) Law, 1977 - Committee thereon & Third Reading
(c) The Miscellaneous (Validating)(Amendment) Law, 1977 - Report thereon & Third Reading
(d) The Registered Land (Amendment) Law, 1977 - Report thereon & Third reading

MOTIONS:

GOVERNMENT MOTION FOR DEBATE ON PAPER LAID BY THE CAYMAN ISLANDS.

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THURSDAY, 19TH MAY 1977
AT 10:00 A.M.

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

QUESTION:

1. THE DEPUTY ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

How many persons received Government Scholarships in the past ten years?

(a) How many persons applied for government scholarships in the past ten years?

(b) Names and relation of successful applicants to Key Civil Servants.....

(c) What was the extent of aid given to each successful applicant?

(d) Why was the unsuccessful applicants refused aid?

ANSWER

1. (a) 112

(b) 10 children

(c) & (d) are attached.

HON. VINCENT M. BODDEN: "What was the extent of aid given to each successful applicant", and the last part of the question " why was the unsuccessful applicants refused aid?", those are as far as possible attached in the schedule that's set out on this and I would merely beg to refer to the schedule and make it a part of the proceedings rather than have to read all of this out if that is an order, Sir?

MR. PRESIDENT: That's permissible.

Scholarship Holders

Name of Applicant	Institution	Year	Terms	Remarks
Mrs. Carolyn Bishop-Boddie	Bretton Hall College, England	1967	Commonwealth Summary	
Miss Veronica Watson	Nice Training College	Graduated 1967	Government Scholarship	
Mr. Steve Tomlinson	University of the West Indies	1967/68	Government Scholarship	
Mr. T.S. Mayfield	U.W.I.	1967	12 mos. salary full pay 24 mos. half-pay. All fees paid by Government.	
Dwight Carter	Teacher training	Approved 8/10/67	Course not pursued	
Hakar Arch	C.A.S.T. - Jamaica			
Margo Gourzong	Nice Training College, Jamaica	1967	Government Scholarship	
Olive Christian	" " " "	1967	Government Scholarship	Left during first year to return home for marriage.
Delva McLaughlin-Montero	College in Costa Rica	1967		Refused on grounds of lack of basic qualifications.
Cornell Rankine	Nice Training college, Jamaica	1967	Government Scholarship	
James Ryan	University of Bristol, U.K.	1970	Government Scholarship	
Tomson McLaughlin	University of West Indies, Ja.	1965/69	Canadian Aid	
	United Kingdom	1965	Technical Assistance (British Government)	
George Smith, M.I.A.	Maritime College, Bronx, U.S.A.	1969	Offer of Scholarship. Bond of 8 years or loan agreed.	
Judy Ann Hill-Taylor	Nico Training College, Jamaica	1969	Government Scholarship	
Karen Tomlinson-Caldwell	Nico Training College, Jamaica	1969	Government Scholarship	
Andrea Rankine	" " " "	1969		Did not pursue the course.
Margaret Rose Conolly	" " " "	1969	Government Scholarship	
Philip Ryan	" " " "	1968	Government Scholarship	
William (Bill) Jackson		Approved 19/3/68	Government Scholarship	
Vernell Banton	University of Dundee (Post-Graduate Course)	1969	Technical Assistance (British Government)	
Lucille D. Seymour	Nico Training College, Jamaica	Graduated 1968	Government Scholarship	
Emily Ann Hanks	Shortwood Training College, Ja.		Government Scholarship	
Anna Dean Peavey	Shortwood Training College, Ja.	Graduated 1968	Government Scholarship	
Orlann Brown	University of West Indies (Arts Degree)	1968	Government Scholarship	
Yangarie Hanks	Anderson College, Indiana, USA	1968	Grant of $700 (Good for 8 years)	

Name of Applicant	Institution	Year	Terms	Remarks
Marjorie Anderson-Beckles	Mico Training College, Jamaica	1963	Government Scholarship	
Neville Levy		1962		Refused scholarship on ground that he was a Jamaican seconded to this Government. Did not meet requirements for Government scholarship Section 19 (e) of Education Law Regulations.
Vivian McLaughlin		1969		Refused on grounds of high tuition fee in the U.S.
Iris Lovell	Electronics	1969		Consideration of Scholarship pending further information are sent.
Keith Hill	Lindsey Hopkins' College, Miami, Fla.	1969	Bonded to work in C. Is. for 5 years on successful completion of Course. Tuition $205 to be paid by Govt. Subsistence $60 per month. Books $55.00. Bonded to serve in C. Is. for 3 yrs. on successful completion of Course. Tuition fees for 1st yr. to be pd. by Govt... One return passage pd. by Govt.	
Dave Grant		1969	Recommendation for technical assistance (British Govt.)	Completed Course. Paid bond.
Rebecca Smith-Banks	Medical Dental Assts. School, New York	1969		Completed Course. Returned to work for Govt.
Juliet Mitch	Shorthand Training College, Jamaica	1970	Recommendation by College to discontinue after 1st years work.	
Gerald Smith	U.W.I., Jamaica	1970	Tuition aid and Government funds	
Milford Scott	U.W.I., Trinidad	1970	Tuition Aid (approved June 1970)	
Sheila Packman	William Carey College, Hattiesburg, Miss.	1970		More detailed information required.
Alvin Banks	Anderson College, Anderson, Indiana, U.S.A.	1970		
Alvin Banks	Anderson College, Anderson, Indiana, U.S.A.	1970		More detailed information required
Esmie Miller	C.A.S., Kingston, Jamaica	1970	Government Scholarship	
Joy Hylton-Dawes	Waterloo University, Canada	1970	Government Scholarship and financial assistance.	

Name of Applicant	Institution	Year	Terms	Remarks
Leyman Cooke	College of Education, Cardiff, Wales	1970	Commonwealth Bursary	
Burnell Reid	College of Education, Cardiff, Wales	1970	Commonwealth Bursary	
Linford Pierson		1970	Technical Assistance (British Government)	
Charles Farrington	Glasgow University, Scotland	1970	Technical Assistance	
Dennison Banks	U.W.I., St. Augustine, Trinidad	1970		
Adrienne Webb		1970		Refused to attend U.W.I.
David Mitch	U.W.I., Cave Hill, Barbados	1970	Canadian AID	
	Inns of Court, London	1972	Government Scholarship	
Seaver Wood-Look-Lay	U.W.I., Mona, Jamaica	1971	Government Scholarship	
John Jefferson, Jr.	Morgan State College, U.S.A.	1971	$450 p.a. assistance	
		1971	$750 p.a. assistance	
Carlyle Ebanks	Anderson College, Anderson, Indiana	1971	$1,50 p.a. assistance	
Neely Panton	U.W.I., Mona, Jamaica	1971	Canadian AID & Cayman Is. Government Funds.	
Josephine Robinson	School of Speech Therapy, London	1971	Government Scholarship	
Edward (Neil) Solomon	Berea College, U.S.A.	1972	Grant of $900 p.a. for 1971 & 1972. Increased to $1,000 in 1973.	
Allen Means	State Tech. College, Memphis	1972	$1,000 p.a. for 2 years (Bond for 2 yrs.) Further grant of $1,000 p.a. to pursue further study in electronics. Grant effective 1974.	
Myda Mae Ebanks	U.W.I., Jamaica	1973	Government Scholarship.	
Randal Rydes	City of Canterbury College of Art, England.		$2000 p.a.+ 1 return passage home.	
Hamnell McCoy	Louisiana State University, U.S.A.	1973	Government Scholarship	
Judine Fowler	Mr. Carey College, Hattiesburg, Miss.	1973	Grant of $1,000 per yr. for 4 years.	
Carol Sue Fodder	Mr. Carey College, " "	1973		
Diana Mayfield	Lincoln's Inn, London	1973	Financial assistance to supplement grant from Law Society.	
Alpha Lamp		1973	Grant of $1,000.	
Winsome Robinson	University, U.S.	1972	Govt. Grant $1,654 p.a.	
Dublin Dixon				
Trevor Banks	Mr. Carey College, Hattiesburg Miss.	1973	Govt. grant of $1,000 p.a.	

Name of applicant	Institution	Year	Terms	Remarks
Anne Rose McFarlane		1973		Lacked basic qualifications. Advised to seek admission to Auxiliary Nursing School, Govt. Hosp.
Janice Ebanks	Weymouth College, Dorset, England	1973	Government Scholarship	
Daylan Solomon	Florida State Univ. (Business Admin.)	1973	Grant of $7,000 p.a. (Lasts 2 yrs.)	
	Florida State Univ. (M.A. in Bus. Admin.)	1972	Application unsuccessful.	
Marvin Conolly	Miami Dade Comm. College, Florida, USA.	1974	Government Scholarship	
Andrea Scott	U.W.I., Jamaica	1974	Government Scholarship	
Leonard Dilbert	McMaster University, Canada	1974	Full Govt. Scholarship	
Marouisa McLaughlin	Florida Tech. University, U.S.A.	1974	Assistance equivalent to similar course at U.W.I. given.	
Myrna Hepburn	Anderson College, U.S.A.	1974	Assistance equivalent to similar course at U.W.I. given.	
Donald McLean	Florida A&M University, U.S.A.	1974		Scholarship granted for 1976
Janis Smith	University of Surrey, England	1974	Technical Assistance	
Hannah Carter	University of Surrey, U.K.	1974		Govt. Scholarship granted, but was not accepted.
Sylvia Webb	University of Florida (Psychology	1974	Assistance equivalent to similar course at U.W.I. given.	
Lana Wibberly	Weymouth College, Dorset, England	1974	Government Scholarship	
Gayle Scott		1974	Application unsuccessful	Basic qualifications were not satisfactory.
Henry Solomon	Warner Southern College, U.S.A.	1974		Application unsuccessful - College unaccredited.
Delroy Webb	Univ. of South Florida, U.S.A.	1974	Government Scholarship	
Connie Mae Whittaker	Miami Dade Community College			
Annie Mae Anderson	Royal Masonic Hospital, London	1974	Grant of $6,400 over a 3 year period.	
Sarah Jefferson	Miami Dade, Florida	1975	$1,000 per academic yr.	
Yvette Jackson	Mt. Carey College, Parkersburg, W.Va.	1975	$1,000 per academic yr. ($2,000 Loan as of 1979)	
Cary Rankin	University of Miami	1975	Grant of $800 academic year.	

Name of Applicant	Institution	Year	Terms	Remarks
Roy Bodden	Mico Training College	Graduated 1967	Government Scholarship	
Raymond Whitaker	Trent University, Canada	1975	Government Scholarship	
Alleen Mannette		Applied 1975		Refused lack of funds Not pursued.
Sharon Wells		Applied 1975		
Arlene Jones	Erdiston College - Barbados	1975	Government Scholarship	Did not gain admission to College. Referred to student loan.
Edrington Powell		1974		No assistance for Ph. D. Student loan.
Frank McNeil	Brenau Univ, West Germany	1975		
William Les Holden	U.W.I., Jamaica (National)	1974		
Gillah Bowen	School of Physical Therapy	1974	Government Scholarship	
Anthonigh Eboka	University of Guelph, Ontario, Canada	1974	Financial assistance equivalent to similar course at U.W.I.	
Ellen Jan Ibbetson	Weymouth College, Somset, England	1976	Government Scholarship	
Donna Ryan	Lamar University, Texas, U.S.A.	1976	Government Scholarship	
Angela Tatum	Erdiston College, Barbados	1976	Government Scholarship	
Karla Martin	Erdiston College, Barbados	1976	Government Scholarship	
David Dance	State University of New York at Albany	1976	Government Scholarship	
Hazel Rush	West Indie Training College, Jamaica	1976	Government Scholarship	
Jennifer Hooks	Sir Sanford Fleming College, Canada	1976	Caribbean Development Student Loan.	
Nigel Miller	National Technical Schools, L.A. Calif.	1976	$8,450 Financial assistance by Government.	
Lloyd Rush	Mandl School, New York	1976	Caribbean Development Student Loan.	
John Broadbent	Middlesex Polytechnic, England	1976		Refused. Parents financially independent.
Gene Earle	Thames Polytechnic, England			
Balfour Cameron	U.W.I., Jamaica	1976	Government Scholarship	
Joseph Hooks	Drake College of Business	1976	$1699 Govt. Grant	
Neil J. Miller	U.W.I., Jamaica	1976	22490 Govt. scholarship	
Karen Simon	Florida State University, Tallahasse	1976	22400 Govt. Grant	
Jennifer Hooks	Brock University, Canada	1976	$2900 Govt. Grant	
Leon Wilson	U.W.I., Cave Hill, Barbados	1976	$2900 Govt. scholarship	

NAME	AMOUNT SPENT TO DATE	REMARKS
Fenton Murphy	CI$3,214.14	Finished August 1976
Nyda Mae Banks	8,707.88	" June 1976
David Eitel	[illegible]	" August 1976
James Seymour	4,719.53	" June 1976
Connie Mae Whittaker	3,199.75	" June 1976
Eyalew Wudu	2,800.15	" December 1976
Steve Mofield	16,145.74	To finish July 1977. Proposed $8,176.69 to be spent.
Nelly Panton	6,401.41	To be continued 1977/78 academic year.
Lena Tibbetts	9,906.77	To finish August 1977
Sharon Wells	3,582.70	To finish July, 1977
Jennie Miller	3,985.58	Discontinued course March, 1977.
Annie Mae Anderson	3,400.00	
Jane Banks	3,316.20	
Hazel Bush	2,500.00	
Lloyd Bush	1,000.00	
Wilbur Christian	2,340.52	
Marvin Conolly	7,266.82	
Leonard Gilbert	6,796.98	
Lorna Gilbert	2,375.38	
Arthurlyn Meade	3,578.00	
Gary Banks	5,400.00	
Joseph Banks	1,500.00	
Jonnifer Anderson	2,402.00	
Yvette Jackson	2,000.00	
Sarah Jefferson	2,060.00	
Hillair Johnson	5,287.85	
Sharon Martin	1,387.98	
Kenneth McCoy	2,706.08	
Donald Nelson	6,270.92	
Hazel Miller	2,400.00	
Alan Moore	1,500.70	
Karen Owen	2,130.00	
Joseph Parsons	2,000.00	
Philip Pedley	4,000.00	
Julius Panton	8,600.00	
Lorna Ryan	2,975.05	
Irma Smith	6,858.66	
Angela Dixon	1,428.11	
Ellen Sue Tibbetts	3,182.84	
Delroy Webb	9,350.40	

MR. GEORGE C. SMITH: 7 (b) as being 10 children
Mr. President, I do not consider the answer to an answer to my question, Sir.

HON. TRUMAN M. BODDEN: Well, Mr. President, as far as the records go and the records are now being kept different from they were kept previous to this. This is all the information that I could now give the Member. If he so wishes I would undertake to have the Department prepare me the necessary details and submit it to him. I did wonder what was meant by the word "key" in front of "Civil Servant". Perhaps that could be elaborated on in a supplementary question if he wish.

MR. GEORGE C. SMITH: Mr. President, with respect to the word "key" I would consider persons earning in excess of eight hundred Cayman Islands dollars per month, Sir.

HON. TRUMAN M. BODDEN: Mr. President, now that that is clarified I still can't give an answer on that, but further details were required I would undertake to try to get this information. I'd just like to point out that alot of these were not during my time and I will have to go back and seek advice on it, Sir.

MR. GEORGE C. SMITH: Mr. President, I'll accept the answers to these questions in writing.

MRS. ESTHER L. EBANKS: A supplementary on that answer. May the numbers names of Government employees ever be from time to time announced to the public?

HON. TRUMAN M. BODDEN: That's a good question. From my memory, and without refreshing my memory, for as I know, not really. I do not believe they are published. But it is really, like I said, from my memory the files on these are very bulky and very large, I do not think so.

MISS ANNIE H. HOWARD: Mr. President, if I may be allowed to ask on this answered paper here. Am I to understand that those names ticked with red are the children of key Civil Servants termed such?

HON. D.H. MCTAGGART: Mr. President, my paper has no ticks on it, Sir.

MISS ANNIE H. BODDEN: None has red ticks, Sir and I shall point out those that are ticked red. Gowin, McLaughlin a red tick, Jarrett Panton a red tick, Jay Jackson-Bodden, or some such name a red tick, that is three, David Ritch, four, Darrell McCoy, five, Theresa Johnson, six, Lilian Johnson, Archerlyn Ebanks, Jennifer Ebanks, Nigel Hilton, Glen Hurlo, Ned J. Miller, Jennifer Jackson, that is one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen.

Now, Mr. President, if I may be allowed to make a statement. It would appear to me, Sir that these key Civil Servants, if they were using their jobs as such to sponsor their children they would have gotten much more because they only had fourteen out of a hundred .....

HON. TRUMAN M. BODDEN: Mr. President, on a point of order she is entitled under the orders to ask a question, there is another time for making a statement. I am somewhat surprised, in fact what I would like to know is how Miss Bodden has a red ticked paper and I do not have a red ticked paper. And perhaps some explanation should come out on that. Mine is not ticked.

MISS ANNIE H. BODDEN: Mr. President, I'm really surprised at Mr. Bodden, really. I must say, Sir that I'm looked on as Willie Farrington was looked on by his West Bay colleagues. I've been in this Assembly a long time and I really can't stand the stupidness. Here is the paper and I can assure you I haven't got a red pen in my possession. Here it is. Please convey it to him Mr. Bum.

HON. THOMAS M. BODDEN: Mr. President, now we're in the mid-term of the question, perhaps I could find out how many more hons. had their papers because I have not been fortunate enough to have a red ticked paper.

MISS ANNIE H. BODDEN: Read it, Mrs. C.

Mr. President, as it appears I am the fortunate one it was to have these mid-term papers. You know I'm trying to be a christian, and on the first day of January 1974 I was debating whether I should run in this Assembly or not, and a voice said to me "Be still and know that I am God", well I'm under his direction and he knows that I have nothing against one another, in this Assembly, and those papers were then into my hands.

HON. JOHN B. McLEAN: Mr. President, will the Member care to explain the last page of this report, the sheet with the finances?

HON. THOMAS M. BODDEN: Mr. President, this is a list of the most recent scholarship holders and the amount which was spent to date, it is not a comprehensive list and the reason on this, Sir, is that the system used was not one in which an individual ledger card was used for each scholarship holder. As I recall, Sir there is not as it were a subsidiary ledger to a master or a controlling account in that department. To get all of these details would have taken an extremely long time under the present system and it's something which if Members did instead a full list could be given, maybe by the time of the next Assembly. What I would say is the system has changed and there is now a subsidiary ledger which is tied into a master or a controlling ledger.

MR. JOHN McLEAN: Mr. President, further supplementary. Will the Member care to say how or is that a non-question here, Philip Pooley received financial assistance of nine thousand dollars without a bond and a Caymanian only receiving seven hundred pounds was loaned for two years?

HON. THOMAS M. BODDEN: Mr. President, I cannot fully answer that question. Following and this is subject once again to my checking this out, but the scholarship regulations, specifically set out that scholarships are to be limited to, I believe it says persons domiciled within the Cayman Islands. It was during the last Government's tenure of office, I don't know why. I could once again try to get the answer to that and come back, which at the rate we're going we may well need a full legislative session to finish these supplementaries. Sorry.

MISS ANNIE H. BODDEN: Mr. President, now that we're into it. This question here "How many persons received Government scholarships in the past ten years", the answer "47" and (c) it. May (b), could we have the names and relations of the successful applicants to these key Ministry, Sir, and what is the purpose behind that .. is there any specific purpose why these must be named?

HON. THOMAS M. BODDEN: Mr. President, I'm not sufficiently versed of the reason for the question. That question I think is more able I would at the person who asked the question. I really don't know the reason behind it, Sir.

MISS ANNIE H. BODDEN: Another supplementary question, Mr. President. Is the Most Elected Member to Executive Council also receive any aid from Government in regard to his scholarship?

MR. PRESIDENT: I think that's getting a little personal.

HON. IRVING M. BODDEN: This was what I was going to get on to. The Standing Orders are quite clear and I think Miss Bodden knows the answer to that. In any event I don't mind seeing it unless you feel otherwise.

MR. PRESIDENT: I would hope that the Honourable Lady Member would not press that question.

MISS ANNIE H. BODDEN: I'm not going to press anything provided it's done in public interest, but when it is done on a personal basis I shall question it.

HON. IRVING M. BODDEN: Mr. President, I resent that remark. If she is implying that any preferences have been given to me in any way I would like her to clarify that statement, Sir. She knows the rules or she should know them at this stage and I would ask her to clarify whether that is levelled at me personally or not, Sir.

MISS ANNIE H. HOWARD: Mr. President, Mr. Bodden should be ashamed of himself to think I would level anything at him personal. I am saying it is levelled at the Hon'ble Honourable personal, not Mr. Bodden.

HON. IRVING M. BODDEN: I thank you, Sir.

MR. GEORGE C. SMITH: Mr. President, after enquiring the names and the various items that acknowledgements have been granted to persons in the Cayman Islands. I noticed there are a number of persons granted acknowledge to go overseas to study and qualify as teachers. Would the Member care to state why is it that these persons are no longer employed in the Government services?

MR. IRVING M. BODDEN: Well, I really don't know the answer to that one either, but if they are bonded, which I understand they are, at the end of their period of bonding then they probably could terminate their services. I don't think I quite clearly understood what the Second Elected Member is getting at. Perhaps I could ask him to clarify that statement, Sir.

MR. GEORGE C. SMITH: Mr. President, a clarification on that question, a supplementary, Sir. I was curious to know why these persons after being trained as teachers are not employed in the services to date, and I'm also curious to know whether the Member would care to state if anything has been done to remedy these persons as teachers under the present working conditions of teachers?

HON. IRVING M. BODDEN: In relation, Sir to the first part of that question which was whether or why persons are not now employed. I think it is a complex problem that we have, one is a low payment of salaries which will be ameliorated, at least during my time in there, to bring that up to, what I regard as a more normal stage. Perhaps there are other conditions within the service which these persons may find that it's more preferable to within the private sector. As for, Sir on the second part of that question goes the point was acknowledged publicly, I believe here as well as in the U.K. and the other West Indian islands and they would be given an opportunity to come back and whether back into the service if they so wish to do so. I don't think I can go beyond that.

MR. GEORGE C. SMITH: Mr. President, the Member mentioned the word "some" in reply to one of the questions mentioned. I would appreciate, Sir if the Member would refer to the last page and the documents stated and have. When I see nineteen thousand, five hundred and ninety-four dollars and sixty-three cents was paid out to one David Welch and to compare that, Sir on the second page of the document, one individual Marjorie Sparks was paid seven hundred pounds, bonded to Government for two years and the individual who received payments of nineteen thousand dollars there is no apparent bondage under the circumstances, Sir?

HON. TRUMAN K. BODDEN: Well, Mr. President, it would appear from what I have here that there is no bonding on Mr. Eiton, but I am not aware of this. All I can reply to the Member is that under the new system of granting scholarships I will endeavour to insure that the probability of any inequities in conditions will be rectified.

MR. GEORGE C. SMITH: Mr. President, a supplementary question, Sir. First of all I must apologize that I should say that I realise that it puts the Member in a somewhat embarrassing position, me asking these questions for something that he was not responsible for. But I do think that there is a lot of clarification required on the paper presented, Sir. And I'd like to go on to ask, why in the year 1975 one, Augustus Whittaker, a child who comes from a very large family, and in the last year in college applied to Government and was refused due to the fact for not having sufficient funds. At the same time we have, should I say a student or a number of students whose combined salary of their parents presently employed by Government and in excess in their positions, earning in excess of ninety-two hundred for a month?

HON. TRUMAN M. BODDEN: I cannot answer the question of the refusal beyond what is in here, that it was returned for lack of funds. However, one of the responsibilities in deciding on scholarships by the Education Council under my term of office will be the probability of having this person selected directly from a contribution now of his parent or parents or guardian.

MR. SPEAKER: We'll move on to next question.

Does the Honourable Member wish to continue supplementaries? I would remind the House that we have spent half an hour on this question and that question time finishes at eleven. Any which are not answered orally will receive a written reply.

MR. CHADWICK BEANKS: Thank you, Mr. President.

I don't mean, Mr. President, that we could agitate the suitable answers from the Member owing to the fact that he has just recently been in and I wouldn't be prepared to push too many supplementaries. But on the fourth leaf, I wouldn't want to call any names. In the top left hand corner the second group of two boys and a girl, it states in the institution as to where two boys attended, but remarks over on the right hand side it states "refused to attend university". Where did this student attend then?

HON. TRUMAN M. BODDEN: That answer is, I believe peculiarly within my knowledge. She attended the United Kingdom on private funds, Sir.

MR. CHADWICK BEANKS: Further supplementary, Mr. President. Would the Member care to say, if to his knowledge, who then Mr. Augustus Whittaker received this scholarship?

HON. TRUMAN M. BODDEN: Sorry, what page was that? I .....

MR. CHADWICK BEANKS: It doesn't have a page but on the fourth leaf down to the bottom the first name on fours up.

HON. TRUMAN M. BODDEN: I'm not sure, Sir. I do not know the answer. I'm sorry.

MR. CHADWICK BEANKS: Mr. President, I find this matter an important one this ought to be dealt with after this sitting with the heads of the department to really get the proper answers to what might arise out of this or to satisfy Members.

MR. PRESIDENT: Proceed to next question.

MISS ARNIE H. DONDER: Mr. President, I'd like to make a statement before I ask this question and it is this, from hereinafter Annie Ruddock will represent the constituents of George Town as a single unit.

2. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FINANCIAL SECRETARY

Is there any outstanding custom duty to be collected up to 30th April, 1977? If the answer is "yes" will Government take steps to effect collection as soon

ANSWER

There are outstanding customs duty as at 30th April, 1977 and every endeavour is being made to collect what is due.

MR. CRAWFORD RANKS: Mr. President, a supplementary question to the Third Official Member. Would he be able to advise at this time the amount that is outstanding?

HON. V.C. JOHNSON: Mr. President, I can't state the sum that is outstanding. It varies from month to month. The goods are delivered under a bond or under a cash deposit and this is cleared as soon as proper invoices are received, and the import entry is completed.

MR. PRESIDENT: Go on to next question.

3. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE MEMBER RESPONSIBLE FOR AGRICULTURE AND NATURAL RESOURCES

What is the percentage of royalty collected by Government on the franchise for land at "Sand Pointe" in the Rum Point area from the execution of the franchise up to and including the 30th April, 1977

Is the sand pumped from the sea on which royalty is being paid? If the answer is "yes" who benefits financially from the sale of this sand?

ANSWER

Under the original agreement signed in the July 1966, with Cayman Islands Trade Industries Ltd; the royalty collected by Government in respect of the franchise for lands at "Sand Pointe" from 1966-1976 amounted to $12,080.00. A new agreement was made on 22th June, 1976. Under this agreement the royalty was raised to $4,490.00 per annum. From 1st July, 1976 to 30th April, 1977 a total of $25,000.00 was collected in royalties.

Yes. Both parties benefit.

MR. GEORGE C. SMITH: Mr. President, a supplementary question, Sir. Will the Member care to state who signed the documents in question and on behalf of who or whom?

HON. G. ALLEN DONDER: The document was signed on behalf of Government by the then Chairman, Mr. Crook and for Cayman Islands Trade Industries the document was signed by Mr. Don Dice. I think it was signed on behalf of Cayman Islands Trade Industries.

MISS ANNIE H. DONDER: Mr. President, would the Member be in a position to state the percentage of how this benefit from the sand is divided. Is it on a percentage or how is the division made with regard to the sand sale?

HON. G. MAIG BODDEN: It is not on a percentage basis. They pay a flat fee of eight thousand, five hundred dollars per year payable in half yearly instalments in, I think it's January and July each year.

MISS ANNIE d. HOWARD: Mr. President, am I to understand that there is no actual difference in the amount, in other words if they sell a million truck loads of sand the Government gets only this eight thousand, five hundred dollars per annum, no extra benefit for sale of sand, am I to understand that?

HON. G. MAIG BODDEN: That is correct. The contract drawn in 1974 made no provision for it's so much for a square yard or so much for an acre. It's just a flat fee per year.

MISS ANNIE H. BODDEN: Mr. President, if I may be allowed to ask, Sir. Could I be informed as to how long this contract will last; this present franchise or contract whatever it may be called. Is it for one year, two years, ten years or for how long?

HON. G. MAIG MAIDEN: The contract drawn on the 24th June, 1974 is for five years and will expire in June, 1979.

MR. PRESIDENT: Proceed to the next question.

4. THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE CHIEF SECRETARY

Will Government state why no Press Conferences are held by Members with the Northwester Company, as have been held with the Caymanian Compass.

CAYMAN

ANSWER

A monthly Press Conference is held with the Caymanian Compass, the Northwester and Radio Cayman. Present at this Conference is the Chief Secretary, Information Officer and all Principal Secretaries. The Elected Members of Executive Council in their individual capacity hold Press Conferences at their convenience and with whom they wish to be present.

MISS ANNIE H. BODDEN: Mr. President, if I may be permitted to ask. Is there any reason why these Executive Council Members do not apparently hold any Press Conferences with the Northwester Company, I've never seen any published except just one recently?

HON. D.J. FOSTER: Mr. President, I do not know if there is any reason or not, Sir.

MR PRESIDENT: I think that concludes the last question. I can now turn to Government Business. We were examining a Bill entitled The Music and Dancing (Control) Law, 1977 in committee and we'll continue that examination. The Assembly will now move into Committee.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee. We were dealing with clause 7 of the Music and Dancing (Control) Bill.

HON. W.R. HARWICK: Mr. Chairman, Sir, following on the debate which took place in this Honourable House yesterday evening a fresh notice of an amendment has been prepared for the consideration of all Honourable Members. Furthermore the recommendation of His Excellency the Governor to proceed on that amendment has been obtained under section 37 (2) of the Constitution.

HON. O.R. BARWICK CONTINUING: The amendment, Sir, follows closely that which the House was considering yesterday afternoon, except that references to compensation are now contained in a separate second proviso. That provision applies only to those cases in which the board has seen fit to waive any suspension ordered by the Chairman and enables it to order the payment of limited compensation to the licensee affected.

It is suggested, Sir, that Honourable Members may find that the amended clause affords reasonable protection to a licensee and yet on the other hand ensures the proper use of public funds. It will be opened to licensees to arrange their affairs in such a way as to ensure that any liability or loss which may flow from the suspension of their licences can be contained within the limits now suggested within this clause.

HON. C. ELLIS BODKIN: Mr. Chairman, I would like to congratulate the Second Official Member for putting together this clause which seems to tidy up what we were working on yesterday. I think it is O.K.

MR. GEORGE C. SMITH: Mr. Chairman, I'm still concerned, Sir, about the word "offender" used in line four of this paper, Sir. I still cannot entertain the proprietor being convicted or should I say suffering financially as a result of a condition carried out beyond his control, Sir. Mr. Chairman, to clarify that point, Sir, I think that the statement should be amended or ~~rewritten~~ to state "if the proprietor is convicted, but not an offender visiting these premises", Sir.

HON. THOMAS M. DOBSON: Mr. Chairman, I see the Second Member's point. However, now that we have taken out the fines law it has limited this right down nearly to where it's nearly impossible to convict anybody under this, unless it would be a question of somebody who is under age. It is quite limited now compared to what it was before. I think the clause is well put together, it's very good and I do see Mr. Smith's point there, but I believe it is now really severely limited because the only offence that could be is if somebody under age, say was drinking on the premises; if he is drinking on the premise he normally must buy it from the licensee. So I think it's really a very fine point at this stage. I think the section is well put together, Sir, and it's been limited as he recommend it to the stage where the major part of it has been taken out now.

MR. GRAHAM C. SMITH: Mr. Chairman, I can appreciate the point made by the First Elected Member. As a result what I would suggest that the word "offender" be substituted with something to the effect of a conviction of a minor on the premises.

MR. CHAIRMAN: If there's no further debate I'll put the question that clause 7 be amended as set out in the notice amendment circulated by Members.

MR. CRADDOCK EBANKS: Mr. Chairman, I sort of looked into that but I was sort of waiting for an answer to that last question that the Member posed, and I was coming up then with a question myself, Sir. I'm sorry that.....

MR. CHAIRMAN: Alright, I'll allow further debate if Members still wish to speak.

MR. CRADDOCK EBANKS: I found on my desk a paper and then I was handed another after the meeting started. And in the second section or the one that I found on my desk in part two they revoked or refused to renew the licence, "and a licensee aggrieved by an order regarding compensation may appeal to the Summary Court for variation thereof and the decision of the Summary Court shall be final."

MR. DONOVAN KRANCK CONTINUING: Mr. Chairman, I could not agree to that part of this proposed amendment. Any individual ought not to be deprived of any privelege to seek the just direction and .....

SEN. JAMES M. DODDS: Mr. Chairman, I would just like to interrupt at this point if you don't mind. The amendment that the First Elected Member from North Side has in front of him / the amendment that was on the floor yesterday evening which was voted down, and this one this morning is a result of yesterday that amendment, Sir, So that is really not being considered.

MR. CRADDOCK BEARNS: I thank the Member for this, when I may mis the last section of the present proposed amendment that is being considered then. I could not in any way agree to this money being paid out to any licensee. If there's a court to deal with grievances let the cases have its course and guilt or justice be dealt out. But I as an elected Member, I could not take on myself and I would not recommend that any public funds be paid out or recommended to be paid out by any Board to any licensee that might be grieved and his license being temporarily revoked or any such thing. If it's a reason for the Board to suspend a license from a licensee till a proper hearing be heard he should do exactly what all other people have to do. When any other licenses are revoked are they compensated for the time that their livelihood revoked, then they should apply the same way. And I can't agree and give any support to this thing or any money being paid out to a licensee.

MR. JAMES M. DODDS: Mr. Chairman, what we are attempting to do here on this occasion is that if any happen that a license was suspended and it could be proven that whoever suspended that license was in no way by doing so and that the person did suffer substantial damage. It is in all human to say and any of us can do that. What this is attempting to do is to limit the liability of the Government to five hundred dollars rather than having it go into a civil action which would mean a lot of expense to the persons concerned and if they won their case the Government would then have to reimburse them. And it would also mean that Government would have to spend quite a bit of money in defending their case, and the result of it could be a very large award against Government. So to keep from having a civil action out of it what we are trying to do here is to limit the liability to Government to where it would/should five hundred dollars.

MR. CRADDOCK BEARNS: Mr. Chairman, I dont of think that Government ought to be getting used to these things now. And I am still saying that justice must be dealt with through the courts and if it happens to be my luck or unluck to be a Member of any Board that has got to recommend this, I am sorry,because I am not going to do it, and I'm not going to support it here. If one, which the law says there is no excuse for ignorance, if the Board ignorantly deprives one of his license, then somebody will have to pay for it,but I'm not going to be the one suggest that the Board recommend any one sum.

CAPT. KEITH F. TIBBETTS: Mr. Chairman, I cannot agree with the last paragraph of this amendment. We have other boards with the same prerogative as the Beach and Planning Board will have it, it will come under the Licensing Board. There's no mention of money being paid in case you lose your license. If a man has a liquor license to operate a bar and it is closed for some reason there's no hard and fast rules set out what you must be compensated if you lose a business. Under the Trade and Business License Law if a man or/woman's license is suspended there's no compensation.

CAPT. KEITH P. ARBUTHNOT CONTINUING: I really don't see why that because this is going to be handled under the Liquor Licensing Board that this paragraph should be put in there. If none of the other Boards have it I cannot agree that it should be put in which hasn't been now. So I will not support it and I feel that we should not agree at any time for the Government to be liable to pay compensation for the loss of business, which is really what this have arge. And if we do we are going to find in a short time any licence cancelled will be the same thing, maybe when a driver's licence is cancelled by the court, the person may be a taxi driver, they may want to come back and sue a loss of earning through this paragraph being put in this law.

HON. STUART M. SOLOMON: With respect to the Member on the left the Member's what speaks there has always been a common law principle that you can sue for substantial damages. If you find that Government should remain with unlimited liability and by the way the suit lies against each and every Member of the Board and at that stage you would join the Cayman Islands Government. The purpose here is to limit the liability of the Government to this extent if you do not put this in then the common law will apply and a suit can lie at large for an act which is ultra vires the Music and Dancing Licence Law. As to who should make the decision on this, whether the court or whether the Board, you know there are advantages there are disadvantages. However the Board is normally in a better position to assess the damage than perhaps a court is and the procedure is much simpler course compared to a formal pleading of evidence before a court, so that is the reason for some of the Members under this procedure of assessment that it would be if we had to apply formally through the court and probably run up costs of ten or fifty hundred dollars a day. If this does not go in, Sir then the Government's liability is at large.

MISS ANNIE E. BROWN: Mr. Chairman, if I may be permitted to ask one legal authority. In the event that Members of a Board refused a license would they be personally or individually responsible for part of this payment or is that they are acting as agents of the Cayman Islands Government, if such a word is necessary, Sir. In other words they are acting under the authority of a Board which has been established by Government, would they as individuals be responsible to pay damages or would that be for the Government alone? I'd like to know that please, by the way.

HON. W.H. MANKEE: I'm sure that it would be. The Honourable Lady is asking me a question to which she already knows the answer, probably better than I do. The truth of the matter is of course that it is impossible to give advice or even an opinion about facts which haven't yet presented themselves, generally speaking of course, if the members of that Board act properly and act in a judicial manner, if they hear both sides to the case and do in fact will maintain this protection that the law affords. But this is not quite what this clause sets out to do, it sets out to show to people who do obtain licenses that there will be no arbitrary revocation or suspension, and this relates to suspension I'll point out and not to revocation, suspension of their licenses without any redress at all it seems to limit the redress that they may obtain and it seeks further to put them on notice, that if they are going to enter into contracts with bands or with people to rent halls and so on that they should write into that contract something which limits their responsibility and should their license be suspended and show them at the same time that if they have done that there are smaller expenses their telephones, out-of-pockets, legal consultation fees will be covered by a payment by the Board.

I would also like to point out how that it doesn't say that this amount of five hundred dollars will be paid every time a license is suspended or that license shall be suspended. Both revoked or suspension and we would hope that any responsible person, either the Chairman of Board or member of the Board acting as Chairman would

HON. D.H. MACMILLAN: ... make sure that if he were to suspend a license he would do so in circumstances that worthy would be payable at all. The fact that he must have a conviction would have already been obtained, would, I think satisfy any action that might be taken. He has to have the two convictions thereafter, either the conviction for an offence and after all the law is designed to make sure that where the public are admitted to dance halls or to movie functions and things of that sort proper order is maintained, but is the idea behind the law otherwise we shouldn't need a law at all. And I think Honourable Members can rest assured that this is an endeavour to give reasonable protection to licensees under one hand and put on the other that make sure by establishing this licensing system we're not letting the public funds into large amounts for damages.

MISS ANNE H. BODDY: I thank you, Sir. And that was my plan, Sir, but I know these modern days, all the old ideas of mine I believe they're wrong nowadays and I would like to have it satisfied in my mind that what I thought or what was my opinion of the law was really somebody else's of higher authority than mine. Thank you, Sir.

MR. CRADDOCK STANNO: Mr. Chairman, I quite understood what the Second Official Member just said, and it wasn't in my thinking that this would be a quarterly occurrence of paying out five hundred dollars for license that might be revoked or suspended. But if other licensees are operating their business under license and if their license should be suspended who take care of their furniture then would it be dealt with through ministerial procedure it may be dealt with? That's my question.

HON. JAMES H. BODDY: I think, Mr. Chairman, what the Member is really dealing on there would be himself in that case under the other law through a civil suit and this is the thing we're trying to keep away from. Because in the past Government has had to pay out some very large compensations by having to fight cases into the civil court rather than having a maximum benefit amount put into the law.

MR. CRADDOCK STANNO: Mr. Chairman, that answer still doesn't satisfy me because a license is a license. If I'm a truck operator operating under a truck license and my license was suspended for some reason, when my license is out and the law says then I must be given five hundred dollars for compensation, this taxi fellow, woman that is suspended, why can he not have the same benefit? This goes a clothing store, this / to a shipping business, this goes to any business that holds a license to operate and I can't and I'm not going to agree to anything unless it takes in every licensee.

MISS ANNIE H. BODDY: Mr. Chairman, I now have a client who was granted a license, paid three hundred dollars to it a certain job, I'm not going to say what it was. Fell for some grievance that license was operating for a certain period and then it suddenly cancelled. The man he put to inconvenience, he cannot perform the job for which he paid three hundred dollars's sitting in suspense waiting to find out if certain things will happen. Can he not do anything other than take a civil case before the Grand Court and ask for compensation for losing my business during this suspension. I guess we'll have to write that into every law if we're .. this and this would be creating a precedent and if the Liquor Licensing Board of which I am presently a Member, but I'm thinking seriously of withdrawing all connection with any Board under certain circumstances. Why this particular Board and Dancing, we shouldn't think in the world, the least harmful as far as I'm concerned should be given the concession that they must get five hundred dollars, why specially five hundred dollars, why? I just don't understand this law myself, I might as well be frank, why wasn't it left where it was?

You can laugh if you like Mr.'s .....

HON. D.H. MARTIN: Perhaps I can make some attempt again to put the point. The law as it now stands or as it will stand if this minute is carried in its present form provides for action by the Chairman which later must come before the Board. It enables the Chairman to act immediately and not have to wait before the next meeting of the Board before action can be taken with regard to a particular license. The Chairman's power is limited only to suspending the license until the next meeting of the Board can reconsider his action or can consider whether it was right in which case it can uphold what he has done or it can restore the license by merely lifting and removing the suspension. If at the next meeting of the board the Board's license for review on an application for renewal then the Board could refuse to renew the license. If that wasn't the case it could either renew the suspension or renewal the license. Now this law, I am given to understand, and as you know I am not sure, but I am given to understand that this law is the only law that provide for the immediate suspension of a license and the later rectification of that action. Now, the proviso relates not to the cancellation, not to the refusal to renew, but the second proviso only relates to the act of suspending. And so to the extent that similar provisions are not contained in other laws and in this regard I accept without question the statement of the Honourable Lady Member on the point, to the extent that they do not appear, similar provisions do not appear in other laws. I'm given to understand that is because, where the Board acts in the first instance without power for interim suspension, but I think Honourable Members will be inclined to agree that this power is a useful one, it enables the Chairman to step/immediately there's a conviction or immediately he has cause to believe that these premises are against the public interest and it's only in respect of that action that this five hundred dollar limit relates and the five hundred dollars is a limit, it's not a specific sum that has to be paid; one dollar could be paid, twenty dollars could be paid. This five hundred dollars is only a limit. Now I'm speaking in explanation and I will leave further debate for the Members, Sir.

MR. CHADDOCK EVANS: Mr. Chairman, I'm still not satisfied yet. This hinged around the safety of Government having to deal with hotels. Because if the license was suspended from a hotel operation as in the bar where business would be cut and they wouldn't be accepting five hundred dollars, and Government is not quite sure where there would be a justified case or a moderate case when presented with the hotel operation that would be suing for fifteen, twenty, twenty-five thousand dollars. And it's this that is trying to be used as a block, as a wedge the ordinary individual on the outside, a local person operating a bar, his own individual, he wouldn't get this five hundred dollars or any other part. So, I still stand firm that if this must stand it must apply to other circumstances as well, regardless of what capacity or what field or what business they do, because if one business can be hampered the other one can be hampered.

HON. JAMES N. BODDEN: Mr. Chairman, I'll be frank, Sir, I can't add anything more to this, so it's up to you whether you wish to call for a vote on it or not. I think we have discussed both sides of it. I did not draft the amendment, I did not draft the law, I'm only presenting it. If it had been a law that I really wanted to fight for I would have been on my feet fighting for it. So it's immaterial to me, Sir, only three I can say, I have explained everything the best I can. I see where this would be beneficial to Government in limiting liability because every person can make a mistake in his life. And if a mistake is made then compensation can be paid to that amount rather than having a long drawn out court fight that might involve you in out and in twenty-five to thirty thousand dollars, most of it being lawyers fees. I can't really visualize where anyone is going to get hurt very much out of this.

HON. JAMES M. BODDEN CONTINUING: I think what is happening and what has been the trouble ever since this Bill hit the floor yesterday was that really , tying this in with the liquor Bill more than treating this as the Music and Dancing Bill, Sir. So I can't add anything more to it, Sir.

MR. CHADDOCK EBANKS: Mr. Chairman, I don't know if I could add anything or ask anything more either than more or less what I've already done. Now I am still saying that if one licensee must be compensated for his loss of business then other licensees ought to be compensated too. And I could still sit here for the balance of the day and continue to ask the same question but I would not attempt that with due respect to the House, but I can't and I'm not going to. If it comes and there is a sum and it goes to court and Government can't produce the material to show it will then we'll have to find the money to pay this bills like as many other ones we paid that wasn't justified to be paid, not by the legality that was taken there through those that ought to take the licenses.

MR. CHAIRMAN: I think at this stage I'll put the question that clause 7 be amended as set out on the notice of amendment circulated to Members.

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED.

HON. ARNIM H. SCHOONN: Mr. Chairman, excuse me. Could it be explained properly what we are voting for or against? Are we voting that it will remain as in the original law here or what?

MR. CHAIRMAN: No, I said that the first question to which I have asked you to vote was that clause 7 be amended in the terms of this amendment and that has been carried by the House. The next question to that is, is 7 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 DO STAND PART OF THE BILL.

MR. GEORGE C. SMITH: Mr. Chairman, could we have a division on that?

HON. ARNIM H. SCHOONN: A division of course.

DIVISION

AYES

Hon. D.H. Foster
Hon. J.D. Hurwitz
Hon. W.G. Johnson
Hon. Truman M. Bodden
Hon. G. Haig Bodden
Hon. C.L. Finkenzeller
Hon. James M. Bodden
Mr. Ramston J. Smith
Mrs. Esther L. Ebanks.

9

NOES

Mr. Benjamin S. Ebanks
Mr. George C. Smith
Miss Annie H. Bodden
Mr. Chaddock Ebanks
Capt. Keith F. Tibbetts
Mr. John P. McLean

6

MR. CHAIRMAN: The results of the division as follows:- Ayes, nine voices. Noes, six voices. And therefore the clause as amended stands part of the Bill.

TITLE: CLAUSE 8. CONSIDERATION OF APPLICATIONS AND ISSUE OF LICENCES.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. SIGNATURE OF PERMITTED HOURS.

QUESTION PROPOSED:

HON. JAMES N. BODDEN: Mr. Chairman, I have an amendment there. "October" will have to be changed to "September" on the second line of clause 9.

MR. CHAIRMAN: I believe this alteration has already been made and the copy circulated to Members. Thank you.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. SIGNS.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. LICENSED PREMISES TO BE OPEN FOR INSPECTION.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. FEES.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. Penal.

QUESTION PROPOSED:

HON. JAMES N. BODDEN: Mr. Chairman, I have an amendment on 13 (b). Section 70 should be changed to section 17.

MR. CHAIRMAN: If there's no objection I'll make that typographical error corrected and put the question on clause 13.

QUESTION PUT: AGREED. CLAUSE 13 AS AMENDED PASSED.

CLERK: CLAUSE 14. REGULATIONS.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. REPEAL.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: THE SCHEDULE.

QUESTION PUT: AGREED. THE SCHEDULE PASSED.

CLERK: A LAW TO REPEAL AND REPLACE THE MUSIC AND DANCING LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes consideration of a Bill entitled The Music and Dancing (Control) Law and this might be a suitable time to suspend for fifteen minutes.

Proceedings are resumed in committee. We go on now to a Bill entitled The Traffic (Amendment) Law, 1977.

CLERK: CLAUSE 1. SHORT TITLE. CONSTRUCTION THEREOF.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CHAPTER 7. LAW 16 OF 1973 AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. LAW 6 OF 1976 REPEALED BY PART LAW 75 OF 1978.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE TAXATION ACT. NUMBER 16 OF 1973.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on the four Bills on the notice of the day. The Assembly will resume. Proceedings are resumed.

THE MINERALS VESTING (AMENDMENT) LAW 1977

REPORT RECEIVED

HON. G. HAIG BODDEN: Mr. President, I have to report that a Bill entitled The Minerals Vesting (Amendment) Law, 1977 was considered by a committee of the whole House and passed with one amendment. The amendment was the addition of the figures "1977" to the end of clause 1.

MR. CHAIRMAN: That will be accordingly set down for the third reading.

THIRD READING

CLERK: THE MINERALS VESTING (AMENDMENT) LAW, 1977.

HON. G. HAIG BODDEN: Mr. President, I move that a Bill entitled The Minerals Vesting (Amendment) Law, 1977 be given a third reading and passed.

HON. TRUMAN M. BODDEN: I second that, Mr. President.

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

THE REGISTERED LAND (AMENDMENT) LAW 1977.

REPORT RECEIVED

HON. H. HAIG BODDEN: Mr. President, I have to report that a Bill entitled The Registered Land (Amendment) Law, 1977 was considered by a committee of the whole House and passed with one amendment. That amendment was the addition of the figures "1977" on the outside cover. The title to clause 1 had the figures "1977" and that addition is only to the outside cover.

MR. CHAIRMAN: That will be accordingly set down for the third reading.

THIRD READING

CLERK: THE REGISTERED LAND (AMENDMENT) LAW, 1977.

HON. G. HAIG BODDEN: Mr. President, I move that a Bill entitled The Registered Land (Amendment) Law 1977 be given a third reading and passed.

HON. TRUMAN M. BODDEN: Mr. President, I second that.

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

THE MUSIC AND DANCING (CONTROL) BILL, 1977

REPORT THEREON

HON. JOSEPH N. ROSSAL: I have to report that the Bill entitled The Music and Dancing (Control) Law, 1977 was considered by a committee of the whole House and passed with the following amendments. On the front cover the addition of "1977". On the short title by the addition of "1977" at the end of the sentence. Section 2 (b), at the end of (b) by the addition of "for a charge". Of subsection (c), after the liquor licensing law the amendment "but does not include ensuphed premises". Section 7 has had an amendment which comes in after "The Liquor Licensing Courts Act 1964 and it reads as follows: "That the following may provided be added thereto, "Provided that where on licensed premises there has been committed offence contrary to this Law or to the Liquor Licensing Law leading to the conviction of the offender or where other good cause exists the Chairman within one month of such conviction or of his becoming aware of such cause may suspend the relevant license until the next session of the Board, and the Board at such session after hearing the licensee and any objections to the continuation of the license, may raise the suspension or revoke or refuse to renew the license, provided further that in the event of the Board raising any suspension, it may order the payment from public funds to the licensee concerned of a sum not exceeding five hundred dollars by way of full and final compensation for all loss suffered by reason of such suspension, and such order shall take effect accordingly and shall not be the subject of any appeal to or review by any court". Section 8 by the change of the word "October" to "September". Section 13 (b) by changing on the last line of (1) "section 12" to "section 11". Those are all of the amendments, Mr. President.

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

THIRD READING

CLERK: THE MUSIC AND DANCING (CONTROL) LAW 1977.

HON. JAMES M. SCOTT: Mr. President, I move that a Bill entitled The Music and Dancing (Control) Law, 1977 be given a third reading and passed.

HON. G. HALD HOLDER: I second .

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

THE TRAFFIC (AMENDMENT) LAW, 1977

REPORT THEREON

HON. CHARLES L. KIRKCONNELL: Mr. President, I have to report that a Bill entitled The Traffic (Amendment) Law, 1977 was considered by a committee of the whole House and passed without amendment.

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

THIRD READING

CLERK: THE TRAFFIC (AMENDMENT) LAW 1977.

HON. CHARLES L. KIRKCONNELL: Mr. President, I move that a Bill entitled The Traffic (Amendment) Law, 1977 be given a third reading and passed.

HON. TRUMAN M. ROSSAL: I second that, Mr. President.

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

MOTION ON TELEVISION IN THE CAYMAN ISLANDS

HON. D.B. MYLES: Mr. President, yesterday when I presented the paper on Television in the Cayman Islands I gave notice that I would be making a motion today, and I now make the formal motion, Sir, or I now formally move that the House resolve itself into a committee of the whole House to consider and debate the paper presented yesterday, Sir.

HON. V.G. JOHNSON: I second the motion, Sir.

MR. PRESIDENT: I think that before I put the question on this, the procedure that we're following is under Standing Order 19 which allows at any time after the presentation of a paper for the Member who has laid it on the table to move a motion such as has been moved now to move into committee to debate the paper. A debate can ensue simply on the motion which would be taken on the floor of the House. The House as a whole with the usual rules of debate, one Member speaking once only and the Member replying to a debate. But if this motion is agreed to the House resolves itself into committee. This paper, as I understand it is not one which the House would want me to run command clause by clause, paragraph by paragraph but the whole purpose of moving into committee is/allow a general free debate where Members can speak in committee more than once if they so wish. At the conclusion of the debate the Member would simply report that the committee had considered the paper and he is not seeking that the House should commit itself to any definite decision on the paper, and as I understand it from him the whole idea is to allow a general debate so that the public can also state their views on it at a later time and eventually the Government can evolve a policy. So it's open to Members if they wish to debate now they may do so, if on the contrary they would rather hold their fire until they get into committee we can simply take a vote on this motion and thereafter move into committee and hold the debate in committee. If other Members wish to start a debate before lunch, again there's a question for them. We might take a vote on the motion now and resume at two thirty in committee and hold the debate at that stage. Are there any comments before if we simply take a vote on the Chief Secretary's motion and resume at two thirty in committee and to have the debate in committee.

QUESTION PUT: AGREED. HOUSE IN COMMITTEE.

MR. PRESIDENT: I think this might be a suitable time to adjourn for lunch and we'll resume in committee at two thirty.

HOUSE SUSPENDED 1:04.
HOUSE RESUMED 2:30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Before luncheon recess we had taken a vote to move into committee of the whole House to consider the paper on television. The Assembly will now move into committee.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in committee.

HON. D.B. MYLES: Mr. Chairman, Standing Order 19 (2) says, "If a Motion under paragraph (1) is agreed upon, the House shall resolve itself into a committee. Debate in Committee may extend to all the details of the paper which shall be discussed paragraph by paragraph unless otherwise directed by the Presiding Officer". I'm going to suppose, Sir, that you decide otherwise and we do not discuss it paragraph by paragraph but extend the debate to aspects of television in other words what I'm angling to, that I want Members to be completely free to put their views forward. It might be plenty that I have left out of the paper and that somebody else might come up to. So I would ask that you don't be too rigid or stick into the paper at all. Give Members freedom to express their complete feelings on the paper.

Mr. Chairman, I'm not going to bother to repeat what I said yesterday, but I would like Members to voice their feelings on television in the Cayman Islands, bearing in mind several points, and these are main points

HON. U.R. FOSTER CONTINUING: 1. Who does it, if it's to be done? That is to say must it go out on franchise to a private company or must Government do it? If so, when? If Government is to do it we must request finances of its own, etc. I will be more than happy, Sir, for Members to be very frank and give us their true feelings and probably the feelings that they have ascertained from people from their constituency.

MR. CHAIRMAN: Unless Members would like me to rule otherwise I'm quite happy to take the honourable Chief Secretary's proposal that we don't go through the paper paragraph by paragraph because there are no recommendations on the paper, and that it's meant merely to stimulate debate and that Members should feel entirely free to speak on the subject, either on the contents of the paper or on what is outside the paper which deal with the subject. So if there are no discussions unless I'm quite happy to proceed with the debate in that way.

HON. G. MAIG BODDEN: Mr. Chairman, if I may add. Under 19 (1) it seems that "debate upon that motion shall be confined to the general principles there set forth", so it is quite in order to have the debate on the general principles. It's only in 19 (2) that it goes on to have debate paragraph by paragraph. So it would seem to me that in the committee stage we can debate the general principles of the paper without going into it paragraph by paragraph and we would still be within the Standing Order and.....

MR. CHAIRMAN: I think that the analogy is with the normal reading of a Bill that when the motion is proposed to move into committee debate on the general principles may ensue under 19 (1) then normally under 19 (2) if the paper contained recommendations that will be gone through paragraph by paragraph in the same way as we do in the committee stage of a Bill. But there is provision under 19 (3) to dispense with that procedure and simply debate the general principles. I think that is what Members have in mind. So we'll continue with the debate in that way.

MISS ANNIE R. BODDEN: Mr. Chairman, I feel that we should have television. Now I do not feel that we should be confined to just these topics, whatever the technical names may be or how it is, but I feel that the time has arrived when we should have television. And I personally, if I live long enough to see it established will see that I get one, that's sticking. But I feel, Sir, that it should be under some control of Government. Not that the Government should have the entire running of it as in the case of the Radio Cayman but that it should be controlled by Government in some way, shape or form that you cannot really have it outside of the limit of Government handling the situation. It is most necessary that we have some form of good entertainment whereby at least we can keep some of these youngsters off the road at night and it could be nothing in television that would displease them minds because as I understand television, you can switch off and on to the particular channels you need.

Well I'm not very mechanically inclined, Mr. Chairman, and on one trip to Miami, one of the very first that I made, I stayed overnight in the Miami International Airport Hotel, when I got there the television was turned on and I didn't know how to turn it off so it went on and on, I went to sleep and when I woke up the television was still going, so I had all night session of listening to television and I must say I enjoyed it. And I feel that it can help greatly, educationally and otherwise if we have television whereby we can get the proper channels brought in. Now lot of people say that it will dispose the youths, well, I disagree with that. They can be enlightened if the proper channels are turned on whereby they can have good uplifting music, they can have world news, sports, practically everything that's good for the welfare and uplift of the Cayman Islands.

MISS ANNIE R. BODDEN CONTINUING: It would, I feel be responsible to stop some of that running of children at night. If a family would get together with their children, turn on certain channels which would be uplifting to their general behaviour I'm very sure it could be of good effect. We hear some people complain that it will be a means of learning the children how to commit crime, they can't be any worse than the crimes are now and they have to go outside to go to some cinema where a television in the home and they have good parents who would not want their children to be exposed to anything that would corrupt them, I'm very sure there would be channels which would be an inspiration. And I personally endorse that as soon as possible we connect with the right people and have television in the Cayman Islands. I would not like to see any cheap, second rate show but the best that we can afford. But I do not feel that the Government should take it as one of their projects whereby they would be entitled to have to find all the money to install it, but that it should be left in the hands of Cayman, but under Government control. I feel, Sir that there can be no compromise whatsoever.

There are a lot of people, when criticizing our running the radio broadcast which I think is quite out of order. We have received the charge, where I'm very proud to hear Radio Cayman commercials. Some of the announcers themselves, they are really poor but their intent, they're just not made to do the job they're doing, but I guess they will learn in due course. Nevertheless it is certainly a credit to this small little island with its limited amount of people, with limited resources, that our children are so high that we are not on top the most everything, and television, I feel would greatly endanger our way of living and I personally support it.

MR. MILTON H. HARRIS: Mr. Chairman, I feel it's ample time that Cayman had T.V. In fact but I can't support the idea of cable T.V. because to me it's an expensive thing and to be limited to who can handle it. The income in here I don't think will be able to get it, so what I feel is that Government itself shouldn't have T.V. as a project, I feel that a franchise to any company that want to come in here and install a T.V., give it to them, to accept the best offer from any companies like that. I've seen T.V.'s before, changed T.V.'s and I can't see where harm can come to children by it because as I said you can select your programmes, whether it's educational, spiritual or what. It'll be a case of parents having their children in the home with them so as to be keeping them off the streets and as for spots on crime or dope or anything else, they get that here anyway, they can go to the cinema and see all these bad things. So I am voting for cable T.V. and I would like to see it in here by a company to handle it itself. If Government can show a lot concerning the programmes it would be alright. Also, again with the cable T.V., I think if you take that the programmes that we'll get from there will be very poor programmes, further more the franchise company will get all cable T.V. will have the privilege of giving us what programmes they feel like and that won't be suitable. So with that I say thank you, and that's my vote on it.

HON. TRUMAN M. BODDEN: Mr. Chairman, with your permission I believe under the Standing Orders I can stand, I find it a bit difficult to speak while sitting down and with your indulgence, Sir.

MR. CHAIRMAN: As long as it's not to be used as a precedent for other Members.

HON. TRUMAN M. BODDEN: Sorry.

MR. CHAIRMAN: As long as it's not to be used as a precedent for other Members.

HON. TRUMAN M. BODDEN: I would hope not, Sir.

HON. TRUMAN M. HODGES: This question has come up a time when the public have been made aware of it in another manner. The subject is one which I believe should be decided by the public and naturally through its representatives and I commend the Chief Secretary in taking the very democratic approach which he took to bring this to the House to have it debated here to give the public a right to look at it and to decide precisely what they want.

I intended to speak just briefly on the advantages, the disadvantages and the ecology with which aspect of similar communications and to deal, if possible with one or two points which the Chief Secretary has raised.

One of the important things that we will ultimately have to ask will be feasibility study, both from a market and an economic point of view on this matter. I know that the Chief Secretary has quoted that cable companies have gone bankrupt over this, but I think we live in a world where countries are going bankrupt and I do not believe that that is a good guide line to take as a generality. I believe that there are advantages to bringing in television and I personally, and I would not say that this is in any way overriding my duty to my electorate. I personally feel that the time has come for us to look at this, and if the public wants it to introduce it. However, the decision is the public's and I will be going back to them on this matter. One of the advantages I believe will be that it will undoubtedly keep children and juveniles, as the Lady Member for Bourse Vale has mentioned, it will keep them within the house and it will probably cut down some of the evils which now exists through exposure outside of the home, and it probably may well keep numbers at home as well. It has with it if properly controlled, an educational value and if there are sufficient channels and this can be used then I believe that from my own, if you may wish to say official point of view, this could well be utilized within the schools.

Some of the disadvantages have been stated by the Chief Secretary and it includes like everything else that we have in this society, the possibility of becoming quasi addicted to it and it could well mean to the older land some deterioration in the mental air or the social atmosphere within the home. However, I saw a very interesting quotation, it was made by Samuel Johnson back in '58, and it said "Why should people go out and pay money to see films when they can stay at home and see television for nothing", well that doesn't exist here because the U.K. had television for nothing perhaps then. But I believe that that choice should be given and what is most critical with the introduction of television is to ensure that quality or the company or the person who brings this in, and I would like to envisage this to be operated otherwise as more as a private enterprise. That's very vital is that whoever is in the position to carry this project out is the type of person which in the interest of this society would enhance this society by its management of the venture. Now many of moments as we go / while I have taken, what I believe the Chief Secretary has, taken a very democratic approach and we have really come out to discuss this matter. I noticed that already we have had a press release in which someone else has made up his mind as to what the public wants, this I think is one of the reasons why we have to look very carefully at the entity which deals with this whether it is private, public or quasi public.

It's stated very categorically that the company in the Compact, the president or whatever he is, that he is convinced that Cayman is ready and eager for television and they are hoping to meet that in a responsible way.

The legislation covering this is opaque, but I'm very happy to see that the Governor of the Protection Board has made it abundantly clear that the statement which was made that the way had been cleared for cable television in Grand Cayman was not true.

HON. TRUMAN M. PODGER CONTINUING: Another aspect of this which I think we must look at is the fact that it is sometimes good to see the practice that is practised. And with this, Mr. President, I'm dealing loosely with the advantages and the disadvantages of the type of entity which should control this type of media. The following point has arisen that Mr. Gibbs of Wilson Hedderwick, also president of Transmission Radio Systems Limited refused to explain the apparent discrepancies between Mr. Bostock's statement and the Hansard transcript." We have to manage this service, and this important a media a they responsible entity, and we have to be very careful that this does not go into the hands of someone who could perhaps make this representation without explanation. Now, I believe that within every society there have to be a certain amount of controls and the basic guide lines for this was laid down in the European convention on human rights. Once we live within that, and I believe that legislation should be brought to this House at the most suitable to ensure that persons who have a way of using a lack of legislation or, I would say lack of in legislation do not swallow some one else upon us that which we do not want. I feel further that Government should within that legislation perhaps look at legislation in other countries which provide the same as the Radio Law has now provided that that control could for instance in the event of an emergency be exercised by Government in the national interest of those islands.

I do not believe that the Aggression Prevention Law , The Trade and Business Licensing Law and the Local Companies Control Law, / it's built in automatic safety, forgy provisions which allow an automatic granting of a license should be allowed to have the sole control over this. Mr. Chairman, any weapon is a very powerful weapon for any society and if it is in the wrong hands it can be a very destructive one. It's been used in every country where there has been, at least within the most recent, / the history of problems, it stems has been either a lack of control or a lack of responsibility in the hands of those who disseminate information to the public. So what I'm asking this Honourable House is to look very carefully at this matter, it is a very serious one, and it is one which needs to be in the hands of extremely responsible people and it must be subject to a certain amount of governmental control.

Now linked in with this is a similar type of machinery within our society at present, the cinema, and I believe that except for the form of dissemination, at least in relation to films then they are similar and should naturally be treated with the same cautious approach. We do have a Cinematograph Board and so far I do not believe, or at least it would not appear that they are unhappy with the present position with the cinema, at least there has been nothing to that effect and it may well be a good time, Mr. Chairman, in the next legislative Session to, as far as possible, have a look at these jointly.

As far as the radio goes I believe it fills an important part in our society and it will always fill a part which neither the press in the form that must not be a written media nor the television or any other, apart of media can fill. It goes into the homes of people in a very, very simple and a very effective form. However, I believe that to follow the course of writing, until the Radio is a completely viable proposition is not to place on it and on its personnel the responsibility which they must at present carry and inevitably carry, that is to make it a viable proposition despite the fact that it is in a competitive market.

This House, I am sure realises that at present for cable television licenses to be granted, it must go through a process within the Radio Law and it also appears within the cinema law depending on the type of interpretation given to it. So, I believe that the public's fear which has been expressed to me, and I know to other Members that sometimes may have a long hair or a lack of legislation to gain an advantage and to gain control of this very important part of the society is not unusual it raises very serious presumptuous which

HON. JOHN M. WOODS CONTINUING: the Members themselves have not felt that they were in a position to pronounce, and I believe that it goes very far towards one of the ingredients of what may or may not be an advantage to have in the person who runs such a company.

Mr. Chairman, as I mentioned earlier I personally would be in favour subject to going deeply into this matter from all aspects including the necessary legislation and the necessary controls and of permanent importance subject to my constituency and the people of these Islands directly or in representing me that I take this course as their representative, then I would be very happy to see television in these Islands. However, I would not and I give this undertaking, I will not see any shortening of the parliamentary movement through loop holes, any movement through a lack of legislation forcing something on my people which they either do not want or in this case have really not had a chance to make up their minds. If it is necessary to bring that legislation in, then I believe that this Honourable House will see fit to ensure that the rights of our people are dealt with democratically, presumptively, and that they will be protected, and that if they wish to have this within the Islands then we will make sure that what they get is what they want and not what someone else considers good for them. I thank you, Sir.

HON. V. GAIN HOWARD: Mr. Chairman, I beg your permission to stand. I remember three years ago when I attended a conference in Sri Lanka, in a committee meeting when it came my turn to speak I stood up and begged the indulgence of the Chair and was allowed to make my speech on my feet, and all the other speakers after me got up and spoke, because I told the Chairman that I would no more make a speech sitting down than I would / [illegible] standing up.

The subject before us that of television is by its very nature bound to bring some controversy on this television, like other forms of mass media can only thrive on giving pleasure / [illegible] to the abnormal, to the colourful, to the interesting and to the entertaining aspects of any subject. And anything that does not involve physical motion or conflict is not a subject for television nor radio, nor newspaper, nor magazine because people will only buy these things if they find in them something that captures their imagination. Younger people tend to favour television and it has been said that as soon as all the older people are dead and all the younger people have taken over television throughout the world will be inevitably accepted and this is perhaps because human nature is such that it does not readily accept change. Nevertheless there can be no progress unless there is change. It is a fact that when parliament started in Westminster hundreds of years ago there were many objections to strangers taking notes within the chamber, after many decades of fighting this was overcome and the parties were allowed in. For many years, even in this Island we were against having taped sessions of parliament, now that is an accepted way of life here. For countless years parliaments fought against radio broadcasts of live debates in parliament, question time and of speeches, and yet very recently on our radio we were able to join live and from this chamber reports of both the throne and the budget speech. And on the evening when those speeches were carried by Radio Cayman the radio station endeared itself to the hearts of the public, because there were hundreds of people in these Islands that had never heard the speech from the throne nor the speech from the Financial Secretary, yet they have heard it through the wonderful media of the radio. And television is but yet another advance in the field of communications. And today some parliaments do television some of their proceedings. New Zealand, Australia and even some parts of the proceedings from Westminster are carried on television. So day by day the electronic media are entering into many areas of life, areas that were taboo in bygone days and more and more man himself is coming to rely upon television and radio and the other fast developing electronic media.

HON. G. MALCOLM DOUGLAS CONTINUING: Television and radio are means of informing the public of political events, cultural exchange, whatever type of event. It has been found particularly in the United that people believe what they see and hear on television far more than they believe what they see in print; this does not mean that the authenticity of the television report is any better than that of the printed page, but the fact is that newspapers and magazines have been around a long time and people know just when they can't they know that some of these will not print the truth, some of them cannot print it and the few that do print it are so small that many few people believe it. But they do believe what they see and hear by way of radio and television. And it has happened so that many people have budgeted their time so that they can spend many hours before a television set to watch their favourite ball game or to hear the news or to listen to their favourite politicians or may be even to hear Dr. Billy Graham or one of the other preachers. People have come to budget their time so that they can spend some minutes of each day before the television screen. There are perhaps those people who spend too much time before the television set, but those people wouldn't be doing anything worthwhile anyway, if they weren't before the television set they would be out making trouble for someone and making trouble in addition. So we need not bother about that small percentage of persons who would allow their children to sit before the television screen rather than going to school or those people who would sit there all day rather than going into work; we need not worry about them because if there was no television they would be a nuisance to the public anyhow. So it's my feeling that nothing can be gained by trying to ignore the advances that have been made in electronic communications.

I do not spend a lot of time before the radio, I listen to the news and that is about it. But there are some people that have more time and can afford to listen to the radio, and if they had television would probably have more time and they should be given an opportunity to spend their time if they want to that way. We, in these islands have accepted every form of improvement that has come from the electronic age. We take radio as a way of life, we take the taping of those sessions, we take the assemblies, we take the dictaphones we use in the offices and we are quite happy with all that the world of electronics has provided for the enjoyment and for the facility of mankind. Television, at one time was thought to be the ultimate in electronic communications, but even television today is being outmoded. So we need not worry too much about accepting television here because we can be certain that in another ten years there will be many electronic devices that will make television antiquated and out of date. During the last two or five years television has become the most powerful and influential means of communication. In countries like Canada and the United States television actually monopolizes the leisure time in many homes and in a few homes probably monopolizes even what should be the working hour. But it is all a matter of degree with which the householder controls the sets within his household. So I would say that it is in principle desirable to have television. There's an old chinese proverb that says "one picture is worth a thousand words" and in a study done not too long ago by educational authorities in the United States, they came up with the finding that they did not know why children learn but they do know that they learn from television and today it is playing a big part in the schools and in seminars. And I believe that thousands of years ago when it was said by the greatest man that ever lived "the gospel should be preached in every corner of the earth", I believe it was meant that it would reach every corner of the earth by electronic media. In many of the jungle areas in the large mohammedan people daily tune in to radio broadcast in which they hear the gospels, these people would never have that opportunity if it were not for radio and television.

HON. G. HAIG PODDEN CONTINUING: Now it is my belief and I agree fully with the Chief Secretary when he said when T.V. is permitted it should be radiated to be within reach of my viewer. If we are going to allow any form of television I would think it should be done in such a manner that anyone who could afford to buy a television set would be able to see a programme, and I would never like to see one other type of television where a person would have to fork out three or four dollars to watch a programme. Not too long ago I stayed in one of the largest hotels in the United States, an eighteen room million hotel, and every room in that hotel was equipped with a television cassette set and you could see one or two new movies, all you had to do was switch them on between dollars and forty cents and you could get a programme which you could turn off and on as you so fit. Now that might be alright for somebody going on a holiday but it wouldn't be a good thing in my opinion in a country like Cayman to have such a television set in your house where every time you switch before it you would have to deposit possibly five to ten dollars and this would perhaps only be possible for people like Hon. S. If we are going to consider television it should be the same type of television as we have radio in Radio Cayman, that anybody who can afford to buy a transistor radio or anybody who can afford to buy an I.C.A. television receiver set could switch it on free of cost and view it at leisure. So, Mr. Chairman I am glad that the Chief Secretary has brought this question out in the open. We are not asked today to make a vote upon this subject but I have no hesitation in saying that if I were asked to make a vote I would vote for television. Television has its bad aspects, it is true you can have programmes of crime and violence, you can have programmes that are obscene. I have never seen any such programmes on television, of course my knowledge is limited, but I would tell you I have been right in this Island films of the cinema and other movie places that are far worse than anything received on television. So we would be nothing but hypocritical if we said that television would hurt the morals of our young people. It cannot in any way degrade more than existing media we now enjoy. It can be argued that television will take up the young people's time but there haven't been too many accidents where young people have died sitting before a television set but for lack of something to do in the home, they roam the streets, they get into bad company. So it is my opinion that the good in television far outweighs the bad. The hours in television can be controlled to a certain extent, because television would mostly be in the home and if any parent felt like it was a responsible act to ban a television set that parent need not buy it and if any parent felt that the television should not be played on Sunday they need not turn it on. They would have something that they would have some measure of control. The good aspect of television is, that particularly for young children they learn to read at an early age, they learn to read fluently they learn to read politely and we could certainly do with some of that here. Older children receive education, and I must say although I'm getting almost too old to learn I seldom go abroad but what I learn something new from watching a good programme on television. Then we have here the matter of our old people, people who are shut in the house, people who have nobody to visit them, people who are not able to go out to church, people who are not able to go out to public functions and they could have these things brought right in to their drawing rooms as if they were invalids, right on to their bedrooms.

There is really no proof that television has caused any decay in morality because in countries where there is no television the morals are just as bad if not worse than they are here. What has happened is that one of the signs of the times is being fulfilled and that perhaps the moral fabric of society is decaying but it hasn't decayed from television sets, it has decayed from within the heart of man. So there can be no argument against television in that it helps to destroy the morals. I certainly would like to see it come here. We also are catering to the tourist trade and as long as we do so we should try to provide some of the amenities which they wish. You may have some tourist that will say, well, we come here to get away from television.

MR. G. ALLEN MOUNT (CONTINUED): but certainly if something is going on in their country like the impeachment of former President Nixon or the inauguration of Jimmy Carter, these people want to see it, and they want to know what is happening outside and we do not really gain anything by saying that television is bad when we know full well there's no more bad on television than there is on some of the other things which we use and which we tolerate in our society. And so I am personally for television and I hope that if it does come to the Island I will be in a position to purchase a set.

MR. CHAIRMAN SPEAKER: Mr. Chairman, I'd like to make a few brief comments on this. When something is not growing it will surely die. I think I have acquired a few things and changes in my life, I think I've seen a lot of households and their growing stages, they crop and die. But for the first time, a few weeks ago I saw a household on a piece of a household and the blossom growing together. I don't know which one was the last why they decided to drop, but nevertheless we had one put out on a lawn and I took note of it but it finally /[illegible] it didn't matter. In a growing age like we're living in we would expect changes and development, changes of life or way of life.

A few years ago Government had what it called a Development Committee and out of that there was a Sub Development Committee, that when applications came to Government or whatever it might be the subcommittee would study it and make recommendations to the full committee. Then at that time there/were a number of applications coming into Government about T.V., so was radio, and a number of the applicants of T.V. particularly, emband on their application "we would like to have the franchise, we would like to have the concessions, we would like to have the first opportunity but we feel that the time is not right for it." Whether this would be considered the right time or not, I'm not here to say one either.

In a growing country with its development and like any of life these things will find its way in, it's a part of life. We're supposed to have on our station hours no gambling will be allowed, it will come one of these days, it may not be in my days but it'll come, and on and on we go.

Mr. Chairman, I wouldn't attempt to say at this time what benefits would derive from it or what bad would derive from a T.V. Most anything when it's built with, misused and used as might to be, it's very little room to find the evils that would derive. So too an automobile then can be and should be used for the betterment in any manner that it could be used and yet it's used as a weapon of slaughter, not only in our roads, roads all over the world. Then you could ask the question, should we have people driving an automobile? Well if we're a free country everyone should have rights and privileges.

On the outside and as well as the few speakers that have spoken it has been mentioned of bringing family, I would say, relationship and the closer being used as a better control of homes and children. The educational programmes that will be seen, I could agree with of this will be good, if it was the case. But, Mr. Chairman, I'm going to say here without any fear or favour of contradiction in my thinking that this will serve but a very little use in that field, because the parents that can't control him or her nine and ten year old boy and girl from roaming the streets today at late hours in the night they won't be able to control a T.V. in the home to prevent the boy or girl from seeing the type of film or show that they would want to see, and I cannot see where very much of this as I've said the homes will benefit so greatly from it.

MR. CHAIRMAN BEAMES CONTINUING: Well if you capture one child out of five I suppose it is worth something, but all I am saying is that if parents can't control their children today not doing just what they do, causing home to go out and then get into these troubles then I can't see very much chance of them controlling a T.V. in the home. If it was controlled to the extent that it ought to be controlled it ought to be a good blessing to a home, educationally yes, seeing a bit of educational programmes and such as that, it would be good and as one speaker said the elderly people may unable to get out, yes, they could see some things and hear some things themselves, it would be good. But is it the proper time? It's somewhat one of the questions apposent of this, and the second question, as to whether then it should be Government or a private enterprise?

As I said a moment ago there has been a number of applications to this Government from time to time and personally to the section I here the Government last gave consideration to the possibility of introducing television to the Cayman Islands in 1975, whether that was another private applicant or not I'm not sure. When at the same time Gentry being a member of the sub-Development committee Government was then studying the possibility of a radio station to whether it should be a private enterprise or a Government enterprise. And at that particular stage Government had given the C.E. for the Bermuda Broadcasting Station, the right to set up a broadcasting station in the Cayman Islands, but they seemed to drag it out on limited time, simply I believe because they felt it wasn't the right time, but they wanted the first opportunity and that was why they were delaying it. Anyway Government took the steps and put it on the table with it, either come forward or we will take over, Government continued on from there. It was decided during those days of going into the feasibility of a radio station whether T.V. should be tied to it or not, this advice was sought and I could remember on the day that the Chief Secretary then that was resigned contacted me out from in town and he said I've been running around town trying to find you because we have got the approval in principal that T.V. should be tied with a broadcasting station, you being a Member we would like to know whether you agree or disagree, I said if that be the case all others have agreed well then if it's one let it be two. Well we heard no more about the T.V., I didn't bother. I am thankful to get the radio station and at this stage with what faces Government as a necessity I don't see where Government would attempt to think about launching out on a T.V. station, whether it could be built in at this stage into the radio station or not, it would still be somewhat costly, whether Government would give consideration to a private firm or applicant. And I feel that whatever Government might attempt to do along either line it ought to take into consideration, that the public ought to be receiving or getting the best of what might be developed and not out for service and not just a part of the way something like we understand into the cable and the oceanic and what not business. If it's not a channel system that one could switch from station to station or from channel to channel, then to satisfy their desire I don't think that Government should think about giving it any consideration.

We have entered into some franchise with other investors, developers in this country and before I would be any part of approving any application as granting some concession to an applicant for franchise it is going to be a much different franchise than what most of the others are. Now twenty years and you can't do anything about it, so far as I'm concerned such a franchise as this would be much shorter than that. And stipulations made where Government could be able to control and do something about the operation of it and whatever might appear an dissatisfaction.

As it's been rightly said by some members you couldn't see probably anything worse or wouldn't see anything worse on a T.V. than one is seeing from time to time in the cinemas.

MR. CRADDOCK EVANS CONTINUED: Then, to me there's a break down in Government, in parents for/ allowing youths their immature to be allowed to gamble and hang around in the places like this and for Government to allow such filthy material of determination of destruction by youth to be shown at an expensive cost to parents because parents / to find the money for them to get a ticket to get in. Government can restrict the importation of guns, it can restrict the importation of dynamite, it can restrict the importation of anything it wants to restrict and yet Government is saying unfortunately we can't restrict X films or Z films or Y films or anything you want to call them from coming in and being put on, it's a shame, it's a reproach, that's why our island is deteriorating that's why the morals are being destroyed, that's why the youths are failing in school. It's our concern what jobs/ the school leavers are going to be able to go in, the most of them are not being able to qualify for jobs, that's why they won't get any jobs to go in, too much of this same motion pictures/ on the schools. I think a majority of students that are in the High School are reading more obscene than they do educational books, the books that they ought to be studying. I am too much of it everyday and if parents buy and allow these children to stay in shows in homes and take them to school with them and teachers allow them in school, then where else do we get off but in the slums or in the gutter. We talk about our youths of tomorrow, things have to change.

Mr. Chairman, you and I don't know if this is the time that consideration should be given to television. If the people say they want television and Government's prepared to supply this or give the opportunity to a private enterprise and if the people say so then the points must be heard. At this stage it is only a given feeling expressed from Members and I would like to say a few words, and if it's not closed out when I come in in the morning I will further make a few other remarks in connection with it, as I see it the good and the evil. As I said if it could be controlled as being stressed in the home as in a benefit it would be a wonderful thing yes, but if children are telling the parents what they must do not what the parents tell the child to do then it is not much control to be obtained from it. So with these few remarks, Mr. Chairman, I will close my debate on it, as I've said until tomorrow if I get the opportunity I will say a few more words. I thank you.

HON. CHARLES I. KING-MCKENZIE: Mr. Chairman, the submission that we have before us today was done in 1975, this was an opinion two years ago and I would like to see an up to date feasibility study done on this again and to determine what is best for the people and what they can afford and what they cannot afford. At this moment Government is weighing the expense of putting in television is out of the question, on the other hand the public sector, if given a franchise we will have to exercise every control to ensure that our people are given programmes which are educational and uplifting, otherwise we may have a reputation of what we now have in many of the movie houses.

The effect that radio or television would have on our radio station. I feel, Sir, that this is of minor importance, by this I mean that we are talking about two different things, television is one media and radio is another. I do not feel that the effects of television would injure the income of radio to that extent. I know, Sir, from personal experience that television helps to broaden one's mind, it helps us or if we get television or the people who have such television it helps them to understand the nature, the culture and the way other people live and what they do, how they think and so forth. This is a great advantage which radio cannot communicate to the people. I don't think, Sir, that it's a matter of what the people want, as I said before I think it is what can the people afford, and it is not a matter of economics but it is a matter of giving our people and leading them in the right way.

HON. CHARLES L. MCCONNELL CONTINUING: I think an educational programme would be more beneficial to our people and I believe along these lines we could think. There are many people interested in putting in television here and I think that we could at this stage have another study and have another look at this subject and then publish the facts so that the people would have an idea of what to expect and an opportunity to accept or reject it.

I believe, Sir, that in Government granting a franchise which is the only way as the moment I see that television is possible, that we would have to embed in that franchise strict government control of the programme content otherwise the private sector their one objective is monetary gain. I think, Sir, that our problems here, particularly over the week/end, remain that if our people, our youngsters had television they would not be out on the streets, they were too young in the case of Cayman Brac, the boys were too young to go into the hotel in the town and in for example Lapwing, but had they had television in their homes no doubt these boys may have been alive today. And as has been mentioned before there are many benefits and there are many people today in our community who we do not really realize are ill here isolated from the rest of the world and television, if brought to Cayman, that is proper television would and would mean a great benefit to our people as a whole. My views are, Sir, that we should get an updated report of feasibility study on television what is available to us now, whether it is cable T.V. or whether it is broadcast television and let us evaluate it and feed this information to the public, get their reactions and make a decision. Thank you, Sir.

MR. GIBSON J. SMITH: Mr. Chairman, much has been said here this evening concerning the introduction of T.V. in the Cayman Islands. While I am one hundred percent in support of the introduction of T.V. in the Cayman Islands I do not support any and every kind of T.V. into the Cayman Islands. We must have a kind of T.V. that everyone can have a chance to pay one if he or she desires to have one. I personally would suggest channel television.

I agree with the other Members that T.V. could be an asset for this Island. Sometimes would say there will be programmes that will not be nice for our youngsters to look at, but, Sir, we are responsible parents and we should be able to control our homes and our children.

I do not know, Sir, whether this is something Government should undertake. If this venture should be given out to the private sector I feel, Sir, that Government should have some sort of control on it. I feel, Sir, that every effort should be made to encourage T.V. into the Cayman Islands. I thank you very much, Sir.

MR. JOHN D. MILLER: Mr. Chairman, I feel television introduction to the Cayman Islands will be a great benefit to both youth and elders of the Islands. I for one am very much in favour of television and as the Lady Member mentioned concerning her trip to Miami I found myself in a similar position with exception that I am weary of how I have to turn it off. However, I feel if the right type of television is introduced in the Island, not the commercial but as I feel it will help both educational/cultural recreation to children. It will broaden their minds and help them to progress in school, and I do think, Sir, that this is one of the problems why our young people harbour around bars and clubs, dance halls, but the mere fact that there is not enough for them to do in these dilimma.

Some people may say that T.V. damages a society. Kids may turn on to channels which produces shooting, fighting which show means of hatred, but this is beside the point because these things are already in our midst and I think this will be a good means of furthering them from them.

MR. JOHN S. MCLEAN CONTINUING: However, I for one would like the views of the public and although I am very much in favour I would like very much to have from the people whom I represent. I thank you, Sir.

CAPT. KEITH F. TIBBETTS: Mr. Chairman, T.V. is the question we have before us today, and I realize I know very little about it. I've seen it.

It has been referred in the minutes from the Chief Secretary of cable T.V. coming into these Islands, that is one thing I would like to really know what is meant by cable T.V., I don't know. Nevertheless I am in full agreement as the elected Member for Cayman Brac and Little Cayman about a feasibility survey being made of whether we can bring T.V. into the Cayman Islands, but I am not in favour of the Government coming and operating a T.V. station. I am one that opposes Government getting involved in the private enterprise, but with the same token I hope that T.V. never comes into the Cayman Islands if it cannot be controlled by Government. My feelings are if we give franchise to a private company to handle T.V. in these Islands it should be under very heavy control.

I have heard a lot mentioned in this same chamber about what goes on in the picture houses here. I'm not criticising anyone about censoring the pictures, I've read a lot in the papers, I'm not here to say what takes place, I haven't seen them. But I feel for T.V. to be the benefit it should be in the Cayman Islands for educational purposes and for keeping people together, letting them stay at home rather than running the streets or roaming around, as the Member of East End rightly said a while ago young people have to get something to interest them; that's why they go around to these bars and hotels and dance clubs and what have you not. If they had T.V. they could probably stay at home and watch that and get the same amount of thrill and enjoyment they would do of going around and watch people actually dance. But for that T.V. to come into these Islands it must be controlled by Government. I would like to suggest that a Board of control be made up namely, wholly and solely of Caymanian parents, that they or we are the ones that / like to gain and always like to lose if it is not controlled properly. Whether that may be selfish but I want to make it clear if there is a franchise to anyone or to the Government it must be capable of assuring Cayman Brac and Little Cayman as the case does. Number three I feel like we would be taking a retrograde step if we allowed T.V. to come into these Islands and advertise alcoholic drinks. I feel like we have too much emphasis put on advertising alcohol in our papers today, if you pick up the Caymanian Compass on the front page on nearly one of them up in all four corners alcohol is being advertised. I know we have a free press, I'm not against it but I'm saying that the emphasis should not be put on alcohol, that I don't think has any good to be gained for our young people of these Islands. So in closing I'd like to repeat that I before granting or giving my consent I would like to see a feasibility study made, know what it would cost, know what cable television means or whether it can be operated from some of the satellites that are stationed around the world to show T.V., then we can come back to this same house and decide just how we should go about it, whether it should be by private enterprise or the Government should get involved which I oppose and then we can lay the rules down of what should be done and how it should be done. Thank you, Sir.

MRS. ESTHER L. EBANKS: Mr. Chairman, I would like to say but very few words on television. While I'm all in favour of television I must admit I do not know too much about it technically, but I do feel that television in our Island could help with the young people, with the older folks that stay at home, those that are bedridden and what not. It could entertain them and help them to know what is going on in our Island and in the real world.

MRS. ESTHER L. RHODES CONTINUED: ...just recently sitting in the room and listening to a case there where two young boys on a Saturday evening were out looking for something to do and you know before the court because they were thought to have broken in to some place. I sat there and wondered if these boys had television where they could sit at home and perhaps watch the game that they said they had gone there to look at. If they could sit at home and watch this on television would they have gotten into this problem?

I think the time has come when Government must seriously look into things that will help the youth of our Islands and I do find that television is a means of keeping the young people off the streets. I am not saying that everything they see on television will benefit them, but parents must control and will know control of this television and if they know that something is going to come over this television that they do not want their teenager to see then they should be able to control it and switch it off. But I walk around and I see the teenagers, the children for sixpence, in the drive-in theatre where naked movies are being shown and the parents have no control over this it seems to me, but if something is in their home it would give them a little more control.

In saying this I greatly support television because I deal with children in trouble in Miami and the things a seven year old child, educational things that is, can sit down and tell you we find our children a bit backward. They don't know that certain things are going on in the world around them. These children are more aware of it and it does help in some cases. And I for one should not like to see Government take this on but would like to see a private enterprise being given the permission to go ahead and get the television with Government controlling it to a certain extent. I thank you, Sir.

MR. CHAIRMAN: The time has come I'm afraid to interrupt proceedings, it's four thirty. And that under Standing Orders the House must rise until tomorrow's sitting. So the assembly will now resume.

Proceedings are resumed.

ADJOURNMENT

MOVED BY HON. D.H. POSTE

SECONDED BY HON. V.C. JOHNSON

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 4:30 P.M. UNTIL 10:00 A.M. ON THURSDAY MORNING.

MINUTES

SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 20TH MAY, 1977 AT 10:00 A.M.

PRESENT WERE:-

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

GOVERNMENT MEMBERS

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

ELECTED MEMBERS

MR. BALMAIN H. 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. KATHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE M. BODDEN, OBE.	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 SISTER ISLANDS
MR. HADDOCK EBANKS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN H. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

FRIDAY, 20TH MAY, 1977

1. CONTINUATION OF THE DEBATE ON VOLKVISION.

2. GOVERNMENT BUSINESS:

BILLS:

(a) THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1977 - SECOND READING & COMMITTEE THEREON.

(b) THE CARIBBEAN METEOROLOGICAL ORGANISATION LAW, 1977 - SECOND READING AND COMMITTEE THEREON.

MOTION:

DRAFT DEVELOPMENT PLAN AND ANNEXURE TO BE REFERRED TO SELECT COMMITTEE - TO BE MOVED BY THE HONOURABLE C. HALIG BINDING.

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FRIDAY, 20th May, 1977

10 a.m.

MR.PRESIDENT: Prayers are resumed.

When we adjourned last night we were in committee debating the subject of television so the House will resolve again into committee to continue the debate.

HOUSE IN COMMITTEE.

DEBATE CONTINUED ON TELEVISION IN THE CAYMAN ISLANDS.

HON.V.G.JOHNSON: Mr.Chairman, I too would like to make a small contribution to this debate on the question of television. The paper which was produced by the Honourable First Official Member sets out quite well the position as seen by this Government. I think he also stated the position which was seen by the Government as far back as three years ago. The debate which has ensued at this sitting so far on the subject has been very interesting. It has given a cross-section view of people. One thing that I noticed about the debate is that it is pointing in one direction. In other words, everybody is supporting television. I suppose that is natural however, in common I would say that I, too, would support television, however, there are many implications and these are some of the things which we need to examine.

Mr.Chairman, matters arise from time to time which are considered of national importance and I could mention a few such as constitutional advances, the introduction of a runaway, establishment of a national airline, the introduction of sound broadcasting or a radio station, and I would say that these important subjects do require the views of the people expressed through their political representatives. Well, television falls in the same category, I would say, because it is considered of national importance, considered so because of the varied opinion which it carries at times.

Many people accept it as a form of entertainment in the home. There are others who consider that it is not a very acceptable form of entertainment because it, perhaps, has adverse influence on the social atmosphere in the home. Well, personally, Mr.Chairman, I do not think that television has any adverse influence on the morals, no more than one would find in a moving picture or in a theatre. I think to the contrary, television could be better controlled in the home, or in many homes.

Television is also hailed as one of the acceptable media for education. It helps especially children to read and to speak which is one of the disadvantages I have personally found with local children, to any children who come from a country where television operates. I think other members have expressed the same views during this debate.

Mr.Chairman, regardless of one's thought on the subject, regardless of what we may think individually of television, I think it is a service or a form of entertainment which would be desired by one and all. And this is true. We can see the results from every country in the world that can afford an immediate television that have done so. I think there are very few countries today who could afford to introduce television that has not done so.

Mr.Chairman, I think if the people of these Islands want television, and I think if the country can afford it, that there is no reason to deprive the country of a system. I think what we should aim to examine carefully is first, the system of television which is introduced. The most expensive television is the live television broadcasting which I personally do not see coming to these Islands - it would

HON. V.O. JOHNSON (CONTINUING) be very expensive. What is being talked about now, that is, a closed circuit television or wired television, is, in my opinion, not an acceptable form of television either, because this is a system which can only be used by people who can afford it. I think what the country should aim to achieve is a system which can be used by one and all and at the same price. Anyone who can buy a television set, cheap, medium priced, or expensive, can turn it on and enjoy television.

There must be a price paid for this and this is something, too, that the people must be prepared for. There is no service which is introduced today that does not carry a price with it and if we advocate television, then we must also be prepared to pay for the service.

The next question I would pose, Mr. Chairman, is who should introduce television? Should it be Government or should it be private developers? When the question of sound broadcasting was up, that is, the radio station, there were a number of interested private firms and individuals approaching Government on this subject, some said that they could establish a radio station for as cheap as $30,000, some $40,000, others said that they would buy the equipment for $ 20,000, they could rent the building, lease the site for the antenna and there you would have a radio station at little cost to the people. Well, had we gone along with that, Mr. Chairman, we would, perhaps, have had a radio station, but I am sure that it would have been viewed with the most inferior radio station in the Caribbean today. Government made the decision to introduce sound broadcasting; the British Government endowed us with the project - we were able to build a station for approximately half a million dollars - I think today we can strive it with some of the best stations in the Caribbean and I think today the Cayman Islands can be proud of a broadcasting station. I think when we are looking at television we should look at television in the same light. Who will introduce television in the Cayman Islands and what sort of television will be offered to the people of the Cayman Islands.

Mr. Chairman, it is simple for everybody to say yes, we want television, but, as I said in my opening remarks that there are many implications and there are the things which Government must sit down and study carefully, take some time to think about it, look at it, and to make the right decision when the time comes. As to what goes on television and the rest of it, that will be left entirely for the control of whatever organization, body the Government may choose to appoint or establish to do so, but the question of television is, in my opinion, a form of entertainment which everybody likes. I like it, you like it, I am sure, so why not have it? But the cost is the question. Thank you, Sir.

HON. JAMES M. MCKEEVA: Mr. Chairman, in my opinion we are looking at a subject here which can be argued really pro and con. It is my opinion that at this stage the majority of people in this Island would like to have television. We have entered the twentieth century in many ways than one and I think before we go much further that we should pay due attention to the matter of television.

I do not like to see Government get mixed up in what I consider the private sector, I think in the past probably we have done too much of this, but I can also see some justification for it.

Now we have a radio station which is a very economic radio station, and I think that we should consider whether T.V. could be brought along with that. I do not know what the cost would be, but if it is anything that can help the radio station to be a viable business proposition, then probably we should give it consideration. Because in my view the radio station, from the beginning

[illegible] was always a drain on Government and I think 20 years from now it will still be a drain on Government, as far as trying to balance the revenue from what comprises to the cost of operating it.

Now, Mr.Chairman, in addition to that, I also think that we should look at the possibilities of some foreign company coming in here to do cable T.V. or live broadcasting T.V. or whether the satellite type of system of T.V. I think that it would not be all that expensive for a group to use the satellite system because as I understand it, there is a satellite close to this area that we are being used for communication system. I do not think, Mr.Chairman, that we can continue very long to let television come into the Island under the system in which it is coming in now. I say that because the cost is prohibitive. It is not fair to the woman who has that venture to let him start servicing the people with that and then after awhile, a few months, television comes in and the people who bought the sets, they are then useless to them, as well as this man's outlay would probably be lost because it would have no more value to him. So from that point of view I think this is a very opportune time for us to be discussing this and to be thinking about doing something along these lines.

As I understand it, Sir, the system that is now being used probably costs in the neighbourhood of $8,000, plus the subsequent expenses for the cassettes. Now this is quite an outlay and it means that its only a very few people in our country that are going to be able to enjoy this benefit and this is one thing that I am now in favour of. I feel strongly that we should check into immediately and it has been proven in the last few days, I think, that there is not a license in existence in regards to television at this time.

Now, in the paper that has been laid on the table, reference was made to different areas of the Caribbean having trouble with television. I have no way of knowing exactly what happened but I do not believe that we can, in any way, compare the Eastern Caribbean to the Cayman Islands. We are a different set of people entirely, our economies are different, the labour problems are different, everything else is different. The only thing that we may be able to compare with these countries and we are also Islands. But their overall problems are entirely different from the ones that we have. I feel, Mr. Chairman, that probably the best way to overcome this problem is to put this out in the form of an offering that the Government would give a franchise. When that franchise is given it would have to be a franchise that with Government itself would be deriving a fair amount of income. It will be a profitable deal to whoever gets it and being a monopoly they should pay for it. I think it would be quite a good source of revenue to the Government's budget, if we approach this in the right way. By the same token, we would have to have very strict control over the programming, because we would not want that to get away like what has happened in many areas with the Channels in this Island, with the type of films that they are now showing.

People have said that the television would lower the moral standards of our people. I cannot completely agree with that, I was television for many years in the United States, I agree there were some programmes that I don't think a person would gain very much from them, but I feel that overall it would be more good than it would be hurt and I do not believe that in this country it would serve to break down family units more than it is now.

I believe that something like this would go a long way to helping us with our delinquency problems at this time, because it is true that in this country we have very, very little to entice our young people to do. It is different world today than it was 20 to 25 years ago when most of us in this house were growing up and we are now

HON. JAMES M. MANNER (CONTINUING) subject to much more staring, many outside influences and so forth which have to be considered when we look at our social problems in regards to the youngsters in the community.

Along with this, Mr. Chairman, once this thing was handled in the right way, it could go a long way to helping in the schools because a person will retain a lot more of what they see than what they hear and I think that whenever we consider it it should be done in a manner in which this would be a part of the franchise which would be granted, that school programming would be handled through this station and at no expense to Government.

Mr. Chairman, under Standing Order 24 (4) (b) I am going to seek your indulgence to put before the House the following resolution.

BE IT RESOLVED that Government invite persons interested in establishing Television in the Cayman Islands by cable system, like broadcasting system or satellite system to make applications with feasibility studies to the Government within the next 180 days. Government will consider granting a franchise at a fee to be determined and the programming will be subject to Government control and educational programmes will have to be a part of the programming as we must to the Cayman Islands Government.

BE IT FURTHER RESOLVED that an appropriate law to govern this subject be prepared and submitted to the next sitting of the Legislative Assembly.

Mr. Chairman, I thank you very much for giving me the opportunity of discussing this in debate and I hope that the resolution I have put forward will be accepted because I think it can go a long way to helping Government in its many problems today. Thank you, Sir.

MR. CHAIRMAN: Can the Honourable Member deliver a copy of the motion to the table, please?

HON. V.G. JAMES: Mr. Chairman, I take it that a copy of the motion will be circulated to members for studying before a decision is taken.

MR. CHAIRMAN: I have got to see the motion to decide whether it is proper to raise it at this particular time.

HON. D.E. FOSTER: This is just what I was going to say. Mr. Chairman, Standing Order 24 (1) and (4) are very specific and (3) about a paper. It would look to me that the motion would have to come on a separate entity altogether and possibly at another time. These are very specific, it deals with a paper "and a member moving the paper must repeat afterwards if there were specific recommendations in the paper" - this would be a different story, but there are no specific recommendations in the paper at all and I think the motion would have to come on a completely separate entity at some other stage, Sir.

MR. SPEAKER: Can the Honourable last speaker refer me to the Standing Order under which he is moving this motion.

HON. JAMES M. FOSTER: Yes, Sir, 24 (4)(b) (iii) (d).

MR. CHAIRMAN: 24 (4) (b) - in that case, as I read Standing Order 19 (2), the procedure is as follows - no motion, debate on this subject on the paper, at the end of the debate the Honourable Member who presented the paper will simply report to the House that the Committee has considered

MR.SPEAKER (CONTINUING) the paper. The Honourable Member may then, under Standing Order 24 (3) (3) move his motion whichever one of this item of business immediately after this item of business is disposed of and before we enter into the next business of the House. He is not precluded from moving the motion but it can be more properly presented immediately this debate is concluded.

Meanwhile I'll have the wisdoms of the motion re-produced to be handed out to Members.

Are there any other speakers on this topic? I see the Honourable Member wish to exercise his right to reply?

HON.D.H.FOSTER: Mr.Chairman, I am not going to prolong the debate, because it has been very beneficial already, I think we have gotten the information that we were seeking which was the Members' opinions and thoughts on the matter. I think the Government will now be able to proceed on the right direction from here on.

I would like to take the opportunity to thank Members very much for their contributions in the debate. We have noted everything carefully and I am sure they will be kept informed of what takes place in the future and again, I thank the Members for their contributions.

HON.JAMES M.BODDEN: Mr.Chairman, before we go on to the next matter of business then, I would like to move that resolution.

MR.SPEAKER: We've got to resume proceedings in the full Assembly. The proceedings have got to be reported out of Committee. At this stage - the Member will have the opportunity. So proceedings in the Assembly will be resumed.

THE HOUSE RESUMED

MR.PRESIDENT: Proceedings are resumed.

HON.D.H.FOSTER: Mr.President, I have to report, Sir, that a paper entitled TELEVISION IN THE CAYMAN ISLANDS has been considered by a Committee of the whole House and the contents of the paper and the debate noted, Sir.

MR.PRESIDENT: That concludes that item of business. The Honourable Member has now the right to move his motion.

HON.JAMES M.BODDEN: Mr.President, I seek your indulgence under Standing Order 24 (3) (a) to move the following resolution -

> BE IT RESOLVED that Government invite persons interested in establishing Television in the Cayman Islands by cable system, line broadcasting system or satellite system to make applications with feasibility studies to the Government within the next 180 days. Government will consider granting a franchise or a few to be determined and the programming will be subject to Government control and educational programmes will have to be a part of the programming as we exist to the Cayman Islands Government.
>
> BE IT FURTHER RESOLVED that an appropriate law to cover this subject be prepared and submitted to the next sitting of the Legislative Assembly.

MR.SPEAKER: The motion may be properly moved by a Member of the Government Bench - it need not be seconded and therefore it behoves us to debate this motion. Until it has been circulated to Members so that they can see it, we shall take a short break of five minutes and resume here at roughly 10 minutes to 11 o'clock

AT 10.50 A.M. THE HOUSE WAS SUSPENDED

AT 11 A.M. THE HOUSE RESUMED

MR. PRESIDENT: The motion is:

BE IT RESOLVED that Government invite persons interested in establishing Television in the Cayman Islands by cable system, Live broadcasting system or satellite system to make applications with feasibility studies to the Government within the next TWO days. Government will consider granting a franchise or a fee to be determined and the programming will be subject to Government control and educational programmes will have to be a part of the programming at no cost to the Cayman Islands Government.

BE IT FURTHER RESOLVED that an appropriate law to cover this subject be prepared and submitted to the next sitting of the Legislative Assembly.

The motion is open for debate.

HON. V.G. JOHNSON: Mr. President, I know that there is a lot of emotion and enthusiasm over television especially now that we have just completed a debate on the subject and no doubt that is what has prompted this motion. I would personally have no objection to supporting the motion, but I noted that there is one particular type of television that has been omitted here and in my mind that is the only feasible system which could be introduced and operated in the Cayman Islands and I would want to move an amendment to the motion to include that system and the system is BROADCASTING BY MEANS OF RECORDED PROGRAMME. It is a well-known system, Mr. President, and one that can be adopted in a country or in an area where live television is not possible.

No doubt that if Members are thinking that television from a satellite system will be possible then there will be no problem, but outside of that particular arrangement, I cannot see any other form of television which would be equitable, reasonable and which would apply to everyone equally if we are not for television broadcasting by means of recorded programme.

And so I would move, Mr. President, that the motion be amended to include that system.

MR. PRESIDENT: As I understand the motion that the words 'recorded programmes' would be inserted after "cable system" ?

HON. V.G. JOHNSON: After "cable system" "broadcasting by means of recorded programmes," then you go on "live broadcast system or satellite system".

MR. PRESIDENT: It has been proposed that the wording of the motion be amended by inserting after the words "cable system" the following words "broadcasting by means of recorded programmes".

HON. V.G. JOHNSON: The word "system" should also be there too, Sir, because they are all systems.

MR. PRESIDENT: "recorded systems".

HON. ORLEY ARNOLD: Mr. President, I'd like to get a clarification on what the Third Official Member is speaking about. Is this the video cassettes that he is referring to here or ... I am not quite sure.

HON. V.G. JOHNSON: Mr. President, in television there is the live broadcast, and then is the closed circuit broadcast which we have the cable television. In the live broadcast, if it is not possible to arrange

HON.V.G.JOHNSON (MINISTER): Mr. Broadcasting then in the same manner you broadcast by recorded programmes. It can be by cassette. I don't know how it is recorded, but this is programmed from a central station and is broadcast in the air just like live broadcasting.

MR.PRESIDENT: If there are no speakers on this will Senate take a vote first on whether the wording of the motion should be amended by the words moved by the Third Official Member. So I shall put the question first that the motion be amended by the insertion of the word "broadcasting by canned or recorded system" after the words " public system". Those in favour please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against No. The ayes have it. I will now put the question on the motion as amended. Will those in favour please say Aye?

MEMBERS: Aye.

MR.PRESIDENT: Those against No. The ayes have it
We proceed next with Government Business.

THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1977

CLERK: THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1977

SECOND READING

HON. V.G.JOHNSON: Mr.President, I beg to move the Second Reading of a Bill entitled The Customs (Amendment) (No.2) Law, 1977.

Mr. President, the objects and reasons for this bill are three-fold: first, the bill seeks to adjust certain anomalies connected with the import of precious metals and jewellery. In recent times there have been established in the Islands manufacturing industries of these jewellery products, one of the well-known products is that of Island coral and as the present here is to amend the schedule of the Customs Law dealing with these items of jewellery namely, rings, ornament sets, cutlery, etc, jewellery of precious metals, precious and semi precious stones and to replace these by new items which are the same items except that it includes the word "black coral".

The second amendment to the law is to make amendment to the schedule of the law to provide for greater incentives to agricultural machinery in the Islands and to grant certain customs concessions upon the genuine agriculturists. The Schedules dealing with these provisions have therefore been replaced with new words.

There is one safe-guard which is put into it and that is that nothing would be allowed under this section of the law unless it is first certified by the Chief Agriculturist and Veterinary Officer.

There is also a second built-in safeguard in the law which provides that these products which are granted under Customs concessions to agriculture shall be free of duty but if the equipment is diverted to other purposes, then the duty is payable.

Mr.President, a further processed amendment to this bill has been circulated to members and that is the third reason for this amendment which is an additional clause to be inserted. The additional clause is seeking to bring the particular bill into operation on the 1st day of June, 1977. It is also seeking to remove packing tar from certain imported goods which are mentioned within the part are.

HON. V.C. JOHNSON (CONTINUING) of George Town. The reason for this, Mr.President, is that on the first of June next year legislations will introduce fees in the port area which will cover the entire operation there, therefore the package tax which is now collected by the customs department will no longer apply commencing the first of June and therefore it is necessary to make the amendment to the Customs Law, accordingly or removing neither, the package tax charge from those goods within the port area.

These are the proposals which this particular amendment will seek to achieve and I would ask Members to give their favourable consideration to the recommendations. Thank you, Sir.

HON. D.E. FOSTER: Mr.President, I second, Sir.

MR.PRESIDENT: The question is that a bill entitled The Customs (Amendment) (No.2) Law, 1977 be now read a second time. The motion is open for debate.

If there are no speakers, I shall put the question, will those in favour please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against, No. The ayes have it. We will go on to take the second reading of the next bill and then deal with both bills in Committee.

THE CARIBBEAN METEOROLOGICAL ORGANIZATION LAW

CLERK: THE CARIBBEAN METEOROLOGICAL ORGANIZATION LAW

SECOND READING

HON. JAMES M. MANNER: Mr.President, I move the Second Reading of a bill entitled "the Caribbean Meteorological Organisation Law."

Mr.President, by submitting this bill we are just trying to regularise and bring up to date a commitment which was entered into by this Government and signed by one of the honourable Members of the last House on October the 19th, 1975.

Nearly all of the Islands in the West Indies and Guyana and Belize are Members of this organisation and we feel that it could be helpful to this country.

It is a very lengthy bill, very much in detail. To be frank with you, it does not concern anything I don't believe that could be of much controversy. I will point out that there will be four members nominated on recommendations from the various countries which will constitute a Board to regulate the authority under which this organisation will operate and I am hoping that the Cayman Islands will be selected to have one of those delegates and when we do I would hope that one of our worthy lady members could be appointed as a Director to represent this Island. So with that short submission, Mr.President, I ask the indulgence of this House to agree with it. Thank you, Sir.

HON. D.E. FOSTER: Mr.President, I second, Sir.

MR.PRESIDENT: The question is that a bill entitled the Caribbean Meteorological Organisation Law be now read a second time. The motion is open for debate. If there is no debate I will

MR.PRESIDENT (SWEARING) put the question. Those in favour please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against, No. The Ayes have it. The Assembly will resolve itself into Committee to consider these two bills.

HOUSE IN COMMITTEE

THE CUSTOMS (AMENDMENT) (NO.3) LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PROPOSED:

HON.V.G.JOHNSON: Mr.Chairman, there is an amendment to clause 1. The amendment is to delete the full-stop at the end of the marginal note and add "and commencement". It will be "Short title and commencement" and secondly delete the full-stop at the end of the section and add the following words " and shall come into operation on the 1ST day of June, 1977".

QUESTION PUT: CLAUSE 1 PASSED AS AMENDED.

CLERK: CLAUSE 2. CUSTOMS LAW (D) AMENDED.

QUESTION PROPOSED:

HON.V.G.JOHNSON: Mr.Chairman, an amendment to clause 2. These amendments are originating from the additional clause which I mentioned in presenting the Second Reading. Section 2 is amended (a) to add a new paragraph (a) as follows:-

"section 48 is amended -

(i) by the insertion of the bracketed figure "(1)" between the figures "48" and the word "There" appearing in the first line thereof;

(ii) by the insertion of the words "of subsection (2) and" between the words "provisions" and "of" appearing in the fourth line thereof; and

(iii) by the addition of a new subsection as follows -

"(2) Notwithstanding subsection (1)no Package Tax is chargeable on imported goods discharged at the Port of George Town as prescribed in the Port Regulations."

(b) by the substitution of the designations "(1)" and "(2)" for paragraphs "(a)" and "(b)" respectively.

These amendments were circulated around,Mr.Chairman.

MR.CHAIRMAN: It has been moved that clause 2 be amended as set out in the paper circulated to Honourable Members and as read out by the Honourable Third Official Member. If there is no debate I

MR. CHAIRMAN (CONTINUING): will put the question, that clause 2 be amended as moved by the Third Official Member. Those in favour please say Aye.

MEMBERS: Ayes.

MR. CHAIRMAN: Those against No. The ayes have it.

QUESTION PUT THAT CLAUSE 2 AS AMENDED DO STAND PART OF THE BILL.

AGREED: CLAUSE 2 AS AMENDED WAS PASSED.

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

QUESTION PUT: AGREED: TITLE PASSED.

THE CARIBBEAN METEOROLOGICAL ORGANISATION LAW.

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED: CLAUSE 2 PASSED.

CLERK: CLAUSE 3: FINANCIAL PROVISION.

QUESTION PUT: AGREED: CLAUSE 3 PASSED

CLERK: CLAUSE 4: ARTICLES OF AGREEMENT HAVING FORCE OF LAW.

QUESTION PUT: AGREED: CLAUSE 4 PASSED

CLERK: CLAUSE 5. CERTIFICATE OF MINISTRY CONCLUSIVE AS TO CONTENTS.

QUESTION PUT: AGREED: CLAUSE 5 PASSED

CLERK: CLAUSE 6. AMENDMENT OF THE SCHEDULE.

QUESTION PUT: AGREED: CLAUSE 6 PASSED

CLERK: CLAUSE 7: REGULATIONS.

QUESTION PUT: AGREED: CLAUSE 7 PASSED

CLERK: THE SCHEDULE

QUESTION PUT AGREED: THE SCHEDULE WAS PASSED

CLERK: A LAW TO RATIFY AN AGREEMENT ESTABLISHING A CARIBBEAN METEOROLOGICAL ORGANISATION.

QUESTION PUT: AGREED: THE TITLE WAS PASSED

MR. CHAIRMAN: That concludes proceedings in Committee on these two Bills. The Assembly will now resume.

THE HOUSE RESUMED

THE CUSTOMS (AMENDMENT) (NO. 2) LAW, 1977

REPORT THEREON

HON. V.C. JOHNSON: Mr. President, I have to report that a Bill entitled the Customs (Amendment) (No.2) Law, 1977 was considered by a Committee of the Whole House and the following amendments were made:-

Section 1 was amended by adding to the marginal note the words "and commencement". The section was amended by adding at the end the words " and shall come into operation on the 1st day of June 1977".

Section 2 was amended by adding a new paragraph (a) which reads as follows:-

"Section 42 is amended -

(i) by the insertion of the bracketed figure "(1)" between the figures "42" and the word "There" appearing in the first line thereof;

(ii) by the insertion of the words "of subsection (2) and" between the words "provisions" and "of" appearing in the fourth line thereof; and

(iii) by the addition of a new subsection as follows -

"(2) Notwithstanding subsection (1) no Package Tax is chargeable on imported goods discharged at the Port of George Town as prescribed in the Port Regulations.";

(b) by the substitution of the designations "(b)" and "(c)" for paragraphs "(a)" and "(b)" respectively.

These are all the amendments, Sir.

MR. PRESIDENT: The bill is accordingly ordered to be set down for Third Reading.

THE CARIBBEAN METEOROLOGICAL ORGANIZATION LAW

REPORT THEREON

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill entitled the Caribbean Meteorological Organization Law was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The bill is accordingly ordered to be set down for Third Reading.

MOTION FOR THE DRAFT DEVELOPMENT PLAN AND ANNEXURES TO BE REFERRED TO A SELECT COMMITTEE

HON. W. MACK HOOKER: Mr. President, I beg to move that the Draft Development Plan and annexures be referred to a Select Committee of the Whole House, and that a quorum be nine members.

HON. TRUMAN BODDEN: I second that, Mr. President.

QUESTION PROPOSED

HON. G. HAIG BODDEN: Mr. President, the question before the House is not whether we should have a Plan, that question was settled in 1971 when the Legislative Assembly passed the Development and Planning Law, because that law cannot operate without a plan and also because that Law makes it absolutely necessary for us to have a plan. The question before this Assembly is now what kind of plan do we want but that in itself is a big enough question. The eyes of the electorate are upon us to see what we will produce.

I am confident that this Assembly is quite capable of approving a plan which will be in the best interest of the Island and I want the Members to know that the public stands solidly behind the members of this present House. The public has recently shown in the most powerful fashion known to democratic society that they want this group of people to legislate their laws to prepare their plans including the Development Plan. The Plan before us is an important document, it will touch nearly every area of activity. It has taken six years for this plan to be prepared and to finally reach the floor of this Assembly. Despite the fact that the 1971 Law required that this plan should have been in operation within 12 months of the coming into effect of the Law, it has taken many years for it to be prepared. It got off to a bad start - it was put before the public in 1975 and in my opinion that document was the most unrealistic bit of rubbish ever to be compiled in one heap. The tribunal was of the same opinion and in the opening statements of their report the tribunal made this statement - "Many if not most of the representations made to the tribunal reflect the concern of the people that the proposed Development Plan, 1975 even in modified form is so fixed in its concept and so inflexible in its implications as to frustrate and prejudice the Caymanian way of life".

Thank heavens today we have moved a long way from that original plan. If we are to move any further from it this Assembly must do the job and they must do it before this sitting is over.

Part II of the Development and Planning Law, 1971 lays down the procedure that the plan must follow. It will not hurt us to take a look at that procedure. First, the Central Planning Authority must prepare a plan and publish that plan for inspection by the public. This was done in 1976. The public looked at it, they had objection to it in Cayman Brac especially, that objection were most critical.

The law goes on to say that if there are objections the Governor must refer these objections to a tribunal. This was also done. The tribunal considered the objection and made a report back to Government in April of 1976. This report was not made public in 1976 and was only made public one year later when it was tabled in the Legislative Assembly in March of this year. So all of the preliminary steps have been taken. We reach the stage where the plan is now before the Legislative Assembly and I want each member of this Assembly to realize that the responsibility of passing this plan, of accepting it, of amending it, or even of rejecting it is in his own hands.

No planning authority, no professional planner, no one can actually pass this plan. The only people that can pass it are the 15 members that are here in this Chamber, and the Planning Law makes it abundantly clear that when the Assembly is finished with this plan it shall then be deposited with the Governor. In other words it will then become just as effective as any other law that is passed by this Assembly.

Now before even taking a look at the plan, I would like to address a few general remarks to the subject of planning. In my opinion Government must act for the benefit of the community as a whole, following a wide and deliberate consideration

HON. J. WAIG BROWN (CONTINUED) of all the alternatives and must not act because of the whims and fancies of any minority regardless of how articulate that minority might be. The people who drafted the original plan could not have operated in a vacuum - they must have been given some guidelines on which to operate - they must have looked at the situation here and they must have put together in a document all the many phases of planning and development. But no planning team, however expert could have foreseen the tumultuous events of the past two years when we had a suicide recession, we had unemployment here, we had the collapse of many businesses, and so however noble the intentions of the original planners, the Assembly today cannot accept the principle of that original plan, because that was conceived at the time when the Islands were booming, that was conceived at a time when the economy was flourishing, and as it would, we should hasten slowly at that time. So today we have to look at a plan that will encourage development and will give the greatest latitude to land use and will try to bring back the economy because at the present time our major domestic crisis is the financial plight of our own Government, and if Government, through planning, create an evaluationary mill where people cannot build and people cannot development, Government will not only exclude development, they will also exclude what is most important to the Financial Secretary, our receipts, and so land should be used to satisfy and accommodate the needs and desires of people.

It has been admitted that there was error in the original plan and all the criticisms that have been made, all the recommendations that have been made, have now been put together and it is hoped that from this mass of information, the Assembly can eventually approve a plan which will be acceptable to the majority.

But the 1971 Law, with all its minute details on procedure did not mention how we deal with the problem that we now have. That a new Central Planning Authority is pushing forward a plan which it did not prepare, may not also endorse and might not even be able to support in the future, but this is what happens because we live in a changing world and with this vote, I would ask the Members to lay aside anything they may have had in the past and take a new look at the plan and make up their minds as to whether this is what they want, and the will of the majority will prevail.

There has not been much interest shown in this Development Plan in recent weeks, and this is as it should be because the public know that they have leaders and people in the Legislative Assembly upon whom they can depend. They have people in whom they have put their confidence. They have people in whom they have put their trust and so there has not been much public participation because they know that at the head of affairs in these Islands there is a man whom they can trust, there is a man to whom they can go to when they are not satisfied, and accordingly in my own constituency the people know that if they have any complaint they can bring them at our door-steps and we will listen. So that if this plan is passed, or I should say when it is passed, there is a possibility that there will be certain sections under which people will be aggrieved. It will be impossible to satisfy everybody but the public know that they do not have to live with a grievance - they can bring it to the right authorities and they will be listened to.

Now what is the big difference between the plan now presented and the original plan which caused so much controversy. The big difference is the flexibility, amendments will have to be made to the law, probably in our August session, to allow for some of this flexibility - areas will be marked primarily for certain uses but other types of development can be allowed. Let us take one example - that of a sub-division in a residential area -

HON. G. CRAIG BODDEN (CONTINUING) the concept under the old law and under the old plan, if it was residential that was it and it would be very difficult to have other types of development. The new plan takes into consideration that other types of development can embrace a residential area. For example, a small grocery store would be a blessing to somebody living in a sub-division who did not have a car, or where they had only one car and the husband had gone to work, a small grocery store where the housewife could buy her pound of milk, would actually improve the area. A small industry, like say, a garment factory, where people in the area could get work, would be a blessing to that residential area, because the new concept in planning is that planning must be for the people - it must serve the people who live there and not be for the birds.

There has been, in the past, under the interim development plan on which we are working, much controversy about zoning in residential areas, about the density allowed, about the number of people that could be accommodated, about the amount of area a house would take up and it is hoped that if the plan is completed that these things will be corrected. What is proposed is that there will be three separate densities, low, medium and high and respectively people would be able to build three, four, eight houses - this is only a proposal - in your low density you would be able to put a maximum of three houses per acre while in the high density one would be able to put eight houses per acre, that is if the Legislative Assembly wants it that way; also buildings would be permitted on smaller lots than are now available. Under the interim development plan on which we are now working, a person must have a minimum of eight thousand square feet before he can build - it is proposed that for certain areas, a minimum of 5,000 square feet would be permissible.

The plan will work out certain areas for commercial development - commercial development areas where banks, offices, businesses, restaurants, shops, supermarkets would be located. What I see in the proposed map does not allow any commercial areas for Bodden Town, but this can be corrected. In the rural areas people will be allowed to build individual residences if more people can put up with the noise and the clamour of the hotel area and if their pocket book can afford the $15,000 required for a 100 foot length lot on the West Bay Beach. We have to allow this because people have already purchased private individuals own land, and they must be allowed to develop this land which they have already purchased.

Industrial development would normally be confined to industrial areas, but here again there would be a certain amount of flexibility - industries connected with agriculture would be allowed to go in agricultural areas. Industries connected with the sea would naturally be located in close proximity to the sea - light industries which could serve the needs of people, would go into residential areas. In the plan that was proposed in 1975 one of the big areas of contention was public open space. This have been looked into carefully and the areas earmarked on the map for public open space now include land which is already owned by Government, playing fields, beaches, public parks, public rights-of-way - land which Government may acquire later on, after going through the proper procedure of negotiating and paying proper compensation - land in which the public has certain existing rights.

The Tribunal in its report, singled out two areas that they, in their wisdom, felt should remain as public open space. Personally, I do not agree with the Tribunal and I will try to change this and I am hopeful that the majority of members will feel that way - they

NON-GREEN BELTS (CONTINUING) have marked out the Parnell estate, which is land adjacent to the new by-pass that has been put in at Red Bay. I don't know why that was singled out, but it doesn't seem logical because it is surrounded by sub-divisions, it is surrounded by residential zones and so the new planning statement indicates a change for this area.

Another area mentioned of course and perhaps historic value is that area known as the Smith's Barracks. That area is perhaps one of the highest priced land in George Town and it would not be fair for Government to take all of it as public open space, but it is hoped that a small portion of it can be kept open for the public with the consent of the owner and while we don't want trade with people it is hoped that he would be allowed, the owner would be allowed to develop the rest of it so that he would be well compensated for his land.

Perhaps the biggest outcry against the plan presented in 1975 was that many areas were marked out as protected mangroves, forest reserves, agricultural landon which there would be little or no development at all. I don't know what was the reasoning behind such a decision for so-large an area when it was hardly necessary at all to say that these areas wouldn't be developed, because they have been here ever since the creation - they have been here ever since this Island became a British possession in 1660 and the most of them land, if it remains another three hundred years may never be developed because the economics are against it, but the owners like to know what if they have land they can develop it - no matter how it may look to an outsider this is his land - this is his plot of land - this is his real possession and we should not interfere with his rights and so these massive open areas have disappeared from the new plan and they have been replaced by what is termed rural land. This may be an area that the Assembly will have to look at carefully so that they put into the plan the definition of "rural land" which will meet the intentions of the Tribunal in that what "rural land" will remain as it is until it is needed - in the words of the Tribunal "for some meaningful development". But such a definition, to me, seems to be too broad and may be the Legislative Assembly will want to add certain guidelines for the development of rural land, in addition to the guidelines set out in the proposed document.

The proposed document sets out four factors that will control the development of rural land. The first one is the effects on economic and social life, two, the impact on development and ecology, three, the demands it would make on local services and four, the effect it would have on the policy of encouraging residential, commercial and industrial development.

The idea behind the rural land concept is that certain areas in the island would be designated for specific purposes and any other area not so designated would be termed as rural land, in other words the term "rural land" is a concept that would cover a multitude of sins and will make land available for almost any purpose.

We have a lot about the water shortage and special attention will have to be given to the land where good ground water abounds. It is essential that residential development will be permitted in these areas - it is expected that agricultural development will be permitted and it is expected that any industry which requires a supply of water would be put in these areas

Another bad section of the old plan was the protected coast-line. This has been shortened in this new plan. The members will have to decide whether it is short enough - they will have to decide what type of development can be allowed. In my own area I must say that the feed-back we have gotten is that the conservation coast-line for the Seddon Town Sketch is acceptable to the people.

HON. HAIG BODDEN (CONTINUING): There are two areas marked on the map one between Seikirk's Cottages and Breakers where the land is almost too narrow for buildings, and the other one is the rocky coast from Spotts to the Manse. And it is the feeling of the people that development can be allowed there even if it does not interfere with the coastline, but they are in favour of keeping a part of it open.

The area around the North Sound and a part of the West Bay peninsula is shown on the map on a protected mangrove strip. The Tribunal suggests that a belt 1,000 feet wide should be kept. There have been different reactions from different sections of the community towards it, some people in West Bay feel that it should be kept at a thousand feet some of them feel it should be reduced; in Bodden Town they feel that it should be reduced to 500 feet. This will have to be a matter for the Assembly to decide and you know the funny thing about legislation is that lay people are always called upon to make these decisions because they know more than the experts. But this sounds according to the reasons set out seem to be reasonable. One reason is that it would give protection from hurricanes. I only wish we had it on the south side of the Island instead of the North as all of our hurricanes come from the south. Another reason is that the mangrove roots service as a filter for water draining into the North Sound and helps to keep it clean, and another reason is that these mangroves provide a refuge for fish and other sea life when they are grown to breed & so forth. These are considerations that the Assembly Members will have to weigh whether they accept what is in the Plan or whether they reject it.

Mr. President, with your permission I would ask that we adjourn and I'll continue after lunch.

MR. PRESIDENT: If Members are agreeable I'll suspend proceedings until 2.30 this afternoon when we'll continue this most interesting debate.

HOUSE SUSPENDED AT 12.30 P.M.

HOUSE RESUMED at 2.30 p.m.

MR. PRESIDENT: Proceedings are resumed.

HON. G. HAIG BODDEN: Mr. President, the people in the Island that had the strongest objection to the proposed Development Plan in 1975 were the residents of Cayman Brac and Little Cayman. Their objections were not only so strong but had been put forward in such a forceful and articulate manner that even the seasoned Planner Mr. Wright decided that no matter how noble his plan may look on paper he would not press his luck too hard in Cayman Brac. The end result was that the Tribunal in examining the objections declared that there would be no development plan at all for those two Islands and so this plan does not apply to Cayman Brac and Little Cayman.

However, the planners did manage to sit down around the table with people from the Brac, influential citizens, a committee known as the Brac Development Committee, and they formulated some guidelines which have been accepted by the Central Planning Authority as a basis on which development in those smaller islands can run. So all that remains of the Plan for Cayman Brac and Little Cayman is a few guidelines on which the Board there will continue to operate over the years to come.

Cayman Brac and Little Cayman are in a different position from Grand Cayman in that in those islands the surge of development which has mushroomed here has only begun to touch them in very small portions. And because of being in the very early stage of

HON. O. HAIG BODDEN (CONTINUING): of development because the embryo has just begun to blossom there in its fair and it is right that these Islands should go on without any restrictions of a Development Plan. They have made a very powerful appeal to the authorities here for a change in the law which will allow appeals from the Brac Development Control Board so go to the Tribunal. Under the law as it now stands appeals from the Control Board in the Brac would go to the Central Planning Authority and it appears that the law would limit appeals from going any further. It does say in a section that appeals to the Central Planning Authority are final although in another section the law goes on to say that anyone aggrieved with the Central Planning Authority can appeal to the Tribunal and then on to the Grand Court. But in order to remove any ambiguity as to whether appeals could be pursued by the Brac Control Board beyond the Central Planning Authority we have now willing to recommend that when we come around to making amendments to the law at our next sitting that this section of the law will be amended so that appeals from the Control Board on the Brac will go to the tribunal; and of course once it goes to the tribunal there would be further recourse to the Grand Court.

Another change proposed in the law for the control Board is that an additional member will be appointed and that two members from the Control Board will have access to the meetings of the Central Planning Authority. And I believe that the Board in Cayman Brac would like to be separated as far as possible from control by the Central Planning Authority. This is something that will come at the stage when we amend the Development and Planning Law.

There is only one other matter I would like to touch upon and that is the preparation of Area Plans. It seems to me that there is some confusion as to whether there must be Area Plans for each district and I believe one Adversary even went as far as to accuse certain members of committing a criminal offence in preparing Area Plans before the general plan had been completed. Well, it is not an offence under the Development and Planning Law to prepare an area plan. Any people in any district can get together with their representatives and they can say what we would like to see in Bodden Town or what we would like to see in North Side or what we would like to see in West Bay.

The Law does not specifically demand that area plans should be made but for easy working it seems that this would be the logical course to follow. A Development Plan for the whole Island would be filled with too many minute details if every nook and corner of the Island was covered in that overall plan. But even if area plans were to be made and even if members attempted to make the area plans they would be within their rights because the only reference in the law to area plans is in Part II of the law section 6 subsection (7) which says "At any time before a Development Plan with respect to the whole of the Island has been submitted to and approved by the Legislative Assembly under this section the Authority may prepare and submit to the Legislative Assembly for approval a Development Plan relating to any part of these Islands and the foregoing provisions shall apply". And if my memory serves me right throughout the report of the Tribunal they make reference to certain things which they feel would be better covered at the area plan stage. And in the Planning Statement which is before us on page 8 it is noted they may also show the precise boundaries of each zone. It is intended that area plans will subdivide the boundaries more precisely, the area plans will come into operation when the statutory procedures of consultation and a public participation have been completed and when they have been approved by the Legislative Assembly.

So this area plan business seems to me in the present condition of the law to be an administrative function for the better running of the plan, but an administration function which will need legislative approval before it can become effective.

HON. G. REID ROBSON: (CONTINUING): One need not concern himself too much about the area plans because the tribunal has recommended that if this is done there should be a whole lot of public participation. And I believe this is the area in which the original plan got off to a bad start. If the planners had gone to the public and said to them we are preparing a plan for the Islands you tell us what you want put in it. There may not have been so many objections. So if anybody is hoping to make capital of the matter of the area plans they will be sadly mistaken because the area plan while it is not an insignificant part of the overall plan it is also not a part of the plan on which one was ready to glory in politics.

Thank you, Mr. President.

HON. THOMAS BOUCHE: Mr. President, every one else looks very comfortable so perhaps I should make the move.

The development plan has been a controversial issue and an electoral issue for many years. The history, very briefly, is that the predecessors to the regulations now before the House were very strongly objected to in 1970. The law and regulations were brought back into force, as the one that we now have, many times on the 17th of January, 1972 and it contained a section, which was section 8 that a plan should be brought to this one plan and it was subsequently amended and now some six years later we're hopefully getting around to cleaning up the law and hopefully cleaning up the economy.

In 1970 under Law 18 of 1972 which came into operation in January of 1976 I think or was assented to in January 1975 - the law was subsequently amended and especially in respect to section 8 subsection (7). Prior to this the Islands had been operating without what the Appellate Tribunal regarded as a Development Plan in accordance with the law because certain provisions did not operate to make the plan which was being used as a plan which was accepted and provided for by the law. So under Law 18 of 1972 the Legislature repealed section 8 subsection (7) sub-paragraph (a) and it provided that the Draft Development Plan approved by the Development Control Board as it was then in February of 1977 was deemed to be the plan. That plan, Mr. President, still is law and it is in substantially all respects excluding the dividing of the Island in two by the sound it is substantially the same today as the draft Development Plan which was produced prior to the sitting of the Tribunal on the plan which has now been brought to this House. And it was that plan with its various inflexibility that ultimately caused so many problems both economically and politically and it is one which is still in force and has, I believe, been overwhelmingly rejected by the public from the point of view of being an overall plan.

One of the inflexibilities in it is that the duty of the Authority under section 8 subsection (1) is that it has to conform to that plan and if it goes outside of that plan in any respect then the Appellate Tribunal has no choice but to allow an appeal on that point. And so it did just prior to this House bringing in the 1974 Law. However, over the past few years the Central Planning Authority has allowed or has granted permission outside of the plan especially outside of section 8 but as no one normally appeals when they get what they want then it has worked very good with the Central Planning Authority being substantially like the Land Chancellor of the past who was the first instance court and also the King's advisor at one stage.

However, with that history one has a very complex situation both politically now economically and I believe it is now reaching a stage of complexity socially.

From the economic point of view it is always advantageous to have certainty especially in a world where certainty is not well known not only in many languages but also in the English language. The uncertainty has arisen through firstly inflexibility,

HON. TRUMAN BODKIN: (CONTINUING): ...certainly, a lack of having a plan for the use of the Authority which was one approved by the people. The plan which we now have has not been approved by the people and it is one which was prepared by the Central Planning Authority undoubtedly on principles and theories which while they may be good from the point of view of conservation and many other aspects has attempted to carry out I would say a very serious redistribution of wealth.

Mr. President, once one moves into the area of ... redistribution of wealth one goes into an area where the guillotine is ever present and that was seen, I believe best, in the four year period of which culminated in the election. I think that the Honorable member from Bodkin Town quite rightly asked that a plan must be for the people and not for the birds. So that extent, Mr. President, I believe that the wishes of [illegible] or I know that the wishes of the people must always be paramount and it must always be so especially when one deals with their [illegible] which is a substantial part of their earthly life.

Theories are very good, however, we live in a very practical world and we have to adapt theories to the surrounding in which we live, and this I believe is where the original plan brought out by the Central Planning Authority dealt with perhaps very good planning theories but theories which were impractical, uneconomic and would ultimately have led to disaster in our society.

One of the biggest impacts that the old plan may have had if the Central Planning Authority in its wisdom had not attempted to use its discretion in circumstances of some doubt in granting permits was that it would have made land and in many respects the development that would have gone with it unbearable or in many respects so greatly depreciated that it would have been substantially worthless. That, Mr. President, was often true in many areas the land would have been much more valuable and we had completely left out another very good theory when you can afford it the theory of settlement. However, it is not in there and in any event I don't think that it is economically feasible in the present state of our economy: but that is one which could have attempted to equalise any shifting or any alteration of the value of property.

The areas which caused considerable concern were removed when the Labour plan, which is now before this House, came out and it greatly reduced the areas on the theories of conservation and the like. I would say, in relation to communism and it has I am very happy to say apparently reversed out what I would have hoped was never an intentional theory but to attempt to change this society substantially back into an agricultural society, what I mean by that agriculture has its place in life but the usual process of evolution is from agriculture into a more advanced stage, and this would have attempted with its. I think some 16,000 acres of property have reversed the process and we would have found ourselves struggling back towards an agricultural society.

With the County Town electoral district the geographical part of the zoning part of the plan ... I should say we have gone back to our people myself and my colleagues and they have rendered us after very deep study in so it. And having regard to the law of survival and availability what they wish and I am sure that my colleagues and myself will undoubtedly ensure that to the limit of our ability and our voting power that that will be woven into the plan subject to minor alterations where necessary for co-ordination into the overall plan.

One of the lessons I think we learnt from the progress of the cycle under this law is that one normally has to decide what is necessary or what is desirable and one works from that to ensure the law or rather the Regulations around it. If you begin at the wrong point it is very often very hard to get back to the right point. The approach taken now is somewhat different from that taken in the past in that we have gone to the people and asked them to decide what areas they wanted zoned in a specific way and based on that which will be the core of the regulations

HON. THOMAS BOGGS: (CONTINUING): ... when we will now attempt to weave this into a pattern which will accord with the wishes of our people.

A lot of stress has been put on what has unfortunately now come to be termed as an "area plan" and I think that the Honourable Member for Sudden Town dealt with that quite ably. It is unfortunate that this has been called an area plan because there is only one plan and there can only be one plan and regardless of what the alterations to that plan may be they are only amendments or alterations or additions to it. In fact the law in its minimum, as the Member for Sudden Town mentioned, provided that both before and after the passing of a Development Plan that it could be amended, altered or added to. It can be really done anytime either before we have a plan or after we have a plan. While it would not be good policy to make substantial alterations to a plan once it is in force if there is anything which is wrong in substance of reasonably major importance than it can be amended by following a process which is laid down in the law.

It is quite in order, in fact we have quite a detailed well put together plan for the George Town area and it carries with it considerable detail while all of that detail may not be able to go into the general plan it is vital to know when you are dealing with this precisely what the people want. And this I believe was one of the other mistakes of attempting to turn out in generalities what could only be put in a specific form.

We have in that plan altered certain things which the Central Planning Authority had in its plan which is before this Honourable House. We have adopted some that was in it, but what is most important I believe is that people with the experience, the knowledge and especially having had to put up with the hazards of the land on which the zoning is taking place have had a right to go in there and in instances when things were impossible, improbable or I guess many times uneconomical they have buried it and they have come up with what the electorate of this district feel that they can tolerate and where the balance between survival and conservation is evenly balanced according to the measure which they have used.

I think, and this is, I believe the thoughts of many of the people in my district that as much particularity as possible should be dealt with at this stage and as many details as possible should be put into the plan. Because to turn out a plan with only a lot of general areas and one having to go back through what I would now call a ritual because I don't think it is a process any longer, would cause a lot more frustration and could undoubtedly create a lot of sores or re-opening a lot of the political pressures and issues which did not help this country.

I once again agree that as I have been advised by the Committee for George Town that the law should be altered so that the zoning is a primary zoning and that there is flexibility within that zone to carry on development outside of the zoning provided it does not substantially diverge from that zone. They have also dealt with the rural areas which was really just guidelines and they have put in specific zonings there which will limit discretion of the Central Planning Authority to designate areas within the zone and not by any stretch of imagination inferring that these discretions may not be exercised right now or would not be exercised right under the rural zoning. However, discretions are always opened to suspicion and suspicion at least to me as a politician is normally problems.

I will not deal any further with the specifics in relation to this. As I understand it at a later stage these plans will be dealt with and at that stage when I would have the help of the physical plan which was prepared I would attempt to go into all the details which have been given to me and which I would hope that the members of this Honourable House would honour and do its best to ensure that it goes through this House in substantially the form that it has come to me in.

HON. TRUMAN ROBERTS (CONSTITUTION): ...worthy Mr. President, I would ask this House and our people to attempt to get into a state where constructiveness instead or a constructive approach I should say instead of a destruction one would prevail. To attempt as far as possible, as far as our people go, to help us to pull out of the straits financially and in wide respects socially that this country has gone into over the past two years or three years - it has not been an easy time and I do not believe that this society has any place within it for people with only a destruction approach to problems. Problems exist and the quicker that we solve these the happier our people can be including, I believe, many who take the approach of objecting with no reasonable solutions to the problem, that I think is a waste of time but it does exist in every society there are people who will object and they do not have an answer to a solution - every one knows the problem very few can solve problems - and I am calling on this Assembly and the people in these Islands as a whole to put their shoulders to it. We have before us one of the most controversial matters that, I believe, this country has seen in a long time. It will not get solved if there is a constant pulling with no constructive input into it. And more than everything else I believe that to prolong the agony of having suspense over this plan can only cause a continuity of economic problems within the country. It can cause continuity of uncertainty and the only answer, I believe, at this stage to dispose out a lot of the Nonsensical politicking and nitpicking of the past is once and for all to have a plan brought in and have it substantially in the form that a majority of the people want and call on the objectors to it to be reasonable, to be fair, to be objective and to do whatever is constructively possible to make this problem leave us and hopefully leave us on a permanent basis.

With that I would ask the Members for their support in relation to the George Town area plan and I assure them as well that they will have my support and any help that I can give in getting what their people want for their respective districts.

I thank you sir.

MR. CARSTON SMITH: Mr. President, this evening I want to make it unmistakably clear that I am opposed to this present proposed Development Plan.

I remember, Sir, that the United Nations did this Island a great injustice when they sent Mr. Thornley Dyer to these Islands with a proposal for land zoning and a Development Plan. Although he tried, Mr. President, with the support of some people to push this through the people would not accept it. Ever since, Mr. President, our country has been suffering unmercifully with the spectre of an unrealistic Development Plan hanging over the heads of our people. A plan most people do not want and did not ask for.

To zone this Island for the present and for the future generations in manner that has been tried is to create economic dependence, adversely change the social and political structure of these Islands and paying no attention to what is here now existing.

It is a known fact, Mr. President, that zoning and controlled development deserves the economic value of land and most Caymanians - and what must Caymanians have mostly is their land. It is this asset, Mr. President, which over the years has been their central security for old age but instead of being able to depend on their land for the sustenance years they have found themselves with a pig in a poke and no value.

Later on through Government's insistence the Development Plan, the Development was with Regulations did come into effect and it was considered so onerous by most of our people that it upset the tranquility of our Islands to the extent that it caused a public march, demonstrations, the barding up of the Legislative Assembly Building and the bringing to our shores a war ship which presumably would have been used on our people. The people did achieve some small

MR. GARSTON SMITH: (CONTINUING): manner of manner. The Regulations were then reviewed and the coming into effect of the plan was delayed. By law, Mr. President, this plan should have only been delayed for one year but it is just coming back at this present time; the gestation period has been a very long one.

The people now are angry simply for fear of having no plan as they thought it was found that our Government was using the old Thornly Dixon Plan and later it became a temporary part of the law. Last year a plan was presented which in some ways appeared to be more foolish and unacceptable than the first plan and again the people were against it. Mr. President, the law calls for the people to have sanction in a referendum and one was put together under the able and competent chairmanship of Mr. Kirkconnell assisted by some of our own competent citizens. The only fair and equitable thing that has happened with the plan and the law from its inception was the tribunal report which did take into account most of the people's complaints. The tribunal report was a human report and like all humans, Mr. President, the report was not 100% and further changes have to be made.

Government has now brought forth a plan and directives and guidelines which seems to me to be one of the worst yet. And, Mr. President, what really hurts most about it is that some one must think that all of the Legislative Assembly Members are blind and are fools, because all this is doing is attempting to superimpose all the onerous things that we fought hard to see there is a great change.

Mr. President, there has been too much talk and too much publicity concerning the plan to think we could get by without one. I am quite confident in saying, Sir, that a plan will be adopted but it will be a plan prepared in this Legislative Assembly directed by the electorate. And one that will at least be fair and just to the majority of the people and when this plan is accepted we must have a new law drafted because this old law cannot be the law for the new plan as they will be entirely different.

Mr. President, we have this opportunity in our hands to cure the discontent among our people to give them back their assets with true value and we will not fail them.

Mr. President, I will not prolong this debate any longer as I will continue to add my contribution when we go into Committee. I thank you very much Mr. President.

MR. GEORGE SMITH: Mr. President, in the presentation of this paper to the House by the Honourable Member from Bodden Town he stated that the eyes of the public were upon us. He also stated that we did not have to worry about a plan as the law calls for it. Well, I am glad to say that I am proud to know that the eyes of the public are on me today.

I join with the Member from West Bay who stated that he feels that the present plan before the House is the worst one presented so far. I also agree with him when he said that it is all the sins of the previous plans wrapped together in a more beautiful package to attempt to fool mostly the new Members of this Assembly.

Mr. President, I was elected by the people - the members from my constituency, went back to the people and asked them what they wanted as a Development Plan and again, Mr. President, I am proud to say that the members of that Committee have burdened me with a plan that I say is second to none and demonstrates the ability of the Cayman Islands people to do what is proper, right, just and what is wanted of them.

I think my colleague has done an excellent job in laying the basic ground work of the feelings of the persons from George Town and with that I do not intend to elaborate any more, however, there is one point that I'd like to clarify or add a little more light on and that is the fact that in the George Town area there will be no specific sections designated for apartments. The reason being that if a person feels as I should buy his a piece of property near to his home or off in an appropriate section of town and he feels like planting a number of citizen homes, houses, cottages for that matter

MR. OSMOND SMITH: (CONTINUING): he may do so. We feel that as long as the person owns the property, does not deprive his neighbours property he should have the right to use it for agricultural purposes.

I am not concerned, Mr. President, as to whether the plan will be passed - that is the plan as agreed upon by the members of the committee for George Town. I only ask the other members of this House to accept with the plans and ideas presented by the members of the committee for George Town.

There is one question, Sir, that I'd like to ask and one suggestion I would like to make. The point is the administration of this plan is a physical concept in which that matter that anything in motion will continue in that same direction unless acted on by an external force. Mr. President, since it is quite apparent that we cannot teach an old dog new tricks I find that it would only be appropriate that in the eventual adoption of a new Development Plan that we should have a new Secretary responsible to the General Planning Authority for the carrying out of these new functions. I thank you, Sir.

MR. PRESIDENT: We might take a brief suspension at this stage to let Members refresh themselves. Suspend for 15 minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

MR. JOHN MCLEAN: Mr. President, I too stand opposed to the proposed Development Plan and I really cannot see anybody standing here in this Honourable House or anywhere else in these Islands and saying something good toward this plan, as I do consider it has been the downfall of our country in many ways. It has been very crippling to many.

I would like to mention especially in my district, I think it was even more harsh in this area as it was ruled out as agricultural area. And I felt within myself it was really giving my people the bad end of the stick. But, Mr. President, I now feel confident as an elected Member and having associated with the Members of this Honourable House that we will work together to put this plan aside and to put forward a plan which is suitable to our Island and of benefit to our people.

However, Mr. President, I wish to commend the Member from George Town on what was said concerning making a new plan and allowing the same persons to have the final say. This in my opinion is like taking a crew from a wrecked ship and giving them a new ship to take no other place but on the reef. So I can feel that if we are getting something that will be beneficial to our people we should not doubt replace the present Secretary of the Central Planning Authority.

As a representation for the electoral district of North End we have gotten together and made up an area plan, a plan which I feel will be suitable for the area and a plan which each and everyone in that constituency is satisfied with.

I ask of this Honourable House to give me their support when this is put forward in my way to make this area better for my district and my people, and I will no doubt return favours to the other districts. I thank you, Sir.

MRS. ROSIER BANKS: Mr. President, ever since the Development Plan have come into being there has been dissatisfaction among the people of these Islands for the majority of people.

I feel that the procedure being used now is one through which we will hear the voice of the people and know what they want. The Proposed Plan was laid on the Table before us in March, we went back to our people and since, then, Sir, we have heard from the majority that they do not want this plan.

MRS. ESTHER BANKS: (CONTINUING): I feel that it is time that the people of this island have a say in the making of a plan for their island. I think they have to live with it so let them decide what they want to live with.

We have not been as fortunate as the representatives for the other districts to come up with too much from our district on papers that is, of what they really want. We asked our committee to report to us and tell us what they wanted we did not get a report from this Committee so I don't know really what they want but it has been voiced to me by the majority of the people that they do not want the proposed Development Plan.

I am still awaiting a report and when this is given to me I will bring this with me to the House and will hope that the other representatives will look at the wishes of the people of West End. There may be changes that will have to be made to this - few, but the people fully understand and fully trust their representation that we will do nothing to dissatisfy them.

This plan has caused morale in our country, it has caused a lot of problems which I feel could have been done without if the past Government had only asked the people as we have asked them to participate in the making of the plan.

It is my hope that this plan can be put to rest now once and for all and that the people will get their wishes. As a representative I realise that not everyone will be satisfied with the new plan but once the majority is satisfied what else can we hope for. I can only say that I will do my best with my limited amount of knowledge on planning to advise my people in whatever way I can and I realise that we will need some technical advice when it comes to the plan.

The only thing I can say now is that it has been made clear throughout the Islands that they do not want this plan. It has been put in our hands and we are the ones that can do something about it. So if the majority of the people are not satisfied it is our duty as their representatives to satisfy them, and this I can assure my people I will try to do to the very best. I thank you, Sir.

MISS ANNIE K. BODDIE: Mr. President, I would just like to inquire, Sir, in the event that I am not through by 6.00 will the meeting continue on or will you adjourn at 6.00. I don't like to start and break off and wait until Monday.

MR. PRESIDENT: I am obliged under Standing Orders to interrupt proceedure at 6.30.

MISS ANNIE K. BODDIE: I shall have to wait until Monday then because my debate will certainly be more than half an hour. Thank you, Sir.

HON. V.C. JOHNSON: Mr. President, I can assure you that mine will not be half an hour, so I better take the stand next.

Mr. President, we can only act on a matter in accordance with the authority with which we have whether that authority is by legislation or by an order in any other form.

In 1971 the Development and Planning Law was brought into effect and this provided that the Government presented a Development Plan to the Legislative Assembly within a certain period of time after the law came into effect. The Government or the Governor I should say at that time gave instructions for a plan to be prepared but without the proper machinery, staff to carry out the task the job could not be accomplished and so it was decided to just let things die and we coasted along until the Legislative Assembly in late 1973 demanded that the plan be produced and be laid before the Legislative Assembly for examination. It is not a matter that Government is proposing a plan to the Legislative Assembly. It is a matter that a plan is required by a

HON. V. G. JOHNSON: (CONTINUING): law of the Cayman Islands and that plan is now being proposed to the Legislative Assembly.

When the Legislative Assembly made that demand the Government had to reorganise itself. The Town Planning Department had to be reorganised, a Development Unit had to be established and co-ordination had to be planned. Mr. President, it was a vast exercise - it is alright for people to criticise but there was a great amount of input to provide a draft plan as required by the Development and Planning Law. All the technical, administrative and professional advice and assistance that could be mustered anywhere was sought to be used in this instance. There was a deadline, when this plan should be presented to the Legislative Assembly which made it all the more.

Well, we doubted that a plan had to be prepared and a plan had to be presented at the time or within the period that was prescribed by the Legislative Assembly.

Mr. President, the draft Development Plan which was produced at that time was not a document which was going to be forced down the throat of anyone, it was not going to be brought here to members of the Legislative Assembly who would have to accept it. The Law had laid down the procedure in which a plan should be examined and accepted if possible, it had to go for public viewing, the public had to make their comments, criticise, object or whatever else they wanted to do. And the procedure had to be followed whereby it would go to a tribunal, back to the Central Planning Authority and then here. But regardless of what that process was the final say was for the Legislative Assembly to decide whether it would accept a plan or the plan or whether it would not.

Mr. President, a Development Plan takes quite a long time to produce. You can read the history of the preparation of development plans of other countries plans have taken as long as ten years to produce, some plans have been produced in a much shorter period of time. It is not what is produced in the first draft that is always acceptable, that is usually the basis from which you will improve what you think is best for the country but there was a basis from which to begin preparing what you want. Mr. President, without that original draft plan this revised plan could not have been here because as I have said earlier there was a vast amount of input into that original draft plan, technical, administrative and otherwise. And it is only from these input that this revised plan could have been prepared in the short period of time in which the Honourable Member had to prepare it. So the original draft plan served some useful purpose, out of every evil comes some good.

I remember a former Governor of the Seychelles said that they had prepared a plan there some years ago they thought it was a well prepared plan, they thought that the people would have accepted it and when it went to the public view there was such a howl and uproar that they had to shelve the plan for two and a half years. What has happened here is no surprise to me, but one thing I would not like to see, Mr. President, is that the people reject altogether a Development Plan for the Cayman Islands because if the Cayman Islands is to grow and develop orderly and in the best manner possible then it must have a guide to development. And I am hoping that the most feasible guide to development is the plan which is being recommended here today.

We may regret it today if we live long enough we will see our mistake in years to come. I would say we should not reject it. We should examine it very carefully, we should endeavour to accept what is feasible. And I would say this, Mr. President, that the tribunal in my opinion has done a fairly good job in its recommendations. I am sure that the Chairman of the tribunal a man of great experience in the field of planning, he even here he did not sit on the tribunal until when he had examined all areas of the territory himself. When he had talked to many people in all sectors of the community, when he was satisfied that he had had a grasp on the feeling of a cross section of the people he sat on the Tribunal and then he heard the people's objections. I personally was very pleased to see the recommendations of the tribunal. I am very pleased especially to see the recommendations for the two sanitary

HON. V.G. JOHNSON: (CONTINUING): Island – development was almost absent in those areas that I thought that they could start ten or fifteen years before talking about planning of this nature. At some stage they will have to introduce planning but what I am saying is that at this stage I doubt that they need it. For instance they have been crying for many years to get on that Bluff and just got there, and the minute you get there they are planning to say what they should do up there. Well, is that fair or not fair, I would say it is not fair.

I think that the Tribunal's recommendations for the [illegible] are reasonable, equitable. I think that their recommendations for Grand Cayman were also reasonable; but the tribunal's recommendation is not the only recourse to the original draft plan. Members here are the final say, they have the final say.

Mr. President, I am not going to make any comments on the revised plan that is submitted because the Honourable Member who submitted or presented the plan today spoke at great length and I personally want to congratulate him on the manner in which he made his presentation. It was clear, precise, to the point and I think it was presented in such a manner that everyone could understand clearly what was put forward. But I would ask Members here again to give every consideration to this revised plan and to amend the fact especially here in Grand Cayman where there is a good bit of development taking place. There is the need for a guide to future growth and development that we should have that guide and that guide should be in the form of a plan. To introduce a form of plan if this is not acceptable then sit around the table and see whether or can't altogether think of something which will be acceptable to one and all.

Thank you, Sir.

MR. PRESIDENT: We have ten minutes left for debate but it is probably asking too much of Members to restrict their speeches to ten minutes and if Members agree we might take the adjournment at this point.

ADJOURNMENT

MOVED BY: HON. D.E. FOSTER

SECONDED BY: HON. V.G. JOHNSON.

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 4.20 p.m UNTIL MONDAY 23RD MAY AT 10 A.M.

HANSARD

SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 23RD MAY, 1977 AT 10:00 A.M.

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON. D.H. FOSTER, MCE., JP.	FIRST OFFICIAL MEMBER
HON. O.A. HARRIS, CBE.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, ODE.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. RYAN	MEMBER FOR TOURISM, AVIATION AND PORTS

ELECTED MEMBERS

MR. DALMAIN D. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN CARLTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. DANACH C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE S. BODDEN, LVO.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR. CHADDOCK EBANKS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN M. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ARRIVED AT 2:30 P.M.

CAPT. KEITH P. TIBBETTS	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.

ORDERS OF THE DAY

MONDAY, 23RD MAY, 1977

1. GOVERNMENT BUSINESS:

BILLS:

(a) The Customs (Amendment) (No. 2) Law, 1977 - THIRD READING

(b) The Caribbean Meteorological Organisation Law - THIRD READING

2. CONTINUATION OF THE DEBATE ON THE DRAFT DEVELOPMENT PLAN AND ANNEXURES.

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MONDAY, 23RD MAY, 1977

THE CUSTOMS (AMENDMENT)(NO.2) LAW, 1977

THIRD READING

CLERK: THE CUSTOMS (AMENDMENT) (NO.2) LAW, 1977.

MOVED BY: HON. V.C. JOHNSON

SECONDED BY: HON. D.E. FOSTER.

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

THE CARIBBEAN METEOROLOGICAL ORGANISATION LAW

THIRD READING

CLERK: THE CARIBBEAN METEOROLOGICAL ORGANISATION LAW.

MOVED BY: HON. JAMES M. BODDEN
SECONDED BY: HON. G. HALO SMITH

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

DRAFT DEVELOPMENT PLAN AND AMENDMENTS

MR. PRESIDENT: We'll proceed with the continuation of the debate on the Draft Development Plan and Amendments. The motion to move into Select Committee.

HON. CHARLES KIRKCONNELL: Mr. President, / The Mover of the Draft Development Plan has so impressively presented the motion that it is very little left for me to add. However, I would like to express my views very briefly.

A plan should normally begin with the people, however, this was not done as the proposed Draft Development Plan was prepared under the auspices of the Central Planning Authority, who failed to communicate with the people and ask their opinions when the plan was being prepared. As a result the people rebelled and rejected, they lost faith, not only in the Central Planning Authority, but also in the Government. Since then the Government has gone to a lot of expense and has spent considerable time trying to rectify the situation and restore the people's faith and confidence. There is an old saying that when one loses money he loses much, and when one loses a friend he loses more but when one loses faith he loses all.

Mr. President, I would like to draw to the attention of this Honourable Soun/the motion that is before it. The motion is that , quote "A draft development plan and amendments to be referred to Select Committee". We are not debating the draft development plan and its amendments, but the motion is whether we are to refer it to a Select Committee or not. If we fail to vote in favour of the motion the draft development plan and amendments will not go to the Select Committee. It is in this Select Committee that we will be able to amend the plan and law to further suit the wishes of the people.

The people of Cayman Brac and Little Cayman have been the greatest opposers of this plan but they have given the First Elected Member for Cayman Brac and Little Cayman and myself specific instructions on various amendments they would like to be made which we will deal with in the Select Committee.

HON. CHAPLAIN KIRKCONNELL (CONTINUING): I do not believe, Sir, that a lengthy debate now is the answer to the matter. What we need at the moment is to get the motion passed on that we can get it to the Committee where we can deal with specifics and solve our problems in an orderly and business-like manner. Let us therefore work together in an atmosphere of respect and understanding assisting one another. We must press on and put this matter behind us so that our development may proceed in an appropriate manner and allow Government time to get on with other important issues before it. May each Member of this Legislature ask honestly and humbly for God's help and guidance in solving this problem which has beset our Islands and its people for the most decade.

Mr. President, I support this motion.

MR. MILTON KNAPPER: Mr. President, so much has been said already that there is not very much left for me to say. I'll make my comments as brief as I can.

First I want to say that I feel that we do need a plan, I cannot see an Island moving ahead as fast as this one has been going and even now without a plan, but not a plan such as the one that is in debate. That plan to me, Sir, was too rigid a plan and it was not for the betterment of the people or the Islands. To me it is but only one other thing that I see for these ISLANDS that did it anything worse and that was the 1932 hurricane, because this plan has stopped development, caused economy to drop, we've had demonstrations, marches and what not. So I can't see where the question comes whether this plan has to be changed or not; it has to be, whether it be dismissed completely that will be left to the Select Committee which I hope it will be going to, I am supporting that.

Land - when it comes to land in these Islands that is all that the Caymanian really has, Sir. And when you take that from him and tell him he can't build or he can't sell, well will then you are killing your man. Income like that probably works behind the Iron Curtain but not here in Cayman - so this is why I am really supporting it.

I do not have the votes of a Committee from my district to speak from, but I was told by them, Sir, that we put you there as our Committee - you and my colleagues so you go up there and do the job that we are expecting you to do. And I am trusting to God that that is what we will be able to do, Sir, come up with something that will be for the betterment for the people of this Island. I thank you, Sir.

MISS ANNIE H. BODDEN: Mr. President, first I must say that I am really disappointed in looking at the gallery to see the few people who are assembled there. A matter of such great importance that place should have been crowded like it was the 1st day of May, 1971. Instead there are, I am sure, not two dozen spectators here and if and when we do anything among the blame will be attributed to the Legislature.

Now first and foremost, Mr. President, I should like to say that I quite understand the Motion before this House. It is asking that the Plan be sent to a Select Committee to deal with. And I am sure, or at least I hope so, that we haven't got anybody dumb enough as a Legislator who does not understand the meaning of that resolution. At least I know I do, but the point is the Plan which is now before this Legislative Assembly is not an acceptable one to the public. And I go on to say here and now, Mr. President, that I'll agree that the Plan with its

MISS ANNIE E. BODDEN: (CONTINUING): committee must go as a Select Committee but what I disagree with is this that we should rush it back and come back in this session and expect to pass it. That is to my way of thinking absolutely impossible and it is exactly like how the Interim Development Control Bill was done - rushed down our throats in a manner - nobody had time or chance of understanding or to know exactly what they were voting except at that stage the three George Town Elected Members, they were the only three opportunity of what Bill and we were against . I would say but was proven that we were right.

Well, first and foremost, Mr. President, I would say that development planning in this Island, while it is necessary, it was the beginning of disaster in our Islands. The Plan brought disaster. It and D development disaster. Now in the latter part of the 1950's we had in this Cayman Islands and until 1976 what we call the Regional Planning Law and its Board. That was not exactly what we desired and what we needed and it had outgrown its usefulness consequently it was necessary that we look ahead and draft better legislation.

Now, Mr. President, believe it or not, this Interim Control Land Bill was first mooted at Cayman Brac in March of 1986. We went up there to hold a seminar and it was at that time we were told that this thing was about to be brought into effect. Well, not many people took it very seriously I must say but eventually the Land Interim Control Law was enacted, and it was absolutely refused by the Legislative Assembly. There was only one supporter to that Bill that was Dalyand and that was who was called the "Father of the House", everybody else said 'oh no we do not want this, we will not have it'. Then a year lapsed or so, finally it was brought back to a little modified form like we have this Plan now. Modified - I don't know if it was to fool the people or what but that was the term used and it was brought to the House. After much deliberation, talk, what we went eventually it was passed. With the exception of the dissenting voices of the Honourable Berkley Bush, Ira Watson and Linda Hulda Hadden the others passed it - let's go this is the best thing we need, let us have it. Well that was bad enough but the regulations were that much worse. After these were distributed and we the George Townians, I would say that we were in the lead, we may be just in the back now or at least I might be used to be pushed in the back but then we were leading the crowd and we had representation from all over the Island of Grand Cayman 'you better do something about this'. Well, we made an appointment with then Administrator and on a Friday morning we met him at his office and we were there from 10 o'clock until 4 p.m. - along with the Chief Secretary the Honourable First Official Member, the Commissioner of Police, the Director of Planning, Mr. Hamilton, and the three George Town representatives. We outlined the complaints to the Administrator, we showed him things that we felt were not right in the Regulations. And we had his assurance that at the meeting which was to be held the following Tuesday of Executive Council all our grievances would be looked into and corrected. Well, we waited and waited it was over some that anything had been done.

The next stage was this, what it was published in the Caymanian that there was a march proposed. And as usual the reporter came to my office saying Miss Annie what about this march, I said I know nothing about it whatsoever. But it developed that this march actually came about on the 20th day of April. I didn't know one word about that march although I was accused about it until a man from Bodden Town called me Sunday and said 'Miss Annie will you please tell Berkley Bush to get ready for the march tomorrow morning', he said, 'everybody in Bodden Town are busy busy taking up cakes, patties etc., and if the Administrator will not hear us we will at least let him know we consume all the food and then if we get hungry we'll go and get more and come back'. Well, I took it as a big joke, nevertheless he said

MISS ANNIE O. ANDERSON (CONTINUING): 'there are only two people in Bodden Town who will not be in that march and that was Nimrosme and a woman who was so fool she had a baby born, she could not remember when it was but she said it was just the day a big fish washed ashore on the Horse Rocks'.

Well, I came out very early that morning and stopped by Mr. Bush's and discovered the message and he said that must be jim, but he said let's look and see. When we looked in the Town Hall the people were assembling, crowds were coming there with those banners waving in the air. Then of course we attended, I had no intentions whatsoever of going to this march, and I said after all I represent the people and I headed that march driven by the Honourable Fourth Elected Member of the Executive Council, and we arrived at Government House, we heard what had to be said and eventually we were given instructions to call a meeting which we did. That meeting was held on the 1st day of May as I recall and, Mr. President, that was a show-case the poor Town Hall. It was like a cage barred up with barricades across the windows in many corner police with tear gas and revolvers stuck in their pockets - it was something to look at. It was a farce to opening that meeting with Prayers, it was a farce having what could have happened. In any case the People began and we were all to be seated and Mr. Bush got up and said 'Mr. President, before we proceed here today, Sir, .. these bars must be taken off this Town Hall windows or we will not have a meeting'. And he and the Honourable Member here for North Side tore them where here and I was looking for my friend here to stroke he was so vet and the crowds came in shouting. In the meantime there was a war ship in the harbour, and excitement prevailed - people were even afraid to go to sleep because they didn't know what would happen.

Now, this is a long drawn out story which I said it would be. The morning before this meeting I had a reason to go to the Attorney General's office and then on my way back I was stopped by a man in uniform who said he wanted to consult me. I said consult me about what please. This plan what do you know about it? I said Mister why ask me? Well, as I understand it you are one of the ringleaders into it and we want to hear your plan because we may be able to settle it amicably. I went into the meteorological building there/with three uniformed men, policemen, and they started to question me. I said before I part my lips to say one word about what you are going to ask me, I must be informed that you haven't got a recorder here because you might be here to trap me. Well, they gave me their assurance and I took them to be honourable gentlemen and I proceeded to answer their questions. They kept me there until 8 o'clock that night, they said we think we have all that we wanted. I said I think you have but I want to get home now. Well, he said you may go now. I said go now at this hour of the night you must find me transportation because I don't know how I am going to get home otherwise and I was escorted home by the then Commissioner of Police.

Well, the next morning we came here and we had those amendments made to it. But, Mr. President, I am saying this, Sir, respectfully that it is time that the people of the Cayman Islands have some say on what is happening to their land.

Now when the Interim Land Control Bill was introduced there were complaints that the administration was rushing through the Land Development Bill in such a hurry that the Members of the Legislative Assembly had little time to consider it. The Administrator responsible for this drawing this is what he said "I am sorry that this has to be rushed quickly. It is only because I was horrified at the time that you hadn't got an adequate law. You must have something, if you have a fire and you haven't got a poker then you use a stick until

MISS ANNIE K. HUDSON (CONTINUING): you can get a poker. The point is Honourable Minister it is better than what you have got, very much better, it enables you once and for all to accept the driver seat which is where the Government should be in matters of control to commercial enterprise. Our duly Honourable Members is not to take away money, our duty is to be responsible and protect the thousand people" That was the intention of Government, to protect ten thousand people and our intention here is at this present stage to protect not ten thousand people but fifteen thousand people and anyone else who resides in the Cayman Islands, who have invested in land and who has wants to develop that land. Of course I agree there must be some controls, but as as legislators cannot agree to take away the rights of people and in these cases the very poor people, and we think that if we believe it should be used. Let us get together as sensible people and work out a plan that will be suitable to the majority, I'm very sure we won't please everybody but at least we can try our best; that is why I'm so amazed that George Townsend, I'm talking to, have so little regard for what is happening that they will not spare us a few hours to come here to listen to our debate.

Mr. President, we need some plan. And another thing I would say, Sir is this that if we had taken planning wisely it would have never gotten to this stage. Twenty-five years ago there was a plan drawn out for George Town and because it would open up some people's land of which others were jealous and in other instances people would have had to surrender the little land to give for roads it was discarded. Are we have this modern plan to consider it and it is our duty not to cast it aside but to survive a plan which will be beneficial for the Cayman Islands as a whole.

Mr. President, I'm all for development. Development has saved our country; those of us who are old enough to know that we were living in the depth poverty, these young people they don't know anything about it, they just sprung up as mushrooms overnight and they think it was always like it is now. But those of us who know better know that we were down to the last penny and investors came here, they bought our land and they saved the day. A couple years ago somebody asked me why didn't I buy some land on the beach, I said buy it with what, they said it was only a pound for a yard, I said and where would I get a pound to buy land with. That was our situation, we did not have anything to buy anything with save a few existences. And now by God's good grace and the former legislatons who did not have colleges degrees but have had common sense, the thing that ran our islands, they worked and they built us and today we have a prosperous place where we can justly be proud of and it is our business now not to listen to every Tom, Dick and Harry with every suggestion they may make, but to work out what is good for the Cayman Islands as a whole and this can only be done with the knowledge of people who know these different districts. The people from the United Nations cannot come here and design a plan and show us through painted pictures with beaches as big as that and grass growing all over the place and say that's a plan we want. We need to use our land in the interest of those who own the land provided we do that in a manner which will not in any way mar our island to ruins. We do not want any gambling casinos and as far as I'm concerned I hope there won't be anywhere near these, but in any case we have to make provision, we have to have business activities, we have to have industrial sections, residential sections and we should have this island a show place.

Now, Mr. President we hear that we're going to get plans like New York city, Miami beach, etc. The people who come to the Cayman Islands as tourists, they come here because of our unique way of living and we do not want to do anything, we do not want to make any plan to stop the influx of good people into our island. And I think that should be the aim of every Legislature here present, to devise a plan whereby we can, very slowly perhaps, but we can do the job of proving that we are still good amenable people.

MRS. ANNIE E. DOUGLAS CONTINUING: Now I'm here to support the said plan going to the committee to be studied, but I cannot agree that it can be pushed back and finalized in this May session. I feel, Mr. President that when we get through with this plan, although the people don't seem to show much interest in it, that we should show to the public what we have /[illegible]at. And then perhaps you, Sir, may be able to call an emergency meeting or a special meeting, call it what you would like, Sir, and at that time we feel specifically with this plan. I feel, Mr. President it is/[illegible] as Legislators not to run down in the streets of anybody anything that we want, we must do what is for the best of the Cayman Islands. We find that Government must have some land, some say but I'm very sure in the democratic life the Government would never try to impose on the people something that would be for their detriment. I heard a man said me for, he said the only sensible thing I see about the plan in that Government is reserving a place at White Hall Beach where boat owners can get down in case of hurricanes, he said that's the only sensible thing I see about it, I said there are more sensible things but you haven't taken the time to look at it, please before you criticize try to give some constructive aid to us your humble servants because that's what we are, servants of the public, we're not paid by them exactly but we are put here to represent them and I feel, Mr. President that we should put personality aside just get on with the job of doing the work for the people.

Now we have a plan for George Town which I would say is a fairly good plan, but to my way of thinking before we could adopt that plan we would have to change the law. We have to write into that law certain amendments to render certain pieces of this plan, I would say. The only thing that bothers me is this how may we as three Cayman Islands have a plan in Grand Cayman, no plan/Cayman Brac and no plan in Little Cayman. We'll have to write into that law certain amendments that would take care of this technicality and I'm sure that our wise / Attorney General and his staff, something the craftsman will be able to provide such a law.

I feel Mr. President, that it is our bounded duty to do things that would carry this Island on nuccessfully. We know that this so called destruction plan has caused a lot of problems. It has stopped investors coming here up to a point and I can never and will never agree that the Board should have all the say as to what we do with land. We must give guide lines as to what is best. We know this Island better than these gentlemen who just have come up, we the older people and I'm putting myself in the background because I have eight pieces of land and I know what I want to do with them and I feel other people feel the same way. We must do everything to protect our Islands, let us keep up our good name, our name that we love peaceable, our name that we are friendly people and let us frame a plan that will be for the betterment of all and sundry. Of course as I said there will be people who will not want the plan, they will be in the minority I'm sure. But sections of this Island which are suitable for building must be distributed as such and we cannot use everything for agriculture. Some places on this present plan which have been designated for agriculture, the only thing I know could go on that would be sedge or periwinkles or something like that, certainly not agriculture as I know agriculture. We must do what we can with what we have got. And I feel, Mr. President that we have a Board, if it is composed of the right people that will understand the people's requirements and work accordingly. Only yesterday I was reading that moving pictures everywhere. It said the famous man, Mr. Paul Getty. He is not buried yet, they have him in a grave somewhere about but he wanted according to his wish to be buried in a certain place on his estate and the county Board would not agree to it and there is his body waiting burial, as that is a world wide thing.

MISS ANNIE H. BODDEN CONTINUING: And I feel, Mr. President that we must do the best we can under the circumstances and I repeat, Sir I would like a plan to go to a committee of this House and that we go into the details, see what we can do to rectify and amend this plan and it takes a large burden off the hands of this honourable House for the members of these Islands. Thank you, Sir.

HON. D.J. FOSTER: Mr. President, I would like to commend the Second Elected Member of Executive Council, not only for the way in which he presented the plan but also for the amount of hard work that I personally know he has put in over the last few months in preparing himself for this plan. Mr. President, I fully and strongly support the plan. The only thing as far as I'm concerned is wrong, Sir it's five years too late. And we had this five years ago when George Town was developing the elected Member from North Side and the Second from East End would have a wider road to drive their buses on. I seem to remember them complaining about it in the early days ago. Mr. President, when the law was first instituted I was the first Chairman of the Board and I suffered alone and most of everything to get George Town to the point that it's at now and I know and experienced the lack of a proper law and proper regulations. I think, Mr. President we have just come out lucky that George Town, the town should turn out as good as it really has.

Mr. President, everything you do in life, Sir, needs a plan. If two young people decides to get married they take weeks and months to plan their wedding. If you plan to build a house or to go on a vacation you need a plan. You have to know where you're going to, how much it's going to cost, where it's going to come from, also. I can think of nothing that one attempts to do in life that you don't have to do some planning for.

Mr. President, I don't say the plan that is before us is perfect but we cannot then at this window, we have got to get into the committee stage and rectify or argue out and then rectify if necessary what needs to be amended and if it's a genuine amendment will accept it.

Mr. President, as far as the Lesser Islands are concerned although the plan won't apply to them in full they will have guide lines that will carry them to the stage where they need a plan. Mr. President, we didn't need a plan twenty years ago have neither I suppose nothing was going on and that is the position with the Lesser Islands, nothing is going on. But if suddenly industries and developments start to go full speed then you have to make a plan.

Mr. President, we all have homes and nobody would like to see something objectionable stuck up beside us, we would be the first ones to scream. And it is out of all reason to say that we don't need a plan, we just have to have it.

Mr. Speaker, a lot of time, money, technical assistance, expertees and everything have gone into this plan. A lot of people said it has taken a long time, I agree, Mr. President it has taken a long time but it took no longer than the Bermuda plan and Bermuda is much smaller than the Cayman Islands, and that plan took five years. And it is not a thing that one can rush into and it has got to be made flexible which is now built into the plan so that if there is a need to change something it can be changed.

Mr. President, the plan is for the people, Sir, it's not against the people. If it is against the people who is it for then, naturally not the Government. We don't just take other people's land as such, it's got to be for the people and it is my firm opinion that this plan is being developed for no other cause but for the people. The real thing about it, Mr. President, if we don't accept this plan we revert back to the Interim plan which in case the Members don't know it is worse than what we have, it's worse. So I strongly recommend, Sir that we go the Third Member of Executive Council said if we go into it, go into it in detail mercatly and sort out our problems and get it going.

HON. S.H. SOCTEN CONTINUING: ...e no question in my mind, Mr. President, investors come here of foreigners, whatever you want to call them and we say to them, will we believe in control development at a certain pace of which Caymanians can get the benefit and so on and so forth. And they give us credit for it, Sir, the minute you say anything about it they give us credit for it. You'll say well you're on the right track and this is what attracts investors and the type of people that we want who bring new money and peacefully and so on. We might not attract the people, Sir that want to come in and make the first hundred thousand and go, you don't hear about them anymore. The plan wouldn't suit that type of person, but for the genuine people and investors a plan is a must.

Mr. President, the last speaker referred to making Cayman a show place, Mr. President I think that that is an easy thing to do, if we get a decent plan we follow it, it'll not only be a show place, Sir but it will be a paradise and we will be the envy of the Caribbean. Thank you, Sir.

HON. JAMES M. BODDEN: Mr. President, we have a great task ahead of us in the next few weeks. There probably has not been a greater task as this faced by this Assembly in a very long time because we have to petition to grips with the problem. We have to solve that problem, we have to restore faith in this country, we have got to get an economic base for this country on which the future generations can build. This unfortunately has been lacking in the country for several years. There has never been anything done in this country that has so divided the people of this country and affected the economy to the extent that it did as the connections or the various connections with the Development Plan. The Development Plan has had a very long gestation period as Member said a few days ago.

The trouble about the plan, Mr. President is that planning must be done by the people who the plan affects, and this was a great mistake that was made when the planning law with its numerous regulations were passed and since that time trying to prepare a suitable plan to work under that law. The various plans that have been presented to the people of this country were prepared in chambers by people who know very little about this country. If we pay great attention to it we will find that in the preparation of the various plans and the law that we had several Ramifications which were at work.

An attempt was made to force the Development Plan on the people. And in any democratic country, Mr. President, that is always where your trouble will come with the people, ... in when you try to force on them something that they do not want. That has been the great injustice that has been inflicted on our people.

The last election in this country, which was held in November of last year, was one mainly on the issue that the new Legislative Assembly would put this problem behind them and would in consultation with the people and with the wishes of the people prepare the plan under which we should live. In my humble opinion this present Legislative Assembly was given a mandate by the people to do this, and I feel that we must not shirk that responsibility. It is impossible that this have escaped the game for us to think that we would not have to have a plan. Too much has been discussed about it, too many publications have been made and problems and connections with it, and we must at this point have a plan.

Mr. Speaker, in the various districts of this island committees were formed and these committees have made reports, these were committees which we hope were representative of the people in the various districts. These committees reports will reflect the wishes of the people and now it is in our responsibility to put these wishes together and come out with a plan that is truly reflective of the people and not a plan that has been prepared in chambers. I hope that we will shortly go into a select committee and that the plan which we will prepare in that select committee will be completely representative of the

HON. JAMES M. BODDAM CONTINUING: views of the people.

Mr. President, we must bear in mind in the preparation of this plan that the only asset that the native Caymanian possesses is his land. In many cases it has passed down to him over generations but it has represent his mental anguish, in many cases, for his old age. And it is no use of someone saying to me that the man still holds the title to that land yet on the other hand we plume it in a position to show it has no value. There is no use of this man having the title if it has no value to him. It is true, Mr. President, whether we admit it or not, but our country operates under a very unsafe economic situation or system. And if we continue in this country what a plan this work has been prepared our possible will be an economic bondage for years to come and I for one, Mr. President I'm prepared to stand here until the good angel Gabriel blows his trumpet if we cannot restore the economic value of the land in this country to what it was before. We will go into a select committee and prepare a plan and then, Mr. President we will decide the way how to fit that plan, and I'm hoping that in the next session of this House that we will have a new Law passed which will suit the plan which will come out from the committee stage of this House and which will reflect the wishes of the electorate. As I have also must point completely the guide lines which were published and forget the limitations that have been placed on population growth etc. in that guide line. That is the booklet which I think has somewhere around about a hundred and eighty pages and has every projection in the world enscorced within its pages. That was the greatest sin that was done to our country, even greater than the plan itself, was the guide lines which were prepared and prepared by people who really had no connection at all to our country. If we allow guide lines like to emit it rather has much discussion in the hands of the planning authority and so must be very careful when we prepare this plan that it is set down in such a way that the discussion is going to rest solely in the Executive Council or in the Legislative Assembly. There is going to be but very little bit of discretion allowed to the Central Planning Authority.

The next thing I hope that we will put in this plan will be a point that I think will ensure democracy in our country and that is that when a major change is going to be made in this plan that it will be taken back to the voters and the respective district which is affected. This is the only way in my mind that you can have something truly democratic that affects the people, is that the people themselves have the final word on it. I am against any thing that will put discretion in the hands of the Central Planning Authority in a manner in which it was done before.

Mr. President, the motion that is before the House this morning cannot be negatived. We would/shirking every responsibility with the abrogation of this Island what's put on our shoulders if we were to negative this motion. This motion must go and must be passed and must go to a select committee of this House and there we will deal with it and there we will put together the wishes of the people into a plan that will be suitable for this country for generations to come, we hope and we will tailor a new law to suit that because the present law cannot work along with a new plan as I visualise the new plan will be. The new plan must be reflective to the good of this country and along with that we must have a new law. So I'm hoping, Mr. President that none of us will shirk the responsibility that has been placed on our shoulders and that this will go to a select committee and there we will put together the differences and there we will put together a plan that we can work with. Thank you, Sir.

MR. PRESIDENT: This might be a suitable time to suspend for fifteen minutes.

Please be seated. Proceedings are resumed.

MR. CRADDOCK STARNES: Mr. President, the article is back to misleading, according to the press a few days ago. A psychiatrist was treating a young man and when he was finished trying out some tests and knew he still to the young man you're an idiot, well he said that's perfectly alright because I know now I am not a fool. I got enough sense to criticism as to those that got the sense and education without my criticism.

We are before us a motion concerning whether our development plan should go to a select committee or not. The speaker this morning said that they were alarmed that the gallery wasn't breaking in with spontaneous, well I am not shocked about that, that's a relief to me. They got the confidence on the outside that those that they have put in here will represent them and they don't have to come in here to show their long faceor to express anything. So we have achieved confidence in the fourteen thousand people or fifteen thousand it might be. I would like to have seen a lot of them up there myself, but when you achieve the confidence in people or into an inhabitant it means a lot.

We are expecting to go into a committee, maybe tomorrow, I don't know,to consider not the development plan but to consider a development plan. One Member made mention a while ago that it took five years for the Bermuda plan to/present, Mr. President, let me say here that was not the intention of this or of that plan when it was brought in to be dragged on for five years before it was being passed. When that was presented it was presented with the intention of being passed as fast and as early and as quickly as possible, it isn't any question about that. And it would have been passed if the public hadn't stood on their constitutes rights, the inheritance of what was been handed down to them from generation to generation. And when it's reached its second phase that the tribunal has dealt with it and made certain recommendations, the reason why it wasn't passed before the general election because there were Members that could not conscientiously stand up and say that I am against it or I am for it, as they thought the only way around it was to keep it and assist and have it be kept in both bills till after the general election and then it would be brought, and if some or all of those Members had got back I don't think it would have gone to a select committee.

A lot of background, Mr. President was briefed by one Member, and I agree that it was good reasons for it because no one should expect to enter someone's home without giving a reason why they're there or why they want to be there, and this is the same thing. When you're going to take people land and do something with it they ought to be told or approached before you attempt to do something about it.

The tense atmosphere that was created a few years ago over the interim plan or the law the public didn't concur it, it was the plan and those that prepared it and acted to give Government the guidance on it that's why is what should be. If the people hadn't taken their stand with the support of their elected Members we would have had something that we wouldn't have wanted. In my talking with most of the public it was hardly anyone that would say that we don't want a plan or we don't feel that there shouldn't be a plan, but not some plan that will control and take away much of the right from the individual or the mass landowners. However, landowners may have achieved the right to their land, it is the duty and of Government felt that certain areas should be designated for certain things it's nothing wrong about that so on saying. But approach this hand corner and say this what we feel that we need, this is what we should do but we will give you certain privileges, but nothing like that was taken to the public, to merely just something drawn up, with concrete pillars and steel-reinforcement in this, they or not at all.

MR. CHAIRMAN BRINGS CONTINUITY: I suppose as the lady Member said, she thought that I would have run my canvass beyond the point that it would have broken, maybe, but like I told the President of the Assembly that day if you think that you will lock me in here or a prisoner and my people on the outside don't see or hear what is going in here, I said you would make a bigger mistake in your life. I said we can have peace, we can have love, we can have harmony, we can have weapons but if it's not to be that way we can make it the other way. Well after a little while there was peace and quietness, the public was able to come in, the public was able to listen and on the end of that meeting if I had been honest on the outside like I saw some of them I wouldn't have stood for the next election because those Members are still prepared to support Government to run something than the theories of people that they [illegible] prepared to accept.

Now Government has spent lot of I don't say unnecessary money. If it has been tackled in the right way from the beginning it probably wouldn't have cost half the money that it has/Government. The many days, weeks that the tribunal sat in and listened to the complaints and objections and [illegible] to many has payed/lot of money, and as I said it shouldn't have been quite five and quite reasonable for an expert to come in and survey around and look at areas and this is what we think may be profitable or workable and approach such areas and find the views of the people, get their knowledge of what they know, even though it's not from a rational certificate they still have knowledge in the areas that they lived all their lives, they ought to have the right to express their views as to what they think would be good and they should have enough sense and got enough sense to know what is good, what is bad. We don't have to have somebody come in and tell us that, but it was just simple, they said this is the plan and this is the way it will be, they don't know whether it be good or whether it is bad, but they found out the difference.

Now I'm hoping to be one of the Members that will go into this committee. I hope working will change the way that seems me to be absent in any way, but I am not prepared to say here,Mr. President that I'm going to go home to anyone that we can finish it in two days or two weeks. I am not going to agree to any amendment to it or to a plan, not the development plan that was presented before, unless it's completely workable for . many/me concern. I know we're not going to satisfy everybody, but if you satisfy ninety percent or ninety five percent I think the other five or ten percent will learn and fall in line after a little while.

When this is broken down so where every landowner can use his or her land to the advantage to the benefit that they would want to use it for and not deprive Government from having the use of some of this land of land when the time arises or is necessary, but the landowner ought to have the privilege to use it while it's his and not to be used by, or land under for five years to decide whether it should be an agriculture area, whether it should be a forest area, whether it should be land of reserve. We only had two things from the inception of this island and that was the land and the sea so much fish, white sugar, cut breadfruit and that's what we built this country on, and they are the only two golden things that we had to enjoy all over the three hundred years of inheritance of this, why should we be disappointed that because somebody in his thinking, in his knowledge feel that a certain area would be good residential when it could be proved better to be agriculture. Then even if there is an agriculture area, what's wrong with somebody building a house on it and live on it and deal with agriculture of his means, and in time go on it developing into a residential area. Let time have its course, but not once a time comes and say it must be this, it must be that, it must be the other.

MR. CHADDOCK EBANKS CONTINUING: We must prepare certain things, yes for the future generations that are coming up, we must leave something for them to build on, something to work on, some guide line for them to follow, but we must not make that assumption that they don't know which way to turn or what to do about it. Let freedom remain as a guide-line among our people with whatever they may own, let them be free, let them have the privilege to enjoy it, to use it, to work it, to sell it or anything they want. Yes, I know it be certain things we shouldn't agree to but until some further changes are made it will be some unhappy feelings.

We need someone when it comes to administering a plan, like any other law it ought to be administered without fear or favour. As to today some people can almost get a plan passed without even presenting it, others will present a plan and they're tortured and tormented and still don't get any plans with it. I think, Mr. President, when some of these grievances come up after we get the plan, then somebody else is going to have to step in and deal with it such as Executive Council, but not be left entirely in the hands of the Planning Department and they use their discretions to the extent that they may want to use it against who and for.

I recall an American a few weeks back and he was telling me about a problem, he had been looking about residing. He bought a piece of land by on Main Trail road, Bigh Rock they call it. He put in an application for a plan to build a dwelling house and the answer he got, 'We will grant this if you put it two hundred and forty or fifty feet back from the road'. Yet there is an individual that has got a house built/ adjoining property within the twenty or twenty five feet from the road. On the other side is a one hundred foot house lot to be built on yet this individual must put his back at least two hundred and forty feet. Those are the things that when it is a plan passed it's somebody that are going to have to look in to see that these discrepancies are not carried out. And I can't see any sound, no sense that would let the Chairman or the President or the Planning Commission influence a Board against the decisions what ought to be good for one, good for another.

Mr. President, I'm not going to spend any more time on this because as I said I think I have made a point that or two points that I appear that there could or should be a plan, but it must be a plan that every landowner within reasonable can accept so that they can use their land or this plan to be so workable that they could use it for any one thing that they want to use it for. And two, that I won't agree to/ plan unless it is workable, unless it's free to the landowner to do with his land as he feel free or fit to do, and when we go into the committee stage to deal with this I am not going to give up on every whim fancy that I think this could be alright. I believe this would be alright, I'm going to be satisfied within myself so that when it's brought back to the House then I trust on that day the policy will be overflowing to hear some of the benefits that they will then be able to enjoy with the use of their land. So until then, Mr. President I support the motion, I intend to play my part in it and I'm going to endeavour to the best of my ability to be reasonable and bring back to this House a plan that can be will upheld and approved by the people of this Island. I thank you, Sir.

MR. PRESIDENT: I'm going to suspend proceedings until two thirty this afternoon. I think there's still one Member left to speak. The Premier has been unavoidably delayed. I think if we suspend at this time it'll give him a chance to speak first thing this afternoon and then I think it is left for the mover of the motion to wind up. So I'll suspend proceedings until two thirty this afternoon.

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

CAPT. KEITH P. TIBBETTS: Mr. President, first I want to apologize for not being here this morning, but nevertheless it was something beyond my control.

Mr. President, I am in an awkward position to the matter that is before us, the Development Plan. I realize as a representative of the people I have every right to speak. If you feel it necessary I will ask for your permission to speak and as much as I am Chairman of the Development Control Board in Cayman Brac, also a member of the Central Planning Authority here in Grand Cayman.

This Development Plan has caused a lot of unhappiness particularly among the people of Cayman Brac and Little Cayman. It was first brought to our attention as a member of the Development Control Board in 1974 when we met with Mr. Wight, Mr. Smith and Mr. Armond; they came to Cayman Brac and all they had was notes, they didn't have a thing to show us and they came there to tell us that we were going to be allocated as such, the next thing was going to be allocated as such, and in fact it appeared to us as if they were just coming there to tell us that we could not use our land in the ways we had used it before and that our land would be left there dormant in other words. They intend to impose into our Island plan a plan applicable for fifteen years, from 1974 to 1990, this the Development Control Board could not accept. We pointed out that on full Sheet Rock was no one capable of projecting fifteen years ahead what the Cayman Islands would be like. Each of us / [illegible] of how things that have changed in Cayman Brac particularly in the last few years. After quite a lot long arguments they decided that it was really not fifteen years before it would be reviewed, they would come up to review every five years, this we agreed to, that that would be the maximum to be a review every five years. We requested that they bring a map or a drawing of some kind to show us what their ideas of a development plan represented. On the next visit by the same team they came there with a terrible hand map, not even the size of Legal paper. When they produced that the only thing came to my mind was the famous corail snake or mamba in Trinidad, with all these funny colours put here, there and everywhere. Well we told them we weren't satisfied, but nevertheless we would discuss it with them. The first thing that we started to pick apart was the hotel area for Cayman Brac, they had one hotel area which was to the north-west of the present Hammerm's Inn. I believe I'm safe in saying that one of the most unsuitable places on the Cayman Islands, not only Cayman Brac and Little Cayman for a hotel. Not only of the formation of the land but that land there was all zoned in small parcels and buildings had already started to be erected on it, the dwelling homes of various people and it was then, I would say unreasonable to expect those people to sell that land and move to somewhere else, and just because the planning team said that was only a hotel area.

Those of you that know Cayman Brac particularly know that the only beach we have in Cayman Brac is on the south coast. There's not much of it, nevertheless it's there and that they had laid out as protected shoreline. It's the only piece of land in Cayman Brac that you could say you could put a hotel on the beach. We argued against that.

Most of the schools, the bigger of schools. They had a primary school designated for a piece which when the map was marked came to be in the my own property. I don't disagree that I own alot of land there, I do, in fact where my house is on is eighteen acres.

CAPT. KEITH P. TIBBETTS CONTINUING: But where they had land out for a primary school was not suitable or anybody's thinking in as much as there were only four children of primary school age within one mile of that specific spot. We could not accept the plan like that, we argued and we fought. Nevertheless they felt like they were the bosses and we had no appeal to it. Well the time came along under the law that until it had received the local requirements, this was done. This beautiful folder was made up of the development plan, it was selling for twenty dollars, well I was given one for being a member of the Development Control Board. I went and I saw the map they had posted up, of course my plan had not got with it - it really and truly disturbed me when I saw that the arguments that the Development Control Board on Cayman Brac had put down the line some how just completely overlooked and not embodied into the plan they were making to produce to the public.

We in Cayman Brac feel that we are almost unique in a lot of things, like I'm sure each one here today will appreciate, that we always try to do whatever we can for ourselves instead of pushing and pressing someone else to do it for us, as an example, our airport. The land that our airport is on, I'm not saying it's the most suitable but it has served its purpose for twenty-two years, that was selected by the people of Cayman Brac. When the work was started we didn't have whether we were going to get a penny to put on it, nevertheless by voluntary labour we were counted and we procured a reclaim machine and the Government came to our assistance to help us with it. The land where that is is owned by many people, up one end purchased for years and years if they were going to [illegible] for that, in fact they only pay for this land for 74 and 75, after the airport had been operated from almost twenty years.

Then again our hospital, that was all started by voluntary donations, voluntary work, the Government did come in in the end and helped us and they're operating it for us. We feel that instead of ability to start such things as an airport, a hospital, we have our own docking facilities which is a private enterprise, it has not run the people of the Cayman Islands [illegible] hundreds or millions of dollars of debt. I'm not saying that it is money making propositions, nevertheless it's there, it's serving its purpose. We feel if we can keep our development that for we certainly don't need to be directed by a beam directed in turn by the United Nations. We can handle our own affairs to the best of our ability and such we will be happy with it.

When this Development Plan was brought to the public and these maps were put up on the walls of the court house in Cayman Brac I tried my best to get the Government M.L.A. to go to the public with it and let them understand what it was all about. In saying plans as a member of the Development Control Board we will the people that I didn't agree with it, we had already fought it in private before then came about. This was not agreed upon and when they found that I was going to have a public meeting I was forbidden by the Principal Secretary of this Government who was responsible for this special part folio. Nevertheless as a duelist of the peace and as a member of the Development Control Board in Cayman Brac I had no choice but to let the people know what this plan represented. We had meetings, I pointed out to the people that we had a unique section in the law that we could actually move whether and probably overcome what the colloquial name for this plan is Cayman Brac, the destruction plan.

Under section 7, subsection (1) of the Development and Planning Law of 1971 there's a paragraph there that tells you what the public can voice their feelings to the Planning Board and to the planning team, I'm not going into the exact wording of it, that's what it means.

CAPT. KEITH P. TIBBETTS CONTINUING: Throughout the public recognised the the gravity of, they had seen the plans that were published in the Caymanian Compass, the little flyer and it was understood everyone of them. So they in turn appointed a committee by the name of the Cayman Brac and Little Cayman Development Committee, which has studied the law, studied the plan and they know the case that went forward when the amendment was held in 1970 in Cayman Brac to fight against the plan. We are happy, we are proud to know that the tribunal respected and accepted the suggestions of our Development Committee. Nevertheless there are a few things that the people are not quite satisfied with yet, one of them is the guide-lines that were set up and laid down by the same planning team, in particularly Mr. Ken Wright. If you have seen a copy of those guide-lines, his signature is on it, if you haven't I have a copy of it. Those guide lines were made in haste, made under duress and when the development committee had a chance to sit down and study it and think of it they did not agree with all of it. They have since surrendered different guide-lines which are satisfactory to the people of the Cayman Brac and Little Cayman, nevertheless they have not been embodied in the proposed plan that has been produced to us now.

I would like to go on to say that we don't feel that we need any plan in Cayman Brac in the foreseeable future. We are willing to accept guide-lines that will keep development in a controlled manner where it can't benefit a few and affect all the others, we want it so that each one will gain the benefits from it, not to develop their lands for sale and benefit from others.

In conclusion I'd like to say, Mr. President, that I support the motion that is put before us that the proposed Development Plan should go to a Select Committee and I'd further like to support other speakers up when they feel that this entire law should be removed from the statute books of the Cayman Islands I'll be one hundred percent with them and I can assure them that the people of Cayman Brac will be with them and appreciate it. If we cannot do this we want our guide-lines modified where they will be acceptable to the people and above all we want our appeal of the Development Control Board, be the two choices our appeal should go to the Central Planning Authority, we do not agree with it, we cannot agree with it. We either want one of two things, we want our appeal to go with our Executive Council or to an independent Tribunal set up by the Hon'ble the Governor in Cayman Brac of Cayman Brac. I thank you, Sir.

MR. SPEAKER: Are there any other speakers?

HON. G. HAIG BODDEN: Mr. Speaker, there are two points I would like to make in starting. First to congratulate the Members for the terse and quick that has prevailed Government this debate and to say I'm happy that they have accepted the motion and two, to say that I too, I'm impressed by the acceptance of the way this prepared plan is being handled, the acceptance by the public because it definitely shows that the public having elected people to serve them recently can now sit back and watch us do ours.

It is only pity that this proposed plan should be allowed to go to the select committee. It is actually no alternative. If this motion had been rejected we would have to do one of two things; the first one would be to rescind the Development and Planning Law in its entirety and to disband the Department of Planning and to disband the Central Planning Authority and the Control Board in the Brac, and this would have been a retrogrande step. The other alternative that would have happened would have been for the Interim Development Plan to continue in use automatically under the law.

There are still many people on the outside who do not fully comprehend that there is in force a Development Plan.

HON. G. GALE DOLOR CONTINUING: At this very moment, ever since 1974 this Island has had the Interim Development Plan, and in fact even prior to 1974 the Central Planning Authority has used, whether legally or not, the Interim Development Plan. And as Members have correctly decided - that the matter before the house will pass and that we will go into a committee to examine a proposed plan which will take the place of the Interim Development Plan under which we have worked ever since the coming into effect of the 1971 law.

If Members would like to receive a sheet they could turn to page one hundred and seventeen of the original planning document and they would see a copy of the map which is really the Interim Development Plan. I am emphasizing that because a very small minority has been trying to make capital of the fact that we shouldn't have a Development Plan at all; that is utter nonsense. The fact is, we have a plan but that plan is not satisfactory and it is the responsibility of this House to make sure that before this week is out we put in and to the Interim Development Plan. And I would just like to call the Members attention to what is in that plan so that they can successfully tell those few misguided people who say that we should have no plan that these people are taking utter nonsense. Apart from page one hundred and seventeen of that document, I have here the only known key map which is supposed to correspond to the original interim development map. Nobody seems to know what has happened to this interim development map. At one time it was successfully displayed on the walls of the Cayman Building, but it has long since disappeared and what we now officially is used is this one which shows what the Interim Development Plan requires. It is no secret that this map is a very poor replica of the originally approved map which somehow or the other has been modified in 1970 and received the approval of the Central Planning Authority in January, 1972. Now if Members can see this map you will know that the key is to be the dark green and yellow green shade, and every part of this Island, from here right up to East End, all of this is land that cannot be developed under the plan which we now work working. All of this is unmarked as agricultural and ground water reserved land and public protected park land. Every square inch from Red Bay to Rankins Point is marked under the Interim Development Plan as unfit for human habitation, and there are other areas in other parts of the Island in addition to this. So when you walk along the street and you hear a few little people who are now in the minority talking about this Island does not need a Development Plan Members can walk out of here and tell them you are talking nonsense because we both are and on the light. The Interim Development Plan came into effect in 1974 and there are sitting in this Chamber now only four Members who successfully fought against it, the lady Member from George Town, the Member from North Side and the two Members from Bodden Town. Everyone objected to the introduction of this Interim Development Plan and we objected to the Assembly approving it. Nevertheless the Interim Development Plan was approved by this Assembly in 1974 and have been in use ever since, and of course it had been in use even before 1974. So what we are here stuck with now is a plan which we need to get rid of and there is only one way to get rid of that plan and that is for this Assembly to go into a committee and study the proposed plan which will take the place of the Interim Development Plan.

I'll let you know further about this Interim Development Plan which we are duty bound to put to rest this week you may see that a provision is made in the Estimates in all, and if the Interim Development Plan is to continue in use for another five or six years as it has done since the last five or six years the Members of this Assembly would be committing a gross criminal offence against the people who have elected and to serve. And so the responsibility is upon the Members here.

MR. E. MILO SOLOMON CONTINUING: I don't want to get political on this issue, but the platform just on which the November election was fought was the Development Plan because the past administration had failed to act and had failed to satisfy the public. They allowed through their inaction and inertia, the Interim Development Plan to be used to the detriment of these Islands for too long and now a new generation/with whom knows not Joseph and we have been given the responsibility to put this to an end. And so today I want Members to know that they are acting on the mandate which they received in November. It has been talked that I had/to do with the last election, I had nothing to do with it. The reason why these Members were elected was to change the Development Plan from the Interim Development Plan to a plan which would suit the needs of the public, and that is why there are so many new faces in this Chamber/Gathering. And if these Members would like to have another look they had better get on to the job of/changing the Proposed Development Plan, amending it where necessary, putting it in to force and putting to rest the Interim Development Plan.

The Interim Development Plan was never intended to serve these Islands from the time it was drawn up until 1977. When the Third Official Member brought that plan to the House in 1974 he made it emphatically clear that this is just, and I'm reading his exact words from the Hansard, for the Interim because the Development Plan required under the Development and Planning Law is now in the process of preparation and when that Plan is presented to this Legislative Assembly and it is completed more than this part of the law granting the Interim measure to use the old plan will automatically fail or automatically fall away. And he goes on to say "Again I would like to make it quite clear that this is not a Plan to be a permanent instrument to be used by the Central Planning Authority, it is a Plan which is now being used as a guide to every application submitted to the authority for consideration. And he goes on again and repeats it, that he has just made clear that this Plan, this is what we're using in the interim and it has no other effect whatever. So when we get to the committee tomorrow, as we hope Members need not worry about what the public may say because the public have already said that they want Members that can take action for the betterment of the country, and they want this old Interim Plan together with the first Proposed Development Plan in 1976 dealt to rest and the Plan which is now before the House, a modified version, an amended version put in its place.

So much for the Interim Development Plan. I want to look at other aspects of this debate. We need not try to get a perfect Plan, the perfect Plan for everybody will never exist except in the minds of its supporters, and even if we could get a perfect Plan it would be rejected by the administration because the administration depends upon the human factor and there is no perfect human being. And even if we did manage to get it past that stage some parts of it would ultimately be held to vast, either by the courts or by appeal. So we need not look for the perfect Plan, all we need to look for is what we believe in our own good judgment to be the best for the people of these Islands. And if what we should come up with is not the best and there is sufficiently strong objection to it provision is made in the Planning Law for amendments to be made.

I need not make the next comment. The Draft Plan which we are considering is not as bad as the Interim Plan under which we have laboured since 1974. And so we are doing a service to the country by dealing in as expeditious a manner as trying to get this Plan finalized.

This new House has operated for only six months and we are bringing to conclusion a monumental task which other administrations were not able to do in six years, and we are doing this in only six months. And if we should err, as I doubt we will, I for one can go back to my people and say we made a mistake and we are willing to change. And I believe if this spirit of humility had existed before we would not be saddled with such a heavy task today, the Plan

HON. H. W.D BOODOO CONTINUING: would have gone into operation many years ago. I would say my opening that the Law together with the regulations will be amended in August to take care of the changes that will be made in the Plan. The Member from Caymen Brac mentioned a change that he would like to see. I had mentioned that in my opening, the matter of allowing appeals from the Central Board in that Area to go to a special Tribunal rather than coming to the Central Planning Authority here. It is my belief that this Development Plan may not be perfect, in fact it might even be bad, but like Sir Winston Churchill said about democracy " it is bad but they haven't found a better type of Government yet". And what is before us, together with the amendments which will be made during this week may not be the best but I believe it is better than anything that has ever been put forward here before.

One Member touched upon agricultural land and if you examine the map which was put forward you will see that no special areas are earmarked for agriculture. Members all have a copy of this map, this is because the Tribunal recommended that agricultural land should be found wherever the good soils are. This is something that was overlooked in the Interim Development Plan. I have here, and this map was so big I only brought along a half of it, but this map was circulated to Members of the Legislative Assembly in 1974 when they received the soil report which had been made up by the University of the West Indies. And this map shows here in blue all your swamps, mangrove and that in green all the soils formed over hard limestone. In white words what is shown on this half of the map according to the soil survey is the worse areas of the whole island for agriculture. But if you look at the Interim Development Plan you will see that every square foot of this land soil is earmarked for agriculture. So when we are thinking about land for agriculture this is reason enough for us to amend the Interim Development Plan. And if one look at the planning statement which has been put out on page fifteen you will read at the bottom " it is intended that up to about six thousand acres of land which are the most suitable for the production of food should be allocated for agriculture and horticultural purposes. Irrespective of whether such land lies in rural or urban areas this agricultural land has not been designated on the map but it is intended that it will be included on the more specific areas of agricultural land when designated will be classified as rural land irrespective of the zone within which they are located. So if for no other purpose we need to take a look at the proposed plan so that we can get it in such a shape that it will take the place of the Interim Development Plan which was put upon us by a different administration.

In my mind planning is what I like to walk around George Town and your question will be answered. We have an oil terminal right in the center of a residential area because we did not have a law to say you couldn't put it there. We have an airport right in a residential area because it was believed that everything should be in George Town. We have buildings, like the Bank of Montreal and the West Mid Building are down in the middle of the street, we have no parking, we have no facilities for Ambulance, all because of lack of a Plan. And this lack of planning, I believe has contributed to many of our ills know and let us not fall into the same trick. It is true that in an effort to get planning we did go over board, we brought in people and some of them were not qualified. One of the people who you must know the first Plan, when I talked to him in the Cayman Town Town Hall, I'm speaking about Mr. Wright, had nothing to offer except his own confusion. And I believe that this inability of producing a satisfactory Plan and of complying with the requirements of the 77 Law was one of the reasons why these Members have been elected to do something about it and I hope they never forget it. They were not elected because the Island needed self-government, they were elected because the Island needed a Development Plan which I feel confident

WON. C: WAS GOODBY COMPOUND: they have the capabilities of applying. And so it can be said that contrary to what several people believe the Central Planning Authority has not been the source of our woes. The Director of Planning has not been the main stay of our troubles / have stemmed from the Interim Development Plan under which they were forced to work. These people have been tied hand and foot, they have been shackled by the Interim Development Plan and they are now reminding for us to cut loose the shackle. So we have today a big responsibility and that is to get rid of the Interim Development Plan. Some people even want us for us to blame the last Executive Council, but they were not the source, they were really not the people to be blamed. Some people blamed the United Nations, nobody was to be blamed but the Interim Development Plan, and its name is unanimously heard. Isn't it possible that such a culprit, the real criminal could hide snuggly upon the walls of the dimmett Building, could be passed by day after day and nobody ever raised their finger against the Interim Development Plan. Everybody pointed to the poor members of the Planning Board, everybody concerned on the Third Official Member under them planning name, everybody talked about the Central Board in Cayman Brac and the Central Planning Authority here and the United Nations and none of them/ pointed at the precious Ordinance, Mr. Crook and Mr. Long while the real culprit was the Interim Development Plan, and do you know why?Because that Interim Development Plan did not fail in its presentation or in its production, the procedure has been in the Development and Planning Law. It did not go through the stages of scrutiny which our present Proposed Development Plan has gone through, it never went before the public for objections, it never went before the Tribunal for hearing, it never went before the people in the districts and that is why nobody dared to mention the name. I was one of those who challenged the introduction of that Plan, in fact I am/ at the time, and the hansards here will bear me out, that Executive Council at that time had no right to present that Plan, the Plan should have come from the Central Planning Authority, a Government whose term the age of the block vote machinery and those were the days when it might not always right prevailed. But all of that in history and we now have a chance to undo the wrong that was done and we must do it in as broad a fashion that we can accept from the house that and that all those who seek may hear. So for the last nine years like a cancer eating away slowly at the vital organs, the Interim Development Plan has created havoc upon the economy and like an unblemishable cancer it has remained undiscovered, undetermined and unidentified. We say the Planning Board cannot do this and we say the Director of Planning won't do this but the real culprit exposed ourselves and this is what we have to get rid of.

Now how far has this multitude of doing nothing gotten us? How far have we been carried away with economic ideas, let us take a look at it. When the Development and Planning Law was passed in 1971 it stated quite clearly that within twelve months of the coming into effect of this law the Authority should submit for the Assembly a Development Plan, needless to say this was not done, and in the end the result was that the Island operated without the Plan/Government intervention of the law. However after much pressure had been brought the law was amended to allow a longer time. The law was amended for it to bring in the Interim Development Plan, that amendment was to section 6. Now the time has come where the Central Planning Authority has gotten together a Plan and they have submitted that Plan to the Legislative Assembly. One may ask why is there opposition to it at this time, not from the Members here but from a few little people who got their cookies broke in November last year. Why is there opposition when they know the Plan was presented to meet this dismal needs, not I the every word, not on this every line but after the proper amendments have been made by the only people that are qualified under the law to make these amendments the Members of the Legislative Assembly.

MR. G. GATE BORDER (continued): ...Are they hoping to embarrass these good Members on this? I can see the headlines in a certain publication right now, in fact I'm betting a few to a nut that they certainly it. But we must not be disturbed, we are here as responsible people to do a responsible job for the fourteen thousand people that have elected us. And we must not be side tracked from the main issue and that is that our Development and Planning Law, 1971 provides that this Government must have a Development Plan to go along with the law, and that this Development Plan under section 8 of the Development Law must be prepared by the Authority and the Authority must consult with the Board and any other public authority concerned, and they must submit this Plan to the Legislative Assembly and the Legislative Assembly will have the final word in its passage and usage.

Mr Speaker, I have the inquiries and the knowledge of the Interim Development Plan to sometimes, that Plan was drawn up hastily just as a stop gap measure until the real thing could be put together. That Plan was drawn up without sufficient time from the people that would have to live and work in these islands, but the Board needed something to go on, but no temporary measure can ever serve as a permanent cure. You know if you have a fever, on your way to the hospital you'll take a couple of aspirins and the fever will disappear, it's only a temporary measure to hold you together until somebody can diagnose your trouble and make a recommendation for a permanent cure. So the legislature in the past did right in giving you the Interim Development Plan, but if you were to listen to anyone who tells you that we haven't have any Plan now and we must continue under that Plan you would be using your opinion when what you need is surgery.

Members of this present House were elected by the greatest landslide victory in the history of politics in these islands and they must never forget it, but that victory carries with it a great responsibility to serve the people who elected you and not to listen to the people who lost the election. And it is my contention that one of the key issues in that election was the Development Plan because the public had worked against it, they had demonstrations, there had been petitions, petitions had come to the Legislative Assembly asking Government to do something about the Plan, and the public reacted action here and now, they cannot that you will annul this Plan and that you will change it, that you will make what amendments are necessary. And if this country is to continue to prosper, if the economy is to bounce back and if investments are to flow, investors must know that we have a Plan, we have a guide line, that there is no hesitancy. That they know that this is this and that is that.

I do not feel that this Development Plan is being rammed down the throats of anyone. This has taken the ordinary route set out in the law, it has been in preparation a long time, it has come to this House and it has even exceed the extra mile. All Members knew that this Plan would will have been finished in March of this year when it was tabled in this House, there was no need to plan further study, there was no need to consult anybody else, the law is very clear on it. But this House being a House elected to serve the people went the extra mile and has given two months study. Now if there are any people in these islands that within the period allotted have failed to get in touch with their representatives I can only say that these people must have real good confidence in their representatives. I understand that public meetings have been held, I understand that committee meetings have been held, I understand that maps have been drawn, I understand that reports have been submitted to certain Members. So if there is anyone in the public who has not yet taken advantage of the time offered I would say they had better get in motion quickly because art is long and time is fleeting and our hearts so young and brave, still like muffle drums are beating, the funeral marches to the grave.

HON. G. HALE BODDEN CONTINUING: We are moving forward with this Plan now and if anybody have any objections they had better come up with them fast. They have been given sufficient time, but this country cannot afford to wait. We can have nobody putting off for tomorrow what should have been done yesterday, we have had too much of this in the past, particularly with this same Plan, and today is the time for action. And if you look at the Law furthermore you will see why there is time for action because section 10 (1) of this Law says that in order to do development permission shall be required under this part of the Law. And no such permission shall be given which would result in development at variance with a Development Plan, and we do have a Development Plan, we do have this Interim Development Plan, and section 10 (1) of this Law says that no permission shall be given which would result in development at variance with the Development Plan. And you have heard or seen this Interim Plan and now have seen that it virtually impossible for anymore development to come in these Islands under the Interim Development Plan. So if we do not take action development will have to stagnate, it will have to stop and this is the reason why we must do away with this and put in a Plan which will allow further development or we must change section 10 (1) of the Law so that we can do development which is at variance with the Interim Development Plan.

Another fault of the Law as it stands and of the Interim Development Plan as it stands is that the use of each particular part is confined to whatever use is designated in the Plan. And as I've told you nine tenths of the Island is for no development under the Interim Development Plan. Of course, this Plan which we are dealing with today I hope will not be our final Plan because land use changes. But too long ago the Church here in George Town built a Church hall on what used to be a graveyard. Up at spotts I understand when they were putting down the foundation for condominiums they are digging up the bones of the dead and this is because land use changes, and if time should continue long enough one of these days you may see a supermarket right on this very spot. It will probably take another five hundred years but it will come. Land use changes, everything changes. The poet put it so nicely when he said " things and items in all around I see, there is only one that changeth not and I hope he abides with me". One Member made a very valid point this morning when he said that any major change should only come if that change is shown to the public, and I agree. There would not have been any controversy over this Plan if the people concerned with the areas that were planned had been consulted in the beginning, and if they had been allowed to put their ideas into the Plan.

The Member from Cayman Brac mentioned something about the guide lines which were given some years ago to the planners, now needing some change. I am sure the committee will be willing to go along with him if he can give us when we come to that part of it any change that he recommends. I know the Members have a great love for Cayman Brac and I personally like to keep them happy because they are a very reasonable and determined people and they will fight for what they want, and there should be no problem if they have put up any special recommendations, I'm certain the Members will go along with them.

The question for us to decide this morning, as Mr. Members will shortly tell the House, is whether this Plan should go to the Select Committee or not. I want to ask the Members to say 'yes' to this question because if it doesn't go to a committee you'll be hurting yourselves. This is the only way you can change anything in this Proposed Plan, you're the only people with authority under the Law to change anything in it and your constituents cannot change anything in it, but you as a Member of the committee will have the power to make any changes they recommend provided you can get a majority vote.

HON. G. RAIG BODDEN (CONTINUING): But the only way to get that is to allow this Plan to go to a committee. I suppose that when the committee is finished we will come back on this Issue on Friday or one day of next week, and then the House will have a new question to decide, whether they will accept the report of the committee or not. But at the present time Members are only asked to fulfill the obligations they have to the public in doing away with the Interim Plan by deciding on a Plan to take the place of the Interim Development Plan.

QUESTION PUT: AGREED. MOTION PASSED.

MR. PRESIDENT: In accordance with Standing Order 80 (2) I nominate the Honourable Haig Bodden, Member for Lands, Agriculture and Natural Resources as Chairman of the Select Committee, and under the same Standing Order or rather under the next one, number 79 the first meeting of the Select Committee is held as announced by this Chairman.

HON. G. RAIG BODDEN: Mr. President, I would like to meet at nine thirty tomorrow morning.

MR. PRESIDENT: That concludes today's business.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. V.G. JOHNSON

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 4:50 P.M UNTIL A DATE TO BE NOTIFIED TO HONOURABLE MEMBERS BY THE CLERK.

SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 9th JUNE, 1977 AT 10:00 A.M.

PRESENT WERE:-

HIS EXCELLENCY THE CHAIRMAN, MR. THOMAS RUSSELL, CBE., - PRESIDING

GOVERNMENT MEMBERS

HON. D.E. FOSTER, MBE., JP.	FIRST OFFICIAL MEMBER
HON. DAVID R. BARWICK, CBE.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, OBE.	THIRD OFFICIAL MEMBER
HON. THOMAS M. DONDUP	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. HOLDEN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. BALMAIN O. SHANKS	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. KATHLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE D. BODDEN, OBE.	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 SHANKS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ORDERS OF THE DAY

THURSDAY, 9TH JUNE, 1977

1. QUESTIONS:

THE FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST" HAS TO ASK THE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES:

WOULD THE MEMBER STATE WHETHER ANY STEPS HAVE BEEN TAKEN TO ENSURE THAT OPERATORS OF LOCAL CINEMAS ARE BRINGING IN FILMS WHICH ARE IN THE INTEREST AND TO THE BENEFIT OF THE COMMUNITY.

2. GOVERNMENT BUSINESS:

BILLS:-

(a) The Towns and Communities (Amendment) Law, 1977 - FIRST AND SECOND READINGS.

(b) The Liquor Licensing (Amendment) Law, 1977 - FIRST AND SECOND READINGS.

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THURSDAY, 8TH JUNE, 1977

10:00 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. We'll deal first with questions, there's one item on the Order Paper for today.

QUESTION

THE FIRST NOMINATED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FIRST NOMINATED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

Will the Member state whether any steps have been taken to ensure that operators of local cinemas are bringing in films which are in the best interest and to the benefit of the Community?

ANSWER:

I have communicated with the main cinemas and requested that they cautiously choose films and ensure that the films exhibited are in the interest of our Islands.

The Cinematograph Law is archaic and lacking in provisions relating to the giving of directions and enforcement of provisions to ensure that presentation of films are in the interests of our Society. The Cinematograph Authority did not see fit under the authority given to them by law to impose any condition or restrictions when issuing the 1977 annual licenses to the main cinemas.

SUPPLEMENTARIES:

MR. DALKAIN D. EBANKS: A supplementary. What do you intend to do in the future to ensure that films are in the interest of the public?

HON. TRUMAN M. BODDEN: Mr. President, I intend to introduce legislation into this House, probably in August to review the whole of the Cinematograph Law and the related matters thereto.

MR. DALKAIN D. EBANKS: Where are the films being imported from or through?

HON. TRUMAN M. BODDEN: Mr. President, I believe, and this is subject to correction, that one of the main cinemas, the Bodden Town one, probably bring in their films either through Miami or Trinidad. I know of at least I have been told by the owner or either someone from the cinema, one of the Directors, that their films come through Jamaica whose the agent for these are.

MR. GARSTON J. SMITH: With you permission Mr. President, I would like to ask one supplementary. Are cinema operators permitted under the law to show obscene films?

HON. TRUMAN M. BODDEN: Well, Mr. President, the answer on that is no. It appears on it is under Section 5 of the Cinematograph Law, a criminal offence to show pictures or sound effect of an obscene nature. And the offence carries with it a fine of fifty pounds or six months imprisonment.

I may just mention that I notice here under this section, it seems as if the Cinematograph Authority has to institute or to referred to here the prosecution.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would like to ask the Member, to his knowledge has any action ever been taken against any of these cinemas or theatres showing these obscene pictures?

HON. TRUMAN M. BODDEN: No mam, the only action that was ever taken was that when I came into office I called them in and I told them clearly that the time had come when they will have to make sure that these films coming in are something which can be shown within our community and would not adversely affect it. And I did that with two of the main theatres.

MISS ANNIE H. BODDEN: Mr. President, another supplementary question please. Is there any Board now formed under the Cinematograph Law which is functioning?

HON. TRUMAN M. BODDEN: Mr. President, I believe I have seen minutes where there's a Cinematograph Board appointed of which I believe the Lady Member is a Member along with Mr. Foster. And there would have been appointed under Section 2 of that Law, at least there must be a Board to give licences.

MISS ANNIE H. BODDEN: Mr. President, a statement. I was asked to be a Member which I refused.

HON. TRUMAN M. BODDEN: I apologise if I assumed wrongly, I knew that Miss Bodden was on it previously Sir.

MR. CHARLTON BRAINES: Mr. President, if I may ask a supplementary. Would the Member say in the preparation of the planned Bill to be brought to the House, will it be in the manner to set up censorship or bar the importation of such films?

HON. TRUMAN M. BODDEN: Mr. President, the Law will attempt to tighten controls and set up new controls to make sure that films are what we want within the society. What forms that will be in, I cannot at this stage say, but I assume the Member that he will know will be advised, and any points or any section to that Law which he may wish in there I will by all means sit down with him on with any other Member and make sure that when comes out is what he and the other Members and the community feels is in the interest of this community Sir.

MR. CHARLTON BRAINES: Mr. President, I would like to clear something in the answer to the question posed by the First Elected Member from West Bay. The answer was given by the Law to impose condition for a restriction on issuing the 1977 annual licence. I happen to be a Member of the Board, but the Board does have any jurisdictions in dealing with - it's only simply to renew licences that goes on from time to time, and unfortunately we didn't have any new applicants. We couldn't impose any restrictions on what films that were being shown on the travel .....

HON. TRUMAN M. BODDEN: Mr. President, that was substantially a statement. I'll just refer the Member to Section 3 and leave it at that Sir, if that's acceptable to him.

MR. PRESIDENT: If there are no further supplementaries, we can move on to Government Business.

THE TOWNS AND COMMUNITIES (AMENDMENT) BILL, 1977

FIRST READING

CLERK: The Towns and Communities (Amendment) Bill, 1977

HON. JAMES M. BODDEN: Mr. President, ...

MR. PRESIDENT: I was simply going to say that the Bill has been deemed to be read the First Time and is set down for a Second Reading.

THE LIQUOR LICENSING (AMENDMENT) BILL, 1977

FIRST READING

CLERK: The Liquor Licensing (Amendment) Bill, 1977

MR. PRESIDENT: The Bill is deemed to have been read a First Time and is set down for a Second Reading.

Although the Bills are on the Order Paper in the order, The Towns and Communities (Amendment) Bill, 1977 followed by the Liquor Licensing (Amendment) Bill, 1977, if Members have no objections I would like to propose that we proceed with the Second Reading of The Liquor Licensing (Amendment) Bill, 1977 as the first item on today's agenda. If there's no objection to that I'll call on the Honourable Member to move the Second Reading of the Liquor Licensing (Amendment) Bill, 1977.

MR. CHAIRMAN KEARNEY: Mr. President, I rise not to object to the presentation of this proposed Bill, but I would like at this time to move a Motion that it be laid on the Table for further consideration, to be studied and presented to the next sitting of the Assembly. Because Mr. President, it's going to be a controversial debate, it's going to go into long hours, which I am not in the least bit worried about that; we have some objections from certain sectors which I don't bother about either, but it is some proposed Amendments to this Bill that I cannot support at all for. While I would like to say, I am prepared to support and go as far as possible to help control the Liquor behaviour in this country. But as I have said, it's going to be a very controversial debate, whether we will reach a mutual understanding and an agreement on it at this time I don't see that we can. And that at a convenient time or times before the next sitting, that Members will get together along with legal advice and go into this in detail, and study it and make recommendations as each Member sees fit or deletions as the case may be.

While this has been handed out to Members for some days we have spent a lot of time in Committee for the last two weeks, practically every day, it wasn't hardly convenient that Members could have met and discussed [illegible] to the extent that I feel that it should be discussed before being debated in this House. While I give my support in principle to this Bill being brought for Amendments to the Liquor Licensing Law that I cannot in truth and in fact be hasten in my debate on this, and as I have said, it's going to draw out long hours of controversy, debate and arguments particularly after it goes to the Committee stage in the House, so with those few remarks, Mr. President, I would only again ask Members to consider the laying of this on the Table to be dealt with with Members and be prepared to be brought to the House at the next sitting.

HON. JAMES M. BONNY: Mr. President, the postponement of a problem is never the answer. These Amendments have been before the Members of this House for a very long time Sir. The Member who just spoke happens to be a Members of the Liquor Board the same as I am. These Amendments with the exception of one was put together and propounded by the Members of that Board and then submitted to the Honourable Attorney-General for presentation to this House. I fail to see why any Member can say that they should not be ready to debate this Bill.

As far as I am concerned, Mr. President, when I entered Executive Council you assigned to me the Liquor Control Board as a part of my portfolio. Any job that I'm going to do I'm going to do it a hundred percent or I'm not going to do it, I refuse to sit as a Chairman of a Board that has no teeth, and the present Liquor Bill because of certain elements who have been able to lobby in the [illegible] has never had any teeth in this country. If this Bill, Mr. President, is to be postponed then it

HON. JAMES M. BODDEN CONTINUING: must be struck off completely because I, in charge of that portfolio will never be bringing it back Sir. Thank you.

MR. PRESIDENT: I think we better have the remarks from the Chair at this stage. The Bill is set down for second reading on the Order Paper and I don't think it's proper to defer the Second Reading. The Second Reading debate is on a matter of general principles, at the end of the Second Reading it is then for the House to determined how it wants to examine this matter further, there's provision in Standing Orders to move into a Committee of the whole House, there's provision in Standing Orders to refer matters to a Select Committee if this is the wish of the House. But I don't think that it's proper to defer the Second Reading when it has been put down on the Order Paper, and I believe that Members have had copies of the Bill in their hands for more than the regulations, seven days.

SECOND READING

CLERK: The Liquor Licensing(Amendment) Bill, 1977, Second Reading

HON. JAMES M. BODDEN: Mr. President, I move the Second Reading of a Bill entitled "The Liquor Licensing (Amendment) Bill, 1977".

I at this point will apologise to the Members of this House that I have not been able to have put together last night the defence of this Bill that I would've like to have been able to present this morning. I am going to open my statement this morning by saying to this House: "To thine own self be true, and it must follow as the night the day Thou canst not thence be false to any man". I have tried in my life time for that to guide me in many respects and it is going to guide me today as I present to this House this Bill. I would like to be able, Mr. President, to stand here today and debate this Bill like I have done on the other side of the House in times passed for over a day, and if time will permit me today Sir, I would probably do that, because I am going to not attempt but I am going to prove why the amendments are necessary to the present law.

Mr. President, I consider myself a full grown man and a man who has entered the other stage of life where they say, better things happen at forty, I'm passed that now. So I have had many opportunities Mr. President, in my life time to drink and I like every Caymanian, like every seaman, has had my share of it, but thank God I was man enough to not let it rule me. There are many people who are afraid of a problem because it rules them, no problem, Mr. President, or nothing in my life has ever ruled me or I am afraid of, the only thing in life I've ever been afraid of is flying and I don't know why because it's a quick death, so I am going to prove to this House today that these Amendments are necessary. I have had many broad experiences in life in many different fields, Mr. President, but there are two things that always stick out in my memory and that is what, Mr. President, that it numbered me the amount of people in this life that will sell their souls, their nominations, their manhood for, and that is the two worse things in life that we have to contend with, liquor and dope. It has put more people into destruction than any other things in life have ever done, yet the Parliaments of this world have not been ready to come to grips with this problem.

We were criticised, my fellow colleagues from Bodden Town and myself, when we tried to put the teeth that were necessary into the Dangerous Drugs Bill, from 1972 onwards we were criticised. But we have a law that if it is enforced it should go a long way to taking care of the ills that I enflicted on our society, and by God's help we're going to do the same thing with this one. It took us five years to put the teeth into the other one, it has taken us nearly this long to bring forward the teeth for this one, but I am going to hope that maybe when this Assembly is through that the Members of this House will realize that they are not just Members who must answer to a select few but they are Members that are

HON. JAMES N. DOBSON CONTINUING: put in here to handle the good of the country and to find problems which may be different. Many times in life we are faced with things that it would be better to sweep them under the carpet and forget about them and leave them there. But will we when good does it do? For years this Assembly has been sweeping problems under the carpet, and the only thing that's happening is that every day there are raising their heads and becoming bigger and bigger problems, and as long as I sit in this House, Mr. President, I am prepared to face any problem that comes, and I am not prepared to go along with putting these problems under a carpet.

We are not here, Mr. President, just to do what is popular we must do what our conscience dictates us as be right in the long run for the good for the country. If we are only going to sit here and vote on popular problems then we do not have no reason to be looked on as the leaders of our country, because then, we are not leading we are being led. And, Mr. President, there is only one person that will lead us and that is my good Lord because I have to go where he says and I must follow, but that is the only one. I am going to be the leader of my destiny regardless of what the cost may be. I have always operated on one theory, Mr. President, and that is this, that my country and my people must come first and I have lost a lot for that belief and I am prepared to lose my life if it needs be to be. But any day that I have to come into this House and be afraid to speak my piece on any problem then I have no right, Mr. President, to have the respect of my people to elect me as their leader. In that case, Mr. President, I must go back and dig yams and potatoes or whatever I can do, I have no business any longer to be a Member of the Legislative Assembly of this country.

I have heard this people have said concerning this Bill, about the salary that we Members of Executive Council get; believe me if it was the salary that was leading the four of us I doubt seldom one of the four of us would be in Executive Council. I get paid nine hundred and twenty-seven dollars a month to sit in Executive Council and my light bill for my house and my office is over six hundred dollars, so what good is nine hundred and twenty-seven dollars to me, the same as it would be to these other gentlemen here. We are in because we have a conviction, we are in it because we feel the country needs a change and regardless of what we have to sacrifice to do for that change we are prepared to do it, not the money, what is nine hundred and twenty-seven dollars a month? I'm not be-littling it, Mr. President, in the sense of not being glad for it, but I only want to make one point clear to the people of this country that neither one of the four Members in Executive Council are into this Executive Council for the money that's in it, because we would probably be better winning shoes. If it was what I was getting as a salary that attract me to Executive Council I would have resigned long time ago.

Some have said, I understand and have asked questions of how they can get me out of Executive Council, particularly me because I am ready to put forward this Bill, that don't bord, Mr. President, I'll walk out of that door in five minutes and forget the whole thing. And I'll say this, if this Elected Assembly whom I helped put together is not willing to face their responsibility to this Bill I am prepared to do this Mr. President, there will be no coming to me and nobody will have to run around the corner to put a petition together.

Mr. President, I am prepared to stand here this morning and detail to this House and to this country the abuse that takes place in this country under the present Liquor Bill that we have here. It's a farce, it's a sham, because anybody under this law can get a Liquor License and the only places nearly in Cayman today that are not asking for a Liquor License are the Churches. And what are you going to do about it when it comes before you sitting up there on a Board, and you say you're going to control it, you have nothing to control it with, Mr. President, and that is why I'm saying today that we have to get a Law that has some teeth in it. We can go a half a block from this building today and get drunk as much as we want to get drunk, police and everything else probably coming out of there and no liquor licence; people stay open all night frequented by police,

MR. JAMES N. BOOTH CONTINUING: frequented by the people of the Island and no control over it, then you tell me there's no reason to lighten that Law. Well, if we don't tighten this Law look for somebody else to administer it.

Mr. President, if we want anything else to wonder about, look around the community and see the damage that has been done to our country, and people will throw back into our faces, "Oh, Government gets so much revenue from it" Government spends much more revenue, and I'll submit that in a few minutes, than we could ever get from this alcohol importation. I am a sensible man Mr. President, I am not coming to this House and proposing that we should ban the sale of alcohol or the importation of alcohol, I know that the community is too addicted to it to try to do that. What I am saying to you is this, let's put the necessary controls in the enforcement on it that needs to be put. Look today at the broken homes in our country because of alcohol, look at the brain drain in our country, politicans, preachers, people in the street will stand up and tell you, do more for your country, give jobs, give them better scholarships, what in the God's world is the use of us sacrificing to give them a scholarship when they have damaged their brains with alcohol by the time they are fifteen, that is what I say a brain drain, we have had a brain drain in this country for centuries, we will continue to get it unless we face up to the problems that we have with it.

When you look around Sam, Mr. President, and you see kids from the school that should be up there being taught, being ready to take their place in the forefront in the history of this country, and what are they doing? Found under some tamarind tree, because somebody thought more of their fifty cents that he was putting into his pocket from the sale of that alcohol than he did for the conscience of himself as a man. It is ridiculous Mr. President, ridiculous . We see accidents and they don't teach us anything, we don't learn a thing from them. Look at the casualties that we have had in this country already this year, we are running an accident rate that is probably five hundred percent more than it is in the United States when you compare the population and the amount of cars, and we are doing that because ninety percent of the accidents that happen here can be attributed to one thing, drunk driving, and we sweep it under the carpet and we say, pat him on the back, you've done a good job old boy if you live go back out and do it again. Then you have the commissioner to come here and tell me that this Bill isn't needed, tell that to the people who have lost their eighteen year old kids through drunk driving, talk to to them, Mr. President, and then may be they'll understand, may be they'll have the answer for you I don't know.

Mr. President, I became associated with the life of this when I was a very young man, my first time away from the sea to quit it or hope I was quitting it I was twenty-three. I came to work after a while as a detective, I was called out one night to investigate an accident between Arnaumi and Port Arthur, a long good stretch of highway similar to what we have on Guam's via dual. When I got out there Mr. President, two cars crowded with teenagers, ten of them all drunk and eight of them laying there like, in that smashed broken down wreck, that's the first time it ever hit me. And I can tell you more than that, I knew everyone of those kids, it was hard for me to go to their families and talk with their families about what I had seen, and that is why Mr. President, I have fought this thing I will fight it 'till my dying day. People know me rude and so crude as to say, why I am bringing this Bill is because of my son. Mr. President, my son is twenty-one years old, the twenty-one years can not cover him, my daughter is twenty-seven years old, Mr. President, I have two grandchildren and I hope in a few minutes I have a third one. I don't want my grandchildren to go through ..... I'm sorry .....

MR. PRESIDENT: We would have a short recess here if Members are agreeable.

HON. JAMES M. BODDEN CONTINUING: Mr. President, I apologize to the House and to the gallery Sir.

Mr. President, when I quit my debate I was not attempting to exempt myself. Yes, people can be very rude and very crude. I have heard all kind of allusions to myself and my family since I sponsored this Bill. I have had problems with it Mr. President, but I am big enough man in this life not to hide under a law to take care of my problems, probably in the last few years there has been very few people that have been faced with the problems that I have been faced with but I have never called to anybody on it yet Sir, if I did it was in private and no one knew. But Mr. President, what I'm prepared to tell this House today is this, my son Sir, drinks alcohol and he probably drinks it today because of some of these unscrupulous - what I would like to say Sir, I cannot say, who for the love of money would sell their soul unto damnation. He was able to get it Sir, at the High School at fourteen with some of the other big shot sons as we call them in Cayman, and they sold it to him and to these because they said, Jim Bodden could afford to pay for it. At that time Mr. President, I could afford to pay for it because I probably had more money than anyone else around, but I don't have it today. But that is how unscrupulous people are, and Mr. President, blood does not lie and I will live to see the day when my son will be the man that I know he can be. I do not have to hide under that hill, Sir, and I do not have to hide my face before I soul in this Christ world, and that is why today I am angry Sir, in presenting this Bill. Sir, I swore to my God what prompted me into politics was because I had grandchildren, and I will not live to see the name sullied by this community on my grandchildren what my children and may be some of your children have been afflicted with just because of greed. If it means blood shed, then whatever it's got to be, but this is going to be a country where the people can hold up their heads in dignity or we do not need to say that we are Legislators, because then we are not Legislators if we do not face up to our duties.

What we are debating today, Mr. President, probably we could not be debating if the last Executive Council had been willing to stand up as men when your backbenchers refused to vote off the millionaire vote and for them to vote the way their consciences dictated. I was a Member of this House at that time and I remember the fight that came from that side of the floor against this Liquor Bill at that time, and because Mr. Crook said, I refuse to release you from your collective vote every elected man on this side of the House sat down and voted against their consciences, and I hope that will not be. However, Mr. President, at the end of my summation here today, although this Amendment has the backing of all the Members on this side of the House I am man enough Sir, to ask you if you will release them from their collective vote and let them vote to their consciences dictates. I am that much of a man because I feel I have a worthy cause, and when you have a worthy cause no army of the devil can be arrayed against you, you must win.

Look at the statistics, Mr. President, look at the consumption per capita of alcohol in our country, there is no country in the world today that you can say there is as much consumption of alcohol as it is in Grand Cayman. And are you willing to say that that is one of the things that the Cayman Islands can be famous for, if it is Mr. President, I am not honoured by people telling me that, that makes me feel like I am a man that cannot live up to my convictions when they tell me that. Consumption of alcohol in this country would flood this country, you do not need high's flood, you only need the alcoholic consumption. I am going to touch on that in regards to revenue as I go a little bit further; the people will come back to you and say, oh, look at the revenue Government earns, Government earns what? The Financial Secretary is here and he could probably tell you it's only about three hundred thousand dollars of our Budget, and we spend much much more than that. What about the broken homes today that this Member have had to scratch his head and find out where the money is going to come from to feed the kids, your clean milk, try to keep the house over their heads because the father has drank away his whole pay cheque? What about the money he has to try to find when that father has to go to the hospital and is confined in there taking up a bed, taking up the drugs, taking up the

HON. JAMES M. DOOLEY CONTINUING: use of the doctors and the nurses and everyone else and it has to be paid from public funds because the man cannot afford to pay it. Because Tom Brown down the street has already banked his money into Barclays, Nova Scotia or wherever it is, and he has none of it left, then you tell me the revenue Government is getting. What good is it to us? It is no good to Government, Mr. President.

But again I will say, I'm wise enough to know that it cannot be controlled to the point that is ridiculous, but I am prepared to tell this House that it can be controlled to the point that we can live with it, and that is what we are prepared to do.

I have also heard it said that we were being dictatorial in trying to put this bill before the House. I wonder what has made us dictatorial all of a sudden? In the last couple of months when we have been working, the four of us, in most cases twenty hours a day trying to formulate policies and putting things together for this country, and trying to base up on the control that was here before we knew the Island was suffering economically, when we put together the deal for Little Cayman, when we put together and open to the public for another large hotel to come into this Island to give employment, when we took the brakes off so the trade and industry could be promoted, and I'll go on down the list, why were we not dictatorial when we did those? So, we were only dictatorial, Mr. President, when it affects the pockets of Tom Brown, that is when we become dictatorial, because no one in this country has had the guts to stand up against it, that's when we become dictatorial, when you're ready to stand up and take the consequences what ever they are.

Mr. President, to show you and this House the kinds that Tom Brown will go to, I could read to this House but it's not worthy of reading, a letter that was sent to you by a certain block in our community. These people who have been very conversant on dealing with me, they have always found my door open since I've been up in the Administration Building, they found that I would work with them hand and glove but all of a sudden because it is one something that may affect their pocket book by five cents they forget that I have anything to do with that and they go to you, why don't they learn principal if nothing else, they knew that was in my administration, why not be big enough men to come and not anyone my desk like they have done before and face me with the issue? It could have been fifty of them, it could have been me, I'd speak to them like I'm speaking now 'cause I don't hide my feelings. The only thing you can do with this old body is to make mince meat out of it and it's too old now to make good hamburgers, so you can't have me. I ask, why didn't they have it if they could not even be sensible enough to make a good legal interpretation of what the Law was trying to do? All they could do was to insult this Government and poke in the finger at it. I am not prepared to accept that from nobody, I don't get paid nine hundred and twenty-seven dollars a month to accept that. This is a ridiculous piece of junk.

I will close on that one by saying, that evidently the writer of it and the gentlemen he panel had not excelled anymore than he had intelligence in interpreting the Law, one was about as good as the other Six, that's now good that letter is. On the other hand I have another letter here, this was an endorsement from the association of the churches and I will say that that could be probably misinterpreted in the sense that the Kingston telegram that was sent to London in 1939 could be interpreted, "God Save England Barbados is behind you", because it may have been interpreted in that sense. I welcome the support, but Mr. President, I am not speaking today because of the churches I am speaking today because of what is good for our country and what is good for our people. If every church person in this country goes against me on this I don't care, if every other person goes against me on it I could do my own work, because I have premised my donation and I will stand to death behind that conviction.

Mr. President, I do not carry who agrees with me. I live by the good will of my own because if I had had to live by the good will of my fellow country men and my fellow imported country men like Hadyn's

HON. JAMES W. RODDAN (CONTINUING): house by this time would've been plucked with all the flesh away from it like the vultures would have done, and the bones would've been whitened and neat asunder. So, it doesn't bother me Mr. President, I will stand by my belief and my conviction until the gates of hell freeze over.

This Bill being presented this morning with the exception of one Clause was the in put of the Members of the Legislative Assembly who are appointed to the Liquor Board, those are not, these are not in the entirety the wish of Jim Bodden. I stand here, I fight for it because I am convinced that collectively the four of us put together Amendments that would help this country, and when I am convinced to that then Mr. President, I go forward with it. We are in an age today where this country is suffering and is has been suffering for ages, Mr. President, because this Assembly in the past has been too many gutless wonders / I am not prepared to be one of those today. I am saying that this Assembly that we have here are competent people, I am saying that they are people that will live to their convictions, I am saying that they are people that can see the problems that are existing in our country, and that they are people that will try to do something about it, and unless we as a Legislative body can do those things we fail our people, we fail our people like some of the last Assembly's have done. If I am going to fail my people I will fail my people fighting for what I think is right for them. Some of them will say about the civil and human rights that are being violated under a certain section of this Bill, Mr. President, why did they not clamour that the civil and human rights of people were being taken away from them when the judge imposes fifty years on somebody for not driving - take their license away for that length of time. It is quite similar Mr. President, but I have no statement that their civil and human rights have been taken away from them when that is done, because the gasolene dealers do now have as effective a lobby as the Liquor Dealers have, and that's why you hear no statement.

This Bill, Mr. President, takes into consideration things that are done in most of the civilized countries of the world today in regards to a liquor Bill. People will be prepared to tell you that a man's record is not kept by the civil authorities for fifteen years, that's a surprise to me, because a man's record in life is not written on slate with chalk to where it can be easily erased, whatever we do in life will follow us and it is always well recorded and well documented. It is ridiculous to say that a man could not be able to show a record for fifteen years because the authorities have documented it, do they think we are that foolish to believe it? I can show you, Mr. President, where not too long ago people with a criminal record came into this country and ran important businesses because no one had insisted that they show their records for fifteen years. Is that why they're saying this is ridiculous because some of them would fall in that category? I put it out as a challenge, is that why?

They talked about violating their civil rights, because we say that a wholesaler must not sell more cases of beer instead of the sixteen cans that he could sell before and take out, that is nothing new, Mr. President, that was in the old Liquor Bill and had been in the old Liquor Bill for ages to where a wholesaler could only sell to a person who had a retail licence. The last Assembly was fool to change it and they opened the flood gates by doing that. A man who has a retail licence to sell liquor should be able to make his money the same as the wholesaler, why should the wholesaler have the best of two worlds? Yet they're very quick to jump on it and say, "Oh, you'll deprive me of saving fifty cents on a bottle, because I could go to Foam Brown before and I could buy it for three dollars where I'll have to pay three fifty for it now". These are the things that concerns us, Mr. President, that we have to be concerned about is this, that when that wholesaler is selling it that he is not selling it to underaged children who may they have been sent to by their parents.

They also speak about the violation of civil rights, because under this law the Judge would be able to impose certain restrictions. What is new in that, don't we have it in the Traffic Bill, don't we have similar things in nearly every law on the books? Why is it that when a human body has spoken in our land because we're going to say you must behave

HON. JAMES M. BODDEN CONTINUING yourself.

Mr. President, I would like to go on but I'll give someone else a chance. I am only prepared, Mr. President, to make one consideration in regards to this Bill, and that is, if the Members of this House would wish to have this go into select committee however that's willing and report back to the round tomorrow morning I would be willing to do so, but even then Mr. President, I can assure you that I will be presenting virtually the same version I am presenting now. However I find it has the support of this House, and this Bill, in my estimation, must pass for the good of the country and the good of the people. If we are willing to think of the taxpayer of our home where he is going to increase his monetary value by another dollar or so, then by all means don't pass this Bill, but don't call yourselves elected to the good of the people as Legislative Assembly men. Thank you.

SUSPENSION AT HON. TRUMAN M. BODDEN.

MR. PRESIDENT: The question is that a Bill entitled "The Liquor Licensing (Amendment) Bill, 1977" be now read the Second Time.

QUESTION PROPOSED.

MISS ANNIE H. BODDEN: Mr. President, I rise to support this Bill in principle. Now, there are certain little amendments I feel would help us to better put this law into effect, but I support the Bill in principle, and when I say in principle I don't mean to rule out half of it like we did with the Development Plan, I mean just those little parts that might not be quite workable.

Mr. President, I have been told many often you don't know anything about drunk people. Well, that's where the majority of Caymanians are classified. I went to work before I was sixteen years of age, and I would like to tell Sir, that I see more liquor consumed than I suppose any other woman in this country, but it doesn't affect me because I am sixty-nine years of age and I have never tasted a drop of alcohol in my life nor have I smoked a cigarette nor have I ever abused my body. Mr. President, in those far off days, over half a century ago only the very elite could drink, only the very elite the other people had to take their rum and mix water in it and also pennies per day and buy food for their families. But when there was liquor at it and they could get it to drink they drank. I remember Sir, when I was twelve years old, in those days the bootlegging boats used to come to Grand Cayman from Havana with their load of liquor and later from the Lucea or Montego or wherever it was packed in and put into cocoa sacks and put on board those boats which took it around the Louisiana coast or Texas. And we had a Minister, would to God we had those kind of Ministers now, who got up in the pulpit and preached that a penny six to see those crooks huge to take the liquor off this Island that would destroy human beings in the great country of America.

Now were getting then a sixpence to see twelve ounce cocoa sacks which could hold twelve bottles of liquor, and the Minister, the Reverend Robert M. Dixon got in the Church and preached it and the thing subsided. But we haven't got those kind of Ministers today, we haven't got those, they close six most of them, and I am saying today that I as a Legislator do not intend to close six. Although very unfortunately I haven't got one soul to drink a drop of liquor, I'm not as fortunate as the Honourable man from Bodden Town who has children, I have not a soul out Annie Judith Bodden and if they were to drink the Caribbean sea dry it wouldn't hurt me personally, but it hurts the Cayman Islands. And I am here to take my stand to do anything that'll see that Cayman abounding like it does today.

Now, the Honourable man from Bodden Town is not the only man who has been opposed to liquor, I had a very good friend, he was a sea captain, one that I was closely associated with in my work and he told me in confidence, he swore, he said you know what, on a certain day I am going and I'm blowing up the bar room in this George Town. He said I've

MISS ANNIE H. BODDEN CONTINUING: got it all arranged with another friend of mine we're going to use dynamite, and I don't care if I get killed or not, but I seem to do that because the sale of liquor is destroying my home; you come and go there now, he said, you'll see how everything smashed up by these two drunken sons he had. And I begged him, I pleaded with him, I prayed about it, please do not take such drastic steps. He said, you know what I want you to promise me, not even to speak to that bar room keeper he is not an associate of yours and his old wife she's no better, don't have anything to do with them, you take a good friend's advice. Well, I talked to that man and I prevailed on him and eventually God sort of appeased the appetite of those two men for liquor and they got a little better, but I'm afraid they're still drinking more than they should.

So I am saying Sir, that drinking has been a problem for at least half a century in this Island. And I feel now that it's time that we take a stand against liquor. Talking about the youths taking over, well, if they go on as this note slaughtering themselves there won't be any men left - I wouldn't call them men, I would call them the men to run this country, because when they're killed by the fours, teenagers drunk, killed by the fours, by the two car we really as honest God fearing people all down our way, for the family that we're going to get from liquor we're going to sell this country, not Annie Bodden.

Now, no teenager didn't put me in this Assembly I'm sure and in 1980 if I live that long I might not want to run, as I'm not afraid of it, I am going to do what I know is right. I profess to be a christain and as a christain I cannot and I will not countenance sin.

Now, these bar room tendere, I'm not saying they're all a like, but I'm saying the majority will not sell to little girls seven years of age. I had a call from a lady not too many mornings ago, and she said to me "where are the prohibition officers, what is happening that I have seen a little seven year old girl passing my house with a Q Q," whatever a Q Q is I don't know, but anyhow it's a term for liquor in a small bottle I believe - a seven year old girl, now what do you call that? Can that girl taking that liquor to a set of boys grow up to be anything less /prostitute? And I am saying that it's time we put our foot down.

Now, Mr. President, the Bible tells us what wine is, wine is a mocker, strong drink is raging and whosoever is deceived thereby is not wise. I have been told Jesus turned water into wine at the wedding feast, I said, yes, water into wine, all that was was coloured water it didn't have alcoholic beverages in it. The scriptures doesn't recall he took some alcohol and poured it in before he turned it, it was simply water by a divine miracle turned into something a little more tasty. Now, St. Paul, the Bible says, I will not eat meat or drink or eat anything whereby my brother is offended. I do not drink liquor, and as I have said I have nobody to drink it, but I feel today that if I wanted liquor I would drink it and it wouldn't be any hurt to me, but number one I do not want it; number two, how could I as a professing christain go and drink liquor and a weaker sister than I am say, well, I've seen Annie Bodden drinking it so if Annie Bodden drink it I can. Why we cannot get anymore people in the Presbyterian Church is because our Elders will drink boys' some of them. And I'm saying the example is so poor that we also have before, we who are supposedly in the service of the Lord Jesus Christ cannot allow temptation to be put before teenagers.

I have fought liquor ever since I've been in this Assembly. I fought the last Liquor Bill, but of course as usual you got more money wrong than you got doing right and we were in the minority. Now, I still stand today opposed to liquor and I shall be so until I breathe my last. Now, people have said, you don't get any fun out of living, you don't go to theatres, you don't go to dances, well, I will tell you Mr. President, that I have been to the most distinguished dances in the Cayman Islands and they were dances, they were not rum parties, you went there to dance and the few men that drank went outside behind the Town Hall and had their drinks, you never saw a bar set up in a dance hall like you do now. It has become a part of living and it's time that Laith be put into the Law to at least try to cure it. You do not give meat to babies to eat, you give them milk what they can digest, and I say, anytime that we are giving rum to them

MISS ANNIE S. BODDEN CONTINUING: teenagers to drink on and giving anything to them that will destroy their lives forever. And I have no apology to make if it puts me out the Legislative Assembly I should go out honourably, but I think more of their souls than I do for their money that I would be indulging in things that I know are wrong and to the detriment of this country.

All you can hear us, tourists come here to drink, I don't believe that. You want to tell me that a tourist would leave the United States or England or anywhere else to come to Cayman just to drink rum, that is ridiculous; they come to try to escape all those sort of things. American breads and all the meat that go with them, they come here for peace and quietness. And I just think that when we are encouraging the sale of alcohol and especially to teenagers as we doing a disservice to our country and most of all to the Almighty God, and I will support this Bill if it means that I have to go out of the Assembly, if a petition is filed against me I will go out honourably, but I will not encourage sin. Then, the worse part of it now when they get this drink the more sleep - that is not strong enough to give them whatever influence liquor puts on people, I don't know I've never drank any! - they take a step further, they go and they get cars and if they kill themselves that would be alright because they'll only be out of the way, and right the generation of today believes that there is no hereafter, no life after life it's better if they get out of the way, but it's when they kill innocent people, little children smashed up as cards, older people all kinds are destroyed, and it is so destroyed because these drunken drivers get motor cars and they go at top knot nots and when they kill people you'll hear they couldn't help it and nine times out of ten they go free. And I am saying, let us who at least profess to know better as about us and try in every way possible to get this country rid of some of the alcohol.

The people would have they vote to retain bar restaurants, Caymanians and non-Caymanians alike, they know very well that once selling a little sandwich or no way not get rid the money they make, not much more, and the next step is, we need to get rum put in, the people will not eat unless they can get rum to drink and that is the next step. And I feel that we must control liquor so that every time you leave you haven't got to drink a bottle of beer, and I am here to support it and I feel that every God fearing person in this country who has any conscience will agree that we have too much liquor for this small population. And I endorse what has been said, that we should not be guided by anything other than our conscience, and today I would be doing a disservice to myself if I say we do not need a liquor bill that will lighten up liquor. Of course we will never get rid of it, but at least we can try to control it.

Coming back to these bootlegging places I believe they are called, in this George Town today there are at least six or eight and you can't tell me that the police don't know about it, they know, but the point is this, I don't know if the Law isn't strong enough on what to the matter but they do not take the steps that they should. And I suppose they're like everybody else want a kick on; they call it out of the drinking, and if they can get a kick for nothing then that's it. Now Mr. President, I'll repeat, I support this Bill in principle and with a very few exceptions.

There is one little paragraph here in Section 32 (1) a new Section - "Where a person is convicted by any Court of an offence involving drunkenness or in which, in the opinion of the Court, the drunkenness of such person was a contributory factor, the Court may, in lieu of or in addition to any other punishment thereof declare such a person to be a prohibited person", now I would say that is a bit harsh, I would say, let him get one or two prior convictions and put him on probation for say a year. I am sure that in a year's time if he cannot get liquor his appetite for it will diminish, because I know by experience in regard to food that you can starve long enough that when it comes Wednesday you don't want anything to eat. And I feel sure that if these people are starved out long enough for liquor they will get to understand that they do not need it, or as much as they think and so I feel that will help.

MISS ANNIE R. BODDEN CONTINUING: About these eighteen years old walking rum, not agreeing with that, they want to be twenty-one. And the whole trouble is that any person eighteen years of age they have not yet attained the status of maturity which they would do twenty-one and after. You cannot get married in the United States, I don't know about Cayman, unless you get the consent of your parents to marry until you're twenty-one. I have had cases of it, Caymanians go abroad to marry and when it's discovered they're only eighteen years before they can be married legally joined to a woman, I don't call it married because half of them it's a sin even to go to their wedding. But they are joined together but they must have their twenty-one year old consent from their parents if they have not attained that age, and I feel Sir, that we made a terrible mistake in lowering the age limit to just eighteen year old voters.

And even, voting is something for the country's up life, but dishing out poison to a person is another story. And anyhow we legislate that eighteen year old's can drink and lit we are giving them discretion, and I oppose it to the hilt. Thank you, Sir.

CAPT. KEITH P. TIBBETTS: Mr. President, I stand here today differing from the other previous speakers. I realise very strongly that we need to have teeth put in our Liquor Licensing Law, but I am saying we don't need false teeth like what I see, we need realistic teeth. I cannot see where this Law we have before us are putting genuine teeth into the Law. I know and I realise that our Law need Amendments, but I do not agree with the majority that is put down here before us.

I have heard a lot of blame put on the last Assembly since this Law was made in 1974. I will not agree to blame the last Assembly. This Law has been a very old Law in the Cayman Islands, I believe under the Liquor Licensing Law in the past. In studying the new Law there are few amendments, and the three different occupation of licensing, the old time that I believe it was somewhat different. I may say that some of the teeth have been removed from the Law which we should replace; like as a case where you go to the dentist and the dentist this time happens to be the Legislative Assembly of the Cayman Islands. I was also here in answering the Caymanians from the visitors, tourists, expatriates or whatever you may want to call them. If you look at it carefully you will see where an hotel guest for instance, have his drinks in their possession after the permitted hours, this is bound to affect our people.

I am not going into details to the various aspects of it to pick out the wrongs or the rights of the Law, I don't think it's necessary. I don't know how many here in this Assembly today like the Elected Member for George Town has just spoken of, "remember the days of prohibition in the United States". I do. My first employment at the age of fourteen was through prohibition in the United States, I went to work on a dry dock in British Honduras where we were docking those bootlegging boats. I knew what it meant and I feel, and I am sure it has been proven through history that the prohibition of the United States was one of the retrograde steps that they had taken. I remember very well when the prohibition was lifted how the United States came back into the sun being.

I am not a drinker I will take a drink, but I'm a person I'll try to be realistic, and when a person fights hardest for is that in the human/them to get/you take today we are in a situation far apart from what it used to be in my days, and the days when I grew up by the time boys were nineteen to eighteen years old they were gone to sea, they had gone out into the outside world, they got into mile, the grade or the bad on the outside world at that time. We didn't have any problems with alcohol, the girls were more dominated and they tried to stay at home and work and keep their homes going, they didn't go out to work as a clerk or some such profession in life; today we have a complete different picture. I understand this year within the next month we will have approximately three hundred children graduating from High School, those three hundred young Caymanians are going to be thrown into limbo for the next four, five or six years, they have no means of amusement.

CAPT. KEITH P. TIBBETTS (CONTINUING): As you heard here earlier on through the questions posed the climate was not satisfactory. A lot of young people like to dance, that doesn't say they have to drink liquor to dance, they go out and can amuse themselves but as this Bill that's being placed before us now they will not be allowed to be found on the dance floor where they are selling alcohol. I am not a reformer which I hate to do,but I know when my own daughter twenty years old came over to Cayman Brac a few weeks ago for the week-end and met the same friends, she met her friends, she drove around, she went this place and that place and the other and still they couldn't go to a dance because liquor was being sold there. I am not advocating anyone to drink, but I'm trying to put forward the idea of whom we have there three hundred children coming out this year from the High School to be left there without any type of amusement. Because on this law reads or as I interpret it they will not be allowed to go into the dance hall to dance with liquor being sold there if they are under twenty-one years of age. I speak subject to correction, but that's what my interpretation of it is. We are just forcing those young people into some type of corruption if they can't go out, just let me say to a dance because alcohol are being sold there at the bar.

I'm not referred to that this Bill was made up by the Liquor Licensing Board, I am prepared to contradict that. I am a Member of the Liquor Licensing Board in Cayman Brac and I have never ever been approached about it, this came to me, the Liquor Licensing (Amendment) Bill came to me but I have never being approached by any other member of the Liquor Licensing Board about it, the Chairman or anyone else so I will not necessarily be being a part of this proposed Bill. I stand opposed to it, and I would like have today to recommend if this Honourable House feels satisfied,that instead of treating of the age limit being twenty-one to drop that to the age limit of eighteen. I made that stand back in the nineties when we amended the Law and I have not changed my mind. I know the old saying is,"the man who changes his mind has a fool never", Well I may be a fool, I'll accept it. But I want to say this in all fairness to our young people, it has been several years since I was young but if today we have seen fit to allow our people, our boys and girls at the age of eighteen to select who they want to sit in this Honourable Assembly and represent them for the next four years, they are called upon to pay taxes at the age of eighteen, if we had conscription,if war started they could be called upon to fight for this country at the age of eighteen, I am saying here they should have the privilege of consuming their drinks if they want to go out and take a drink or have a dance or to get a job to serve in a hotel bar or restaurant as the case may be where liquor is sold, I do not feel like we are doing justice to the young people of the Cayman Islands if we try to control them and keep them away from making a livelihood, because it can be that; and they should be allowed to be that matured at eighteen that they know their own destiny.

MR. DELMYN D. KNOWLES: Mr. President, first of all I want to congratulate the Member who brought this Bill to the House and for the work he has made, and I think I can see what he's aiming at, the merits are very good but there are still few things in this Bill that I would like to see amended.

I feel Sir, that the drastic measures in this Law are really not solving our problems. Thinking of the young people, I feel that we should find some method of educating them in their rights and wrongs not only of alcohol but drugs or anything else, I think that will help more. Again it goes back Sir, to the bringing up of the children than the children gets in their own homes. I feel that when you're confining a kid or a youth to the age of twenty-one it's a bit too drastic Sir. I joined the army at the age of seventeen and went and fought a war, they gave me a drink there. As the Member from Bodden said, she had to wait at the age of eighteen, he goes out and faces the world and everything else at the age of eighteen and a drink may be his pleasure. I don't see why we should try to take that from him.

There are a few more items there that I hope when amendments come up, if they do that will be some of the things I have in mind also.

MR. CALVAIN S. EBANKS CONTINUING: So, with that Sir, I will close my speech until later.

MR. GEORGE C. SMITH: Mr. President, I must say that I'm a person that enjoys a good laugh just about anytime, and I must also say that I feel this is one of the biggest laughs that we have had in this Assembly so far.

I have a copy of a letter in relation to this Bill that was circulated to the Members by the Cayman Islands Hotel Association, and it appears to me that that letter was written with quite a bit of humour, and I will say I think it goes along with the contents of this Bill. Before getting too far I would like to ask one question, how prevalent is this Bill anyway? We have members say, they support the Bill but they don't support drinking alcohol. To me Mr. President, it's like a woman who is either pregnant or she's not, if a person is going to say today that they support drinking alcohol they support it, they can't say they are against it and then support this Bill, it's contrary. And it appears to me that for one to support this Bill and say at the same time that their religion or their morals are against it they are being hypocrites.

This Bill seems to me as if it's designed to legislate morals, and the legislation of morals has been something that ....

MR. PRESIDENT: Proceedings may continue.

MR. GEORGE C. SMITH: The legislation of morals has been something that has been involved with politics as far as history records, and it's my feeling that morals should be left to the family and to the Churches. We have as Members of the Assembly or as politicians have a duty to our society, but I do feel that we're crossing a bridge that we have no business crossing when we start mixing morals and politics together, we must leave them to the family and to religion. Many, or should I say, one of the biggest upsets in the history of the United Kingdom was caused by the members of Parliament or the Royal Family I should say, interfering with religion. And it appears to me Mr. President, that this is what's happening today.

I realize that many people will look at me and say, well, you are a hypocrite also for speaking out this way. But Mr. President, when I was elected to this House I did not feel that the people that voted for me were asking me to run their families, to be a crusader in the Church to solve the moral problems of our society, I don't think this is what it was. I did not in either one of my speeches suggest to the public that I would do anything of this kind.

I will congratulate the Member that presented the Bill to the House this morning for the enthusiasm and personal integrity that he put into his speech in delivering his message. But Mr. President, it appears to me that this effort would have been much more effectively spent had he come before this Assembly today and ask us as Members of this Assembly to legislate a law or laws which would ask the public in general, the businesses to contribute to the educational standards of our society. Education Mr. President, in my opinion is the answer to our drinking problems, it is not enough to legislate laws. We're asked to support the fact that a person working being associated with alcoholic beverages be twenty-one years old, yet we are asking a Policeman who is eighteen years old to go and enforce this law, it's a joke.

I also see here where certain Sections of the hotels or persons associated with dispensing liquor may be reserved for special people. I have seen this happen years ago and I see the problems that it caused. I see locals going to certain sections of bars, and they say, well, it's reserved for a guest and two minutes afterwards you didn't have very much if it left for guests or anybody else because they had destroyed it.

I see a Section in here Sir, which suggests or states that if I want to have a party at my house with five people etc., I am required to go to the bar or some other place rather than a liquor store and pay almost fifty percent more for the liquor if I so choose because I can't buy it in a liquor store unless I buy under three cases, this again I say is ridiculous. It's an insult to the people of this community. If I feel

MR. GEORGE C. SMITH CONTINUING: like going and buy a case of beer I should be allowed to go and buy that case of beer, and I see no where where legislation should be given that I'm not allowed to do this. I see a number of other things in this Bill that I could criticize.

Mr. President, it is not too far or too long ago that I myself was only eighteen years old and I pride myself with being an responsible in many respects than a lot of the people in our community today that are thirty-five and forty years old - twenty-one years old, a person must be twenty-one to have a drink. I still have friends in this community that're eighteen, nineteen and twenty years old, the persons who puts their trust in me to come and represent them in this House, and I am now being told that they can't come to my house and have a drink because they're not twenty-one years old, that's ridiculous again.

Reference has been made to what the causes of alcohol can do and will do, this is true, but Mr. President, I have had the fortunate or unfortunate experience of seeing what a person that can't get alcohol will do. In my training we were required to go on a ship overseas for long periods of time and under no circumstances was alcohol allowed on board that ship, and after two weeks out to sea I saw my fellow students turning to listerine, I saw them drink raw alcohol, I've seen them wring hair, melt it, strain it and drink it, the end result being - I've seen a guy go crazy for three days as a result of drinking impure alcohol. If this Bill had suggested to me that there would be no alcohol on the Islands, no way for these people to be associated with alcohol, I would say fine. But, Mr. President, as long as we have persons, as long as an individual is able to think for himself he will drink. I am thirty-two years old and as far as I can remember I've seen persons drinking, I've seen persons smoking pot, I've seen them gambling and it hasn't changed one bit today.

Much have been said that the younger generation is doing this, the younger generation is doing that, but believe me Mr. President, the older generations are doing a lot more. Why do I speak out this way? I haven't smoked a cigarette in my life, I haven't used any form of drugs at all whatsoever, there have been times when I have had some very good drinks if I can use that word, and I enjoyed it, enjoyed a little bit the next day but other than that I had a good time. So far I'd say this year, six months of it has almost past and the amount of booze that I drink in one month the average person that continues to drink drink in one day, it doesn't bother me. But what I am saying Mr. President, is, we either support drinking or we don't. If we are going to drink let's allow those that want to drink to do so. It is no to begin, we cannot say a cut off age of twenty-one, we cannot say because a majority don't drink that we're going to cut it off, there are too many alternatives, and believe me Mr. President, they will seek those alternatives. If they can't go into the the bar and buy alcohol they'll go and buy drugs because they are so much cheaper.

I'd like to refer back to the first statement that I made on morals. We currently regulate morals, morals are left to the families and to the Churches. I was brought up in the neighborhood known as Rock Hole up there where they call Matilda Corner, and I go there quite frequently, and I continuously refer to the section because so far as our society is concerned it's the low area point of Georgetown. But Mr. President, I feel assured today it's only because, because Mr. President, I predict my abstention from these things such as drugs, cigarettes and alcohol was to the legislative assembly, not to Lowe, I give my guardians, my grandmother Mrs. Arthur Smith and my grandfather Capt. Arthur Smith the praise today that I didn't succumb to these things. If this family life have been broken down don't come to this Assembly and ask for laws to assist it, it's ridiculous. It's the wrong place for it. We need to get down on our knees and pray, go to the Churches and seek for the answers, the Assembly is the wrong place to bring these things.

The Member presenting this Bill started by saying a comment, "It think can self be true" - to thine own self be true. Mr. President, I have a lot of respect for the young people in this community, I have a lot of respect for the persons between eighteen and twenty-one that selected me to represent them in this Assembly and to segregate against them, to exclude them

MR. GEORGE C. SMITH CONTINUING: from enjoying the things that I myself enjoy with no harm to the environment, I think it is saying that those persons in our society between eighteen and twenty-one are irresponsible. We're saying that irresponsible people have put us into this House to represent them, it is defending the wholesomeness of democracy. I'll refer back to this statement, "to thine own self be true". When I look around to the members of the Executive Council - Government Bench, and I realize the position they are in they must go along, but I do hope that when they vote their conscience vote today, to thine own self be true.

Mr. President, I thank you.

MRS. KATHLEEN L. BANKS: Mr. President, it is my belief that the Member presenting this Bill did it to help but I do see amendments needed in this Bill. Everyone of us on the back ground realizes that alcohol and drugs are fast ruining our Islands, but we should be careful in making very drastic moves to solve them or with an intention to solve.

First of all I would like to make one point clear. It has been all over the street that we are trying to change the drinking age from eighteen to twenty-one, but as I read the old Law all it was wrote the drinking age is at twenty-one. But my feeling, I tend to agree, and I'm sorry with some of the points brought by Mr. Smith, we look around in different lane now standing on the banks and we see a young man today able to drive at a young person today able to drive at the age of seventeen, we see a man at the age of eighteen being able to join the Police Force, he has to pay head tax at the age of eighteen, he cannot run in an election until he is twenty-one, he cannot marry without his parents consent until the age of twenty-one; my feelings on this, it is time that we decide what age a man or a person becomes a man or a woman. I cannot see how it is workable for some things to be at eighteen and some things to be at twenty-one. While I fully agree that a person should not be able to run and represent their country until they're twenty-one, I disagree highly with the ruling existing ages. I think either put the ages to eighteen or put all ages to twenty-one, because we must carefully think, and I agree with Mr. Smith the Second Elected Member for George Town that they were responsible enough to vote us here, and if they are responsible enough to do that then I feel they are responsible enough to drink and behave themselves.

We will arrive at alcoholism at any age if they so wish to be, whether they start drinking at eighteen or whether they start drinking at twenty-one. If it is for a person to become an alcoholic it is my feeling that he will be an alcoholic regardless of the age limit set.

One other thing on the amendment to the Law was the time limit. I feel that there should be a time limit on if a man is taken to court for drunkenness, I think that's what the Law says, that he should - the period that he can be put on probation or whatever it will be called is much too long. Because if he is an alcoholic the court is really not the place, he needs medical attention.

Mr. President, there is some misunderstanding within the Amendment. And like I have said previously, I feel the Member producing the Bill produced it with very good intentions but he can make mistakes, and I hope he will see fit to pass some amendments. And I must say, this is the only law that I can support who will be if amendments are put to their.

I thank you sir.

HON. G. HAIG BODDEN: Mr. President, the Bill before the House offers certain amendments to the Liquor Law. This Amendment does not change the drinking age. Under the old law the age at which a person could drink legally was twenty-one and this Amendment does not change that age, it does not put it up to twenty-one it was already twenty-one and has been so from time immemorial. What this Amendment does is to establish beyond a shadow of doubt what the drinking age is. The old Law contained in it a phrase or a word which has been made famous in particular by the two Sniden Members of the old Assembly, that word was "apparently" which in strict legal terminology mean that a person could drink at the age of one, and this Amendment to the Article

HON. T. HALL RODDEN CONTINUING: ...we're removing the word "apparently" and letting the Section read "under the age of twenty one."

Now, if anyone or if the public would like to reduce the drinking age to eighteen that is an entirely different matter and might be, perhaps, a good matter to be put to a referendum to find out whether the majority of people in these Islands would like to see the drinking age reduced to eighteen. There is, as the Member from Cayman Brac said, a very good case in these Islands for returning the drinking age to eighteen because we have a unique situation in the Cayman Islands not because all in the big countries like England, Canada and the United States where an eighteen ninety-five percent of our people go ... to work. In the bigger countries, namely, United States and Great Britain at eighteen the people go ... on into University and there they go ... to work, perhaps only one percent going on to University. I might say, since everybody here today is being personal, that at eighteen my eldest boy went to work and before he was twenty-one he had entered into his own home all paid for with money that he had earned with National Bulk Carriers, and so there, if anybody wants an example, would be a good case for lowering the drinking age. Because when he went into his house before the age of twenty-one he had had many a drink which he had paid for, but this is not the question before this House, this is not a question before this Assembly. We are not changing the drinking age, but the Amendment is removing an anomaly which never should have been in the original law.

If the public feel and if Ministers feel and if the Churches feel that the age for drinking should be eighteen, let us look at that at another time. This Amendment does not change the drinking age, it was already at twenty-one in the old Law but it was put in such a very clever manner that it could be used by those who would use it and be abused by those who would profit from it that it was never possible to get a conviction in the Courts under that Section of the Law. To my knowledge no person has ever been successfully prosecuted for selling to a minor, so if this Amendment only does no other good it would remove once and for all this ambiguity from the old Law and would establish once and for all the drinking age at twenty-one. But if the public is not satisfied with the drinking age at twenty-one then steps can be taken to lower the age to eighteen. If such an Amendment were before the House I would have no hesitation in supporting it, but that is not a question before this House today. The old Law in my opinion never established a minimum drinking age. Although I was a part of the House which passed the Liquor Law in 1972 I had nothing to do with that Clause remaining in the old Law, and so today once and for all the drinking age would be established at twenty-one. And if people are not satisfied, well lobbying can be started to reduce this age, and in fact I believe that in the very near future this Assembly ought to take a new look at the Liquor Law with all its Amendments and perhaps come up with a better Law.

If one should take a walk out of this building one would see an old ramshackled house that has been stuck up in the old Public Works compound, there's nothing that can even dust ails but putting a bulldozer through it, and that may be the situation with this Law. No Amendments may ever be able to remedy its many defects, and perhaps a new Law built on a real concept might be the answer. In the main time these Amendments are offered to remedy some of the short comings in the old Law. I believe the wrath of some of the Members and the wrath of all the Churches and the wrath of a great many special interest groups have been directed at the wrong people. It seems to me .....

MR. PRESIDENT: Could I ask the Honourable Member to stop speaking for a minute because the tape ... ran out, he's not on record.

HON. T. HALL RODDEN: Mr. President, I hope it's a good long tape this time. The wrath of the Churches and some other special interest groups seem to be directed at the wrong people. The wrath seems to be directed at those honest licensed Members that are operating that have been given permission by Government to sell liquor. I don't think they are the people we need to get at, we need to get at those building establishments which are operating

Sen. C. MAIC MORRIS CONTINUING: without the approval of Government, without the necessary amendment, without proper sanitary facilities, without coming under the control of the Liquor Licensing Board. Our wrath also should be directed at those dishonest licensed dealers who remain open long after the permitted hours are gone, and these are those that a new Law should be especially designed to put an end to bootlegging practices, to put an end to those dishonest dealers who remain open long after the hours permitted by the Law.

And here again we seem to have attacked only the symptoms rather than the cause of the trouble. It is alright to scream about alcohol being a bad thing, but legislation alone cannot end it. Remember Christ did not come as Mary and Jim and the Churches should not put themselves in that role either, He came to call sinners to repentance, He came with love and compassion to help those that had strayed, He didn't come to put an end to sin but He came that man through him could turn from his sin. And so if they will put a little fervour into their preaching and stop being the hypocrite we may begin to get at the root, at the ground of our trouble.

And the second most important factor was that mentioned by the revered member from George Town, "Education" as a means wiping out the scourge of alcohol. Alcoholism is a disease, this has been recognized by the medical world, and telling a man that he cannot have a drink to no cure for alcoholism, you might as well tell him he shouldn't when he has a headache. Alcoholism is a disease and we must start a programme to educate our youth against the evils of drinking, we must tell them in the schools and in the Church and in the home that drinking is good provided you take it as the Bible recommends, only a little for the stomach sake and it is bad whenever it's abused. And we should be showing them films, we should have on the Radio programmes about the harmful effects of alcohol, we should let them understand that if it is abused and if it is taken in long doses it will lead to their ultimate destruction.

We must let them understand that the moral fibre of our society will disintegrate if we have people who spend prolonged hours behind the bottle. We must teach them by education and by compassion and by love that alcohol is today one of the worse scourges of man kind, and at the meanwhile not only lies with the fifteen Members of the Legislative Assembly the responsibility belongs to every man and woman in these Islands, the responsibility belongs to every Church and school and social organization because what we do here today will not have any effect on the scourge of alcoholism.

Now, there are these people like the concerned Caymanians that write these letters to the Northwester and the Compass there are those who would like to make political capital of an amendment to the Liquor Licensing Law, but they are not concerned Caymanians they are cowardly Caymanians, they don't have the courage to even sign the letters which they write probably written by some other hands. We have to wake up and we have to find out what will work for the good of these Islands, and this is a big job. We can only through education and through the mental work of the Churches and the schools and the families reduce the menace of alcoholism. Drinking is not a new problem, ever since the daughters of Lot arranged the first cocktail party for their father drinking has been a weakness to mankind. Long before God destroyed the earth by water drinking had been one of the sins of mankind, and so we're not faced with a new problem here we should not condemn to much these poor people who become addicted or who fall under the pressures and who take to alcoholism as an escape from their other problems. Because when a person drinks it is really not through happiness but it is an escape from unhappiness, and so everybody in this Island and particularly the Authorities need to take a new look and they need to preach new sermons, and instead of saying that drinking is sin and drinking is bad they should educate the people from their forums that this is an evil which they can overcome if they look at it and they understand it.

And so while many generations have failed in the past we should take a new look and by solemn vow to help those people who

NOW, C. BAIT BORDER CONTINUING: are sick because the medical world recognizes that an alcoholic is a sick person, but long before the person reaches that stage young people should be warned of the dangers of having too many drinks too fast. We as a society allow drinking in these Islands, we have made it legal, we have stamped with the symbol of respectibility, we hope done what as far as I know all the other countries in the world have done, we have said there can be licensed bars where people can drink including they follow certain rules and our wrath cannot conscientiously be diverted to those licensed places which we have tolerated and which we have allowed to exist; rather our wrath must be aimed at those who abuse the privilege that is given to them.

One Member mentioned that if a person wants to drink he will drink. We have seen this in these Islands. I have been told stories about the days when people could not get liquor here they would drink bay rum and it reached such a stage in these Islands that the Government had to step in and prohibit rum which in the Drinking had been used only for medicinal purposes, bay rum had to be put in the list with hard spirits. And if it is not too difficult for people that want to drink they will drink, the only thing will matter or will happen is that they will destroy themselves much quicker when they start drinking gasoline and rubbing alcohol and other compounds which I understand are only satisfying to the alcoholic. We have not had, in my opinion, any new strategy in drinking. I believe that moral tides run in cycles and you have a bad period followed by a good one, you have periods when people drive fast on the road and kill themselves, then you have periods when nobody drives fast and then very few people are hurt and this same thing happens in morals. The world has passed through many cycles and it is my opinion that we are now - the pendulum is now swinging towards a better moral synthesis than we have had in the past and it could swing even more towards a better cycle if we had more people with compassion and love for their fellow men, if we had more people who would be willing to lend a helping hand to that man or that woman whose family has been touched by the scourge of alcohol rather than condemning that person to a life of singular misery. If they would make an effort to help I believe we would be making more progress than we are with just saying it is a bad thing to have a drink.

One Member mentioned that we should have clearly defined ages for certain things and this is the need I have seen. We do need in these Islands an Age of Majority Law, which says at what age a person can do certain things. It is my understanding that in the old days we used the Jamaica Law and since we no longer have that the Attorney General has promised now to take a look at this matter and while I am not putting him on the spot I know that one day he will come up with such a law to actually define the ages at which a person would reach majority and would be entitled to do certain things.

On this Bill the Member has indicated that the Bill will not pass exactly as it has been presented. We know this, we know that a Bill is not a law, a Bill does not become a law until it has gone through all the processes of the Assembly and if necessary has been amended. There are certain areas of the Bill that, perhaps, were not necessight when it was drafted originally and these will have to be corrected. One of them is section 5 of 20 which says "Notwithstanding the Juvenile Law a Juvenile charged with an offence under this section is triable in the Summary Court." This will be removed. If this was left in the Bill it would mean that a Juvenile if charged with an offence under this Law would have to be tried in a Summary Court and not the Juvenile Court and this I know will be corrected. And there are certain other amendments which I hope will be made but I do not want to go into the details since this is a debate mostly on the merits of the Bill.

I would just like to say in closing that this amended Bill will help in certain respects but I don't feel that it is the total answer and perhaps one day we will have a Bill which is more realistic than the original Bill which we are amending a Bill which will replace the original Bill in the entirety and a Bill which allows those that want to drink to drink without being a nuisance to those people who do not care to drink.

MR. PRESIDENT: I shall interrupt proceedings at this stage and suspend until half past two this afternoon.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

HON. D. E. FOSTER: Mr. President, I would like to move a motion, Sir, that the debate on this Bill be adjourned. I move this under Standing Order 38(5) in view of the fact that the Member leading the Bill is absent due to causes beyond his control. I think in fairness all that is required is that he should be present to hear the debate. We have other business that the House can carry on with and we can return to this debate tomorrow Sir. I formally move that the debate now be adjourned.

HON. V. A. JOHNSON: I beg to second the motion, Sir.

MR. PRESIDENT: The proposal is that the Assembly adjourn debate on this motion because it tomorrow morning, and that in the meantime the House will carry on with remaining business on the Order Paper.

QUESTION PUT: AGREED. DEBATE ON THE LIQUOR LICENSING (AMENDMENT) BILL ADJOURNED.

MR. PRESIDENT: We'll move on to the next item on the Order Paper which is the Second Reading of the Towns and Communities (Amendment) Law.

TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1977

SECOND READING

CLERK: THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1977 SECOND READING.

HON. THOMAS DODDS: Mr. President, I move the second reading of the Towns and Communities (Amendment) Law, 1977.

Mr. President, this is a less controversial matter than the last one. I think everybody in life gets tired of having too much rubbish regardless of what form they take.

The amendment, Sir, is very brief and is one which is sought on a step up manner to impose a fine on any person or persons who litter within the Islands. It is important, I think, in life as well as within a community that some standard of cleanliness be adhered to and I would hope that this will have at least some effect towards stopping the continuous growth of litter in the Islands.

In due course, Sir, I hope to bring before this House an amendment or either a full law which would comprehensively cover the subject. This section follows reasonably closely a part of the English Litter Act I think of 1963 and it would go to strengthen the other sections of the Towns and Communities Law which will now be numbered from section 17(a) to (f).

Mr. President, I realise I think as does everyone that laws are not the answer to everything but many times they make up an important ingredient. It is only reasonable that this country, and our schools and people within the society take a positive approach towards most of the problems including this one which is undoubtedly a minor one on the list. The other problem that we face in this respect as will be the subject of the other amendment to the question of un-

HON. TRUMAN HOLDEN: (CONTINUING): ...responsibility and I would hope, Mr. Speaker, that when these laws go on the statute books that they will be reviewed periodically and that the duty of those or those who have the duty to enforce these will make sure that they discharge that duty fully and within the law. Beyond that, Mr. Speaker, I don't think there is any more I wish to say on this. I would ask the Members to support it as an effort to keep Cayman physically clean and to promote one of the avenues which helps to keep one of the main industries in the island namely, the tourist industry as well as to keep our country physically in a state which is conducive for people to live in and I'd ask Members to support this.

SECONDED BY: HON. G. HAIG BODDEN.

QUESTION PROPOSED: DEBATE ISSUES.

MISS LOUISE B. BODDEN: Mr. Speaker, I heartily endorse this bill. To me it is the most ridiculous thing the way that our Georgetown is kept. And when we go further in the outer districts the same thing appears everywhere. Bottles, cans, old papers name it and it is there.

I had to say up to last Sunday afternoon that I understood the National Milk Carriers largest ship is three hundred and twenty five thousand tons and I believe, Sir, that if they brought her to this island, if she could get up to the dock, that we could easily load her with bottles, cans and rubbish all over this Cayman Islands. It is simply ridiculous, Sir. The old motor cars, the pieces of bicycles, everything imaginable and it is time that we look this thing seriously.

Only I think it was the paper two days ago, we saw in that paper where a tourist said how unkempt this island is. And I mean this is something that need not be. We must make an all out effort to get the island cleaned up and it is easily done. All people have to do is get some waste paper. Now I must commend the many Bayers for the way they keep their yards, because it is a pleasure to go to West Bay and see the way that they keep their yards, and I wish we in George Town would adopt some of their methods and keep our yards the same as they do. Take our Whitehall Cemetery until the last four months that was the dump ground not a cemetery a dump ground. Well, I managed with the help of some good people to get the place half way cleaned up but still in spite of that the litter has begun to accumulate again. People seem to think it is funny to drink beer or cool drinks and just cast the cans over the side of their cars. And I think it is time that we do something about it.

There is only one thing that I do not like in this amendment. I feel that as well as paying a fine they should be put in jail if not for any more than a week to show them that we really mean to have some kind of discipline in this island. Why should people insist in doing things that they know they should not do. All you can hear now is we must not make laws, well from time immemorial the children of Israel, God's own chosen people, they had to have laws to be governed by, all down through the ages the great nations, Babylonians all these ancient kingdoms they were governed by laws. And while laws are not exactly the same it is at least a precentive and if a person knows that if they do something wrong they will be punished for it they will at least pay some attention. And I feel that this is a good amendment, the only thing I say I would like to see that a jail sentence goes along with the fine if people insist in just disposing what they know is right. There are enough old motor cars in this island - throughout the island that I don't know what would happen - I don't know if we could find a place to put them except that we could get Batey Bay pond which I understand has no bottom and I am sure that would be filled up.

I heartily endorse this, Sir, and the only thing is I would like to see that proper enforcement is carried out. Thank you, Sir.

MRS. ESTHER EBANKS: Mr. President, I rise in support of this Bill, Sir. The only thing that sort of bothers me is that a lot of laws are passed in our country and the majority of the people are not aware of the laws. I would ask the Member in charge to put this amendment to the law in the schools, I would like to also hear it on the radio and in the newspaper. I would also ask that the Government would take the responsibility of putting signs along the highway which states that anyone caught littering will be charged up to $400 and Government should also provide litter bins. If they are producing a law they should produce the ways and means of keeping the islands clean. It is no good of saying you should do something when you don't have any where to do it. In other words if you're driving along some time you might have something that you would keep in your car and wait until you get home, but it could be a pack of icecream or something or a plastic container with ice cream that might not melt all over the place and you might be tempted to throw it out so I think that Government should provide litter bins on the highway along with the signs; and should make the people fully aware that it is their responsibility to keep their inland beautiful. So this is the only thing I have to say on this amendment. I thank you, Sir.

MR. JOHN McLEAN: I commend the First Elected Member for George Town for presenting this amendment. And at the same time I wish to give it my fullest support.

I do feel it is highly necessary. I can take my district for an example. In December last year I got a group of men together and we worked extra hard to clean the district and the cemetery and it burns me as I drive through in the mornings and to see the condition of the burial ground and also along the edges of the roads. It seems as if the job which was done at that time did not appeal to many people and I do hope and trust that what the Lady Member for West Bay has just said will be put into effect. I do feel that will also help with the situation. So again I say to this amendment I give my fullest support. Thank you.

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

HON. TRUMAN BODDEN: Very briefly, Mr. President. I have taken note of the - of what the Lady Member for West Bay has said and I will see that as far as possible that the notification of this and the enforceability is inculcated as well as carried at. I thank you.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: In accordance with Standing Order 40(1) the Bill stands automatically committed to a committee of the whole House.

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. SECTION 3 OF CAP. 188.

QUESTION PROPOSED: DEBATE ENSUED.

HON. TRUMAN BODDEN: Mr. President, I have two amendments to that Sir, they are not of substance. Could I ask that in subsection (1) in the first line after the word "figure" the second time, where it says "between the figure" would the Members have inserted "(3)". And could they delete the figure "3" in the second line between the words "word" and "every". And on that same line the second line where it has the word "time" it should be "line". So that should now read, Sir: "By inserting the figure and (1) between the figure 3 and word every where they appear in the first line thereof".

And one other amendment, Sir, in the fifth line after the word "car" could we insert "wrecked vehicle".

MR. JOHN McLEAN: Would that be suitable for the word car?

HON. THOMAS BODDEN: Well, with the stage of enforcement we have I want to leave no doubt that it includes a wrecked car in case there is any doubt this a wrecked car is a wrecked vehicle so I'd put in both. I agree that one includes the other in it, but sometimes if the police see the word car they are better able to .....

MISS ANNIE Y. BODDEN: Mr. Chairman, I am not too sure that if we inserted a small word concerning a prison sentence, Sir, it might help. I mean I am not going to press it too far but people have a dread of going to jail. I don't know if it is necessary, Sir.

HON. THOMAS JEFFERSON: Mr. President, I don't really have any odd feelings on this. I would point out that I believe they will always put a sentence in lieu of a fine but they would not or they would not put imprisonment under this law. I have no odd feelings on it, I don't think it matters very much because it would only be merely that a Judge would inflict a sentence. In any event what I would say to the lady Member for George Town is that by the time the police get around to enforcing this car we should have a comprehensive law and I definitely will take note of what she says and make sure there is an imprisonment as an alternative on that. If that would perhaps suffice.

MISS ANNIE Y. BODDEN: It is just that I would like to see that this law is carried into effect. There is no use of just writing on this piece of paper and $500 is quite a fine - not exceeding $500 but nevertheless the fear of having to be imprisoned might help, but I am not going to press it too strongly Sir.

HON. DAVID BAKWICK: I have just got a point on the exact wording of the second of the two amendments which the Honourable Member the Mover of the motion made. If I could just make the observation that if we put 'wrecked car or just add vehicle - I think perhaps we should put "or other vehicle" to make it quite clear that it is a wrecked vehicle. Not merely a car that is parked there.

HON. THOMAS BODDEN: Sorry, you'd like to.....

HON. DAVID R. BARWICK: I'd like the phrase to read "wrecked car or other vehicle".

HON. THOMAS M. BODDEN: Oh, I see. So instead of saying "wrecked car" or "wrecked vehicle" you would want "wrecked car or other vehicle".

HON. DAVID R. BARWICK: The word "car" is the important one not the word "other", to make it quite clear that it is a wrecked vehicle that's being referred to.

HON. THOMAS M. BODDEN: I had actually inserted 'wrecked car, wrecked vehicle or .... I'm sorry if I didn't make that clear, at least that's what I meant to say. It would read "refuse, wrecked car, wrecked vehicle or litter".

HON. DAVID R. BARWICK: That makes my point.

HON. THOMAS M. BODDEN: I'm sorry if I didn't make that clear Sir, and thanks for pointing it out; at least that's what I wrote down.

MR. CHAIRMAN: I think the committee has create cognizance of the Amendments proposed; (a) will now read, "By inserting the figure and brackets "(1)" between the figure (3) and word "Every" where they appear in the first line thereof". And Clause 2 (a) will be amended in the fifth line

MR. CHAIRMAN:CONTINUING: by deleting the word "car", well we can leave that word in and insert after "car, wrecked vehicle or litter". And it may be necessary I think to amend the marginal note to read "Section 3 of Cap.169 amended".

HON. TRUMAN M. DODDEN: That's correct Sir, as amended.

MR. CHAIRMAN: If there's no further debate I'll put the first question that Clause 2 be amended as proposed by the mover of the Bill.

QUESTION PUT: AGREED.

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

QUESTION PUT: AGREED. CLAUSE 2 PASSED AS AMENDED.

CLERK: A Law to amend the Towns and Communities Law (Cap. 169).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes the committee's examination of the Bill. The Assembly will now resume.

REPORT THEREON

HON. TRUMAN M. DODDEN: Mr. President, I have to report that a Bill entitled "The Towns and Communities (Amendment) Law, 1977" was considered by a committee of the whole House and passed with the following amendments:- In sub-section (a) of Section 2,in the first line, by inserting between the word "figure" and "and" the figure (3) and in the second line of the same sub-section by deleting the figure"(3)"where it appears therein, and deleting the word "time" and substituting for the word "time" the word "line". And in sub-section (b) of Section 2, in the fifth line of the new sub-section 2 by the insertion between the words"car" and "or" the words "wrecked vehicle". And also the marginal note was amended by adding the word "amended".

MR. PRESIDENT: The Bill is accordingly deemed to be set down for a Third Reading.

The Honourable Member has the right either to under Standing Order 51(1) to ask the House to proceed immediately to the Third Reading or he can defer this 'til tomorrow morning.

HON. TRUMAN M. DODDEN: Mr. President, in view of the fact that we have more time than I had expected I think I will move.

SUSPENSION OF STANDING ORDERS

HON. TRUMAN M. DODDEN: Mr. President, under Standing Order 53 I move the suspension and I would ask that the House proceed to the Third Reading forthwith of the Towns and Communities (Amendment) Law, 1977.

MR. PRESIDENT: The question is, that Standing Orders be suspended to allow the Assembly to proceed immediately with the Third Reading of the Bill before it.

QUESTION PUT: AGREED. STANDING ORDER 53 (1) SUSPENDED.

MR. PRESIDENT: We can accordingly proceed to the Third Reading.

THIRD READING

CLERK: The Trustees and Committees (Amendment) Law, 1971

MOVED BY HON. TRUMAN M. DODDS

SECONDED BY HON. G. MAYO DODDS

QUESTION PUT: AGREED. BILL READ A THIRD TIME AND PASSED.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. A.G. ADAMSON

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 3:15 P.M. TO MONDAY TOMORROW MORNING AT 10.00 A.M.

NUMBER

SECOND MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 10TH JUNE, 1977 AT 10:00 A.M.

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON. D.H. FOSTER, MBE, JP.	FIRST OFFICIAL MEMBER
HON. D.H. BARWICK, CBE.	SECOND OFFICIAL MEMBER
HON. V.G. JORIDON, OBE.	THIRD OFFICIAL MEMBER
HON. WYMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES A. RONDEN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. JOHN CARLTON SMITH	ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. ORRICE C. SMITH	SECOND ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE H. HUDSON, OBE	THIRD ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF GEORGE TOWN
MR. TEMPLETON BRANKS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ABSENT WERE.-

MR. BENJAMIN D. EBANKS	JOINT ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
CAPT. KEITH P. TIBBETTS	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.

ORDER OF THE DAY

FRIDAY, 10TH JUNE, 1977.

1. GOVERNMENT BUSINESS:

CONTINUATION OF THE DEBATE ON THE SECOND READING OF THE LIQUOR LICENSING (AMENDMENT) BILL, 1977.

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FRIDAY, 10TH JUNE, 1977
9:00 A.M.

MR. SPEAKER: Please be seated. Prayers will be read by

CONTINUATION OF DEBATE ON THE SECOND READING OF THE LIQUOR LICENSING (AMENDMENT) LAW, 1977.

MR. JOHN E. MOLEAN: Mr. President, I strongly object to the Bill which is before us to be amended. I do feel that this Bill is too drastic. I would also like to mention that I personally feel the wrong approach has been taken in presenting this Bill. There were certain things said by the Member who presented this Bill that really got me upset and that's really why I held back this long to speak on this Bill.

Mention was made by the Member that he had done a great part in helping us in this House. I do agree and I thank him and any other one that might have helped me through my election, but I do not feel it is fair to come in here and say so, after all when you do a good turn to somebody you shouldn't turn around and say it afterwards, it really made me upset.

Mr. President, moving on to this Bill which is in question, I for one don't care a lot for alcohol, I'll have a social drink, and I do feel like we should do some things to prevent the ill use of alcohol, but I do not feel that the amendments to this Law that are before us is the answer. Portions of this amendment/ are nothing else but dictating to somebody what they should do and I cannot go along with it. Regardless or not if I was helped in here, if it was not for the confidence of my people, regardless what help was given to me I would not have been in here. And although I feel there are many in my district who are really upstanding citizens, there are still many who at some time or the other will use alcohol. And I do not feel I would be doing justice to go along with everything that is in this amendment. I have raised the question before, will this be the answer to the problem we are faced with or should we with the help of the people who it has been said / been backing this amendment, shouldn't they come forward and try and educate the people as to the right.

I'll refer to a certain part of this Bill here where the Board may in granting or renewing a license in respect of any premises designate the whole or any part or parts of such premises as a bar. Well, Mr. President, for example if I went to the Planning Board, had plans drawn up for a bar, according to this then it would be left to the Board to say, perhaps I would only use half of my building for a bar. I feel this would be defeating because of the Planning Board.

The section here on the age limit, Mr. President, I am quite aware where will be amendments to this section. But, Mr. President how in God's world can we feel it's right for people to submit their candidature or represent them in parliament, for people at the age of eighteen having to pay bond here, at the age of seventeen one can receive a driver's license, at the age of seventeen one can receive a shot gun license, so how in God's world can we feel like somebody is qualified at the age of seventeen and eighteen for something that is just as dangerous or in some cases more dangerous and yet it is felt that they are qualified, I disagree with that. I feel like if a man at the age of eighteen is good enough for one thing he should be for the other. We no doubt will have the know: even, there is in every flock a bad sheep, why should we use that bad sheep to molest the rest of the flock?

From Mr. President, the section on probation of certain persons convicted intoxicating liquor. This again, Mr. President, can only cause conflict between our people. We have, for example our men at sea, perhaps the man is out there for one or two years, he comes home and finds, well tonight I'm going to have a good time, it doesn't mean that he's an alcoholic, and he could walk straight in into a trap as this is set out here.

MR. JOHN D. McLEAN CONTINUING: You in the world can we decide on such trouble measures. Mr. President, I have no doubt in my mind this Bill will be passed, but I'll say this much the greater part will not have my blessings.

This section here which states 'Whoever not being a licensee or employee of a licensee engaged in his duties each enters or remains in any bar during prohibited hours is guilty of an offence'. I can see with a section like that, Mr. President, because I feel if there are rules, a certain time is laid down should be the responsibility of the owner to say as soon as a drink is finished, the doors have been closed you leave. I go along with that section. But one good end so many bad still is not good enough.

The other section here, for example if somebody is under probation comes to my house, could be my best friend and invites me in for a drink into my private home if I feel like enjoying that man a drink with me/ while. Mr. President, I just cannot see something like this; this is not going to be the answer to our problem, this is going to cause more trouble in this country than we are looking for. I do hope and trust that when this amendment goes to the committee stage, if it does, that special thought will be given to it and the correct amendments made to it because as it stands it is like a pile of mats that needs a bulldozer run through it. So, Mr. President, like I've said before I do feel that the greater support of this House will help this Bill through, but, Mr. President, again I will say I do hope that special thought will be put forward into this Bill. I thank you.

HON. TIMAH M. DODSEN: Mr. President, the good book tells us that if you train up a child in the way he should go when when he is old he will not depart from it.

I will deal, which I have not done on several other occasions considerable detail both with what I believe is the work of a minority pressure group, and I will deal with that letter in detail, and I will also deal with the law in detail as well as what the Members have raised, and I would hope that at the end of it we will be back to specific and substantially out of generalities. I realize under the General Order of this House that we're dealing with the principles and I will not or I will attempt not to go too far into the detail.

Within every society law is necessary, and as I think it was Lord Denning in his book, "The Enforcement of Morals" has quite rightly said, morality is an integral part of law or a legal detriment and is so examined into the interstices of the legal system. Law and morality are substantially synonymous in many respects. There the difficulty always arises when you get intervention from minorities, and I will deal with one of the dangers of these in due course. In that book "The Enforcement of Morals" Lord Denning stated that there is a public morality which provides the cement of any human society and that the law, especially the Criminal Law must regard it as its primary function to maintain this public morality. Whether in fact in any particular case the law should be brought into play by specific criminal sanctions must depend upon the state of public feelings. The conduct which arouses a wide spread feeling of reprobation, a mixture of intolerance, indignation and disgust deserves to be suppressed by legal coercion in the interest of the integrity of society. We cannot, Mr. President, segregate morality from the law, the law is substantially based on morality and public feelings and the day we separate the two society will crumble because we go into a state of anarchy and as Lord has been said, I think/ President Roosevelt "when the law ends, destruction begins".

There are several basic questions which I feel should be asked, they may seem fairly simple but I believe they are necessary in pushing forward the case towards an enforcement of the law.

HON. THOMAS M. BOGGAN CONTINUING: I have sympathy with a/ lot of what has been said, I think many good points have been put forward both in relation to supporting this as well as objecting to parts of it. I think that the question, whether alcohol is good for society must always be answered in the negative and I don't think that there is any Member of this House nor of this community including those who have put forward the present measure who would not agree with that. Another question which I think we should ask ourselves, do we want within society what is good for society, the answer there must naturally be 'yes'. So we move down to a stage where we have to ask whether the control of alcohol is good to society, and that question is what is before this House. However, I believe that Members have strayed from what is before the House to deal with issues which are extraneous to this Bill.

Alcohol is a problem and it has always been a problem and I have no doubt that it will continue to be a problem. David Lloyd George said during the first world war "We are fighting Germany, Austria and drink and so far as I can see the greatest of these three deadly foes is drink." What I think is important is as many Members quite rightly could we have a problem. However, we have to analyse that problem and while a law is never the full answer to everything, I do not believe that there is any Member in this House who can say that control of liquor through law is not a part and I believe an integral part of dealing with the problem.

You never get within an imperfect world a perfect answer. Society does not permit of this, at least not in this day and age and therefore we have to take and put together the differences spoke within a wheel until we hope one day it is sufficiently complicated that it will at least have been a substantial answer to the problem, and I fully agree that this law is not the full answer to the problem. But there is no one who can say it is not a very important spoke in that wheel and that without law we go back to a scene which is lawless and which ultimately destroys itself unfortunately from inward forces.

The problem with liquor, I think comes back to previously the same problem which we have faced with many of our laws and it is that this law is attempting to deal with abuses of the use of liquor. But I believe that a small achievement at this stage is better than no achievement at all and if this Bill is defeated subject to the amendments which have been put which I'll deal with and which have been points raised by Members and I think quite rightly raised, these have now been altered and what is coming back is substantially a reworked law. Unfortunate that these amendments were not circulated prior to the debate beginning but that, Mr. President, is now history. This solution is not one which I would attempt to say I have the full answer and I think as one of the Members has said, it goes back to many of the inequalities. The Honourable Second Member for Bonavista Twillingate has stated that education is a part of the answer, I fully agree with him. Another Member has said that love, understanding, and I believe further than this, an analysis of the problem is probably one of the ways that we can begin to tackle what is I believe a very serious problem within our society.

Mr. President, we life it is very easy to see a problem, it is never easy to solve it, and today I think everybody in this House admits we have a problem and what we need now is support in attacking it from whatever aspects it needs and attempting to at least solve a part of it. We have seen within the News Media where they have put forward what they think is a part of the answer, they believe that experts who can deal with the difficult problems are a part of this answer, and I quite agree with them. However, to discard this law and to attempt to bring an expert in a state of lawlessness within this I believe is only adding fire to the present problem.

The Speak, Mr. Stirling, said that the law is reason free from passion and that is what I am

HON. TRUMAN M. DOCTOR CONTINUING: asking that a good hard look be given to this law and that we get rid of the pressure which came out of a bitter Grand Jury of June, 1977, and nobody has been bothered to deal with this but I believe this is a great part of the source of the problems. And after this whether people feel that I have gone to extremes in relating to this, well that is something which I feel if it be cleared away Members will begin to see the light.

Mr. President, within every democratic society there are always minority groups and minority groups can like humanity and like society as a whole is towards protecting itself.

One of the things that I want to remind this honourable House or refresh their memory is and I'll just read briefly, is that these pressure groups can make their opinions directly felt they may be taken to represent more persons or votes than actually is the case. The general public may go unrepresented where it may have an interest but it is not possible to form an organization. There is a possible danger that Government may concede to the request of those groups which have the finance and organization to present their case most effectively. It can be argued however but if some groups are more vocal and influential than others is due to the fact that they are the legitimate particular views of the public which have remained latent for some time". So with that, Mr. President, I will go on to what I think is the real problem in relation to the opposition of this.

This letter from the Cayman Islands Hotel Association written by Mr. Seltzer, throughout this, the whole sentence to this, this is directed towards the Hotel Association and nothing else, and if an hour like as a penalty for passing this law then we are satisfying ourselves to the pressure of what is undoubtedly a very small minority group. The first worry is under section 8 paragraph (a) and he is worried firstly that if it be passed or the Association is, that drinks, food, propane, etc. couldn't get into town. His first worry of this is himself, well as all know that bars open from ten in the morning and they go on till one at night, and perhaps they can regularize their situation a little bit better. If that section is taken out, Mr. President, how are we to enforce a law which is now on the police say, unenforceable. The second thing he is worried about is that person could be guilty of an offence under subsection (d) of section 8 and the problem about a criminal conviction of fifteen years back. If that assumption or if what I understand here correctly that he means what he wants is that if a person was a criminal fifteen years ago he should come to this country, get a license and we should not consider it, well that is nonsense. We live in a society where things are done in order and I'm afraid we have seen this very blearingly in the last few months that people record out of the past have remarkably serious problems to Caymanians through collapses of businesses or I would say within the last few years.

Then we go on to subtlety preceding the first worry, well he that as it may there's a complete misunderstanding of subsection (e) because this specific subsection does not relate to existing bars, so somewhere along the line there seemed to have been a lack of legal advice on that matter.

Now we go on to a theory which I really find is very amusing. If more liquor is in a store the likelihood of theft would be greater. Mr. President, if you have ever been into one of those retail stores you will realize it will take many thieves many, many days to back away all the liquor that is now in there. In any event I do not think that that is a good answer to subsection (f), if it is on another it will.

Under sub-paragraph (g) we have him worrying about a drinking-up period. Let us analyze the Cayman Islands Hotel Association.

HON. TRUMAN K. GIBSON CONTINUING: It is substantially made up of persons who are North Americans at least the North are North Americans noted and from the United Kingdom. And they know very well that in their country that drinking age period is enforced and it is enforced to the hilt. Now what does surprise me is that they, especially who have been raised under that system would come here and attempt to oppose it without attempting to think back at least a few years ago to prior to coming into the Island. That is a good section, in fact it helps them, they continuously complained that they can't get people out of the base, well here is the way to get them out of the base.

The next question that they have raised is in relation to the employment of persons under twenty-one, I understand that that has been reduced to eighteen once again under the amendment or that is now something that has been rumoured to show. Their concern, I believe up to this point is something that can be put aside.

Now we go on to what I believe to be the crux of their case, and it is this, they are afraid that, as they put it, if they make an honest mistake that a person under twenty one is drinking that the license can be charged, well let me tell this House what experience has shown me. They put the bartender in there and if that bartender is picked up for serving somebody they just put another one in. Now what this is going to make sure is that after this law is passed they will make sure that that bartender, one, unfortunately the law and two, enforces the law. If you are going to leave this law without the coercion behind it then you may as well scrap it. I don't think there's any member of this House who cannot say that they do not know that minors are served drink in this country when I say minors I mean minors. If you know that that is happening and all this law, which I will show you, is doing is merely putting the necessary coercion behind what the Hon. Member of this House thought was the law then really you are doing nothing more than to attempt to make sense out of the present nonsense in that section if you feel that the drinking of minors which you have seen within bars in this country is an honest mistake, then Mr. President, surely has reached a very low ebb. Now if the Bowl Association had said a mistake I would have been low to attempt to criticize it.

Question of an agent carrying out or being liable, solely without his principal has up to a point certain merits in criminal law. However, it, I believe is necessary in these cases because you would never get to the root of where the problem arises which is normally that there is either a state of complacency or tolerance by the licensee and he allows the bartender or the agent who in fact many times I guess is the victim of circumstances, to be prosecuted. So, Mr. President, if under the present law where this section originally was enacted and where we have section 20, where we have the word "apparent", in of what has been going on has been in accordance with this section an honest mistake, I do not feel that there is any Member of this House who can feel within themselves that these mistakes are something which must be condoned.

The last point of this matter to your Excellency is the question of bodily harm. Well, Mr. President, while bartenders are trained to run bottle, lawyers are trained to interpret law, and if they had not sought legal advice I feel strongly they should have. There's a little book on my book called "Archbold's Criminal Pleading Evidence in Practice" and it is quite amazing the way it opens on question of bodily harm. It says "actual bodily harm means exactly what it said, some actual bodily harm". Now, that, Mr. President, is the law. If I am obvious what that means that is enough for anybody to attempt to define it when five hundred years of the common law has found no better definition than that it is.

MR. TRUMAN K. GIBSON CONTINUING: They have agreed that subsection (k) is a good idea, the question of bringing in the probationary period or a period of non drinking for persons who commit offenses. Now this has been substantially amended and I will be frank, I could see some of their concern in that. However, and this is why I want to go through the amendments here now and show this House that substantially all of what has been put up has either been accepted in the amendments or there is only a very small self-interest of a minority behind it. What has been altered on this and which I quite frankly feel was necessary is that it will be necessary, formally that there are several convictions prior to this two. I think has been put in, and further it has added a further subsection (7) that where a Government Medical Officer or a Registered Medical Practitioner certifies that in his opinion it is in the interest of that person or the family member thereof that the person should not drink for a period then that should be enforced. Now, that is a completely different thing and it's very unfortunate that this had not reached the Members before they dealt with it. It now precludes any abuse under that section.

Now, Mr. President, I think you have known we meant on one occasion not to speak out too strongly in relation to matters, but I want to go on to the question of the sanction within society and the enforceability of what I believe is right. Jerome Garfield said that a law is not a law without coercion behind it, there are rules and there must be enforceability of rules. And as I mentioned before Aristotle said that the law is reason free from passion. I will tell you what I think has been the problem with this law over the past few years. I do not believe that the police have ever brought a prosecution of any consequence under section 20. And what has happened or what appears to be happening is that there is a blatant disregard to enforce sections of this law. Now, have I been a prosecutor for a long while in this country and I have come on every occasion where it was necessary to protect or to defend the police I have done so. However, that does not stop me from criticising what I think is a lack of enforcement in this law. Every Member in this House, I believe knows that the problem that we face at this stage is because this is not enforced and there is nobody here who can tell me that if the police walked into one of those bars and found a child of the age of twelve, fourteen, fifteen sitting there that he would appear to be beyond the age of twenty-one. However, if you take the basis of what the Hotel Association said an honest mistake then perhaps they were saying or they could feel that a judge may feel that an honest mistake was made. But I do not believe that passing this law, for sir is going to bring in the sanction that is necessary, this must be enforced, and quite frankly I'm using this only as a joke, perhaps right at the end of this a section should be added saying "that any police who sees a person committing an offence and does not take the necessary steps to notify of an offence that naturally don't joke. But there must be a sanction behind this law and the enforcement of this law fully in the hands of the police, and if we pass this law today and wipe out the word "apparent" which is all substantially that is being done to that section, and the police do not do something more. Then they have been doing in the past then, Mr. President we're back to square one, we may as well wipe it off the books. Having said that, which I should mention is something which I have had to consider carefully because I have the highest regard for the law and I have had to live so to speak for nearly four years with this police force. I believe, sir, and it comes from deep down, even during the time when I attempted prosecuting under the old law before this room in, that there is too much complacency in relation to it and it must stop and it must stop fairly quickly in relation to this and other laws. I can see where there may have been reservations on the preventative under this, but I believe these reservations have been stretched too far.

HON. TRUMAN M. BODDEN CONTINUING: I further believe, Sir, that with the passing of this law, naturally with the amendments to it that a very heavy onus rest on the society, and on the churches especially to ensure that they play their part. I believe that they perhaps too shunning lawlessness, but the churches have the most vital roll to play in this and at this stage we are merely unfolding which can provide the means of putting one small spoke in that wheel, their contribution be much greater and I would hope and I would ask that in the future the churches within this country will come out and support measures of this sort directly. I know a certain amount of support was given but as I read to you this day numerous persons spoke and this has to be an active one and not one which is complacent or limited to Sundays.

Now, Mr. President, moving on from that I'd just like to deal briefly with some of the things which Members have raised. I'll be honest with you, I would not have passed this law in the form which it came out, and I agree with aspects of it which you have raised, but let's look at certain areas which I think there is a slight bit of confusion. The Honourable Member from Cayman Brac, Captain Keith stated that persons under twenty-one cannot enter a bar, that is not exactly correct. The law in that respect has really not changed. The word "apparent" has been taken out because it was a word which the police felt which, perhaps they had a right to and I think they had a right up to a point, one not, I would say conducive to good prosecution, but it is not correct to say that this section stops a person dining, that is not so. Further a person under twenty-one under this law is not prohibited from drinking in his own house or a place outside of licensed premises, and here I'm merely dealing with what I see the law, you know an interpretation of the law. One of the difficulties, and the Honourable Member from West End raised this, and I can see what wave of his opinion was in relation to destroying a law. However, one of the first things which a defence lawyer would do, the day of prosecution was brought under this, is to say that the area in which that person is is not the bar, and it has always been controversial, now it is being put beyond, as they say a reasonable doubt that a specific area is a bar and if that person is within that area committing that offence then the prosecution need not lead any further evidence as to that request. So that I believe is an integral part of enforcing this.

The concern in relation to a person under section 45 being caught on for an offence which he has not or he doesn't know of knowingly has been now clarified in the amendment, the word "knowingly" has been put in and there has been amendment to the absolute liability section so as to have an element of knowledge or a mistake to be brought in. So when we look at the two controversial sections in this I believe that Members will find that it is now workable and comes in line with what the community as a whole wants with the amendments which have been brought now. There is very little objection or very few objections I heard any objections to the question of the drinking-up period, that is a common drinking procedure. Subsection (b) which deals with section 20 is merely repeating the law, deleting the word "apparently" of which so many homers mistakes have been made under and attempting to have that polished up. The subsection (5) which I objected very strongly to of keeping a juvenile in an open court has been taken out. The question of onus of proof which I think one Member touched on, that is common law in any event, the law is that any matters which are peculiarly within the knowledge of a person the onus is on him to propound it. A question of not removing a person unless they're in a position where there's a possibility of inflicting bodily harm follows the common law that one must use reasonable force to eject a person. You cannot just take a person and use reasonable force to move him out of the premises, and in fact I understand there have been charges of that in the past under the use of this law.

HON. THOMAS M. HODGES CONTINUING: As to what the wording of bodily harm is, I think that's quite obvious. So really, Mr. President, what do these amendments both does do? It really, in my opinion, comes down to asking a law which society has lived under, upheld to which this House has undoubtedly, at least not strongly objected to, it has taken the unfortunability of a law enforcement to us to see that we are in a position to enforce what is the law. We have brought in this, what I refer to as the probation period of persons who are consistently drunk, commit offenses when drunk, but if you look at it from this light, Mr. President, that that one year of non-drinking may save that one year in prison where he'll neither be able to drink, smoke or exercise any of his civil rights or fundamental rights. So that it may be, I would think a blessing in disguise, in any event it is possible to put these conditions under another type of order which the court can now make, even though it has never been done. A question of enforceability is a problem, but I believe that carries with some that we have it in a state where the medical officer has been brought in to certify it. So really what is left of this law at this stage - all we are saying at this stage only if you have a law let us at least have the guts to enforce it and to back it up. I have said that a large part of what the Hotel Association has turned out to self interest, it is to protect their own small little world, it is conflicting with law within their own country which they have lived under, at least many of them. I have gone further and said that I agree with the Members that this is not the full answer and that a heavy onus lies on the police, who I believe will take an active part and enforce this and with the churches, the specialists and with the community as a whole. So, Mr. President, I would hope that now that these amendments which have come in, which are substantially in order with just about every objection that has been made by the other side are brought in that we will have the support which is necessary to put this Bill through and that the Members, when we go into committee will think or look very carefully at precisely what is before them, which I am sure they will, and will not have their minds clouded with the irrelevancies from elsewhere and that they will look at this as a law which is in the interest of this community and in the interest of a majority of our people. And with that I would ask all Members here to support this law in its amended form and to keep up the good record which this Honourable House has had towards enforcing what is in the good and the interest of this community. I thank you, Sir.

MR. J. CARLTON SMITH: Mr. President, in rising to debate this Bill that has been brought forward before us, being an active church member that of my constituency I find myself this morning tossed between the devil and the deep blue sea. But nevertheless, Mr. President, I intend to stand by my convictions.

Mr. President, much has been said during this debate on the merits and the demerits of this amendment. While I'm not in full support of this amendment on it stands in its initial stage I am well aware that we do need to tighten up on our present law. I feel, Mr. that we as responsible men and women when we go into committee will make the necessary alterations which will make this amendment sound and workable for all concerned.

Mr. President, I have a responsibility for the people of these islands and as the Honourable mover of this Bill has rightly said I intend to carry out that responsibility.

MR. A. CARSTON EXCEPT CONTINUING: It also has been mighty pointed out by the mover of this Bill than other members of the Liquor Licensing Board, which I happen to be one, know of most of these amendments to this law, but, Mr. President, I am not one who think myself infallible, we are only humans and like all humans we make mistakes and further amendments must be made to ensure that we are not intruding on the rights of our people.

I'm very happy this morning, Mr. President, to hear, at least one Member, the Honourable First Elected Member for George Town, has agreed with me that one of the main problems with this Law is the enforcement of the law. We could sit here all day and all night, months making laws, Mr. President, but if these laws aren't enforced we are right back where we began.

Mr. President, there are several points here especially on the eighteen age limit that has really disturbed me very much. I feel as Members have mighty pointed out any person that has the privilege to vote at eighteen, pay his taxes at eighteen, be responsible and hold others at eighteen, join the police force at eighteen, which is an area where most people between eighteen and twenty-one, some of our best school leavers make their living and this one of the points that I had great concern about, but since I understood from the First Elected Member from George Town who has been amended I would not elaborate/ work longer on that point. But I would like to say, Sir, the way that I've seen this for me to stand here and plead to my youngster but he could not go certain places, he could not get employment certain places, in my way of thinking, Mr. President, this would be nothing less than discrimination.

Another section, Mr. President, that I disagree with is the last section where a person is convicted of an offence involving drunkenness, I consider, Mr. President the punishment here of two years is a little harsh, it should read "not exceeding one year". Mr. President, I could go on longer on this debate here this morning, but since most of the most important points, I think have been cleared and have been amended I will not prolong this debate. Undoubtedly, Mr. President, I know that this amendment will pass whether I vote for it or not but I think I have made my points clear from the start, I will support the Bill with the necessary changes, but if these changes aren't made I will be voting against it. I thank you, Mr. President.

HON. CHARLES L. KIRKCONNELL: Mr. President, I too will be first to seek to correct many ordinances in the Liquor Licensing Law, Law number eleven of nineteen seventy-four. The amendments are a result of protest and discussions between the Government, the church leaders and the Chief of Police. I have been through the amendments very diligently and they are worthy of support and will undoubtedly find restraint and prevention in sections of our society where it is needed. We cannot think our responsibility and duty to the majority of the people who put us here and who are the builders and backbone of this country just because the wishes and interest of several minority groups in our society are not met and who think otherwise.

Just four weeks ago, Mr. President, I witnessed the burial of four teenagers one time in one grave as a result of their drinking alcohol. It is impossible for me to describe the sorrow and anguish which the parents, relatives and friends felt. There is a saying "we feel it is to have it". It was truly a scene of weeping and wailing and gnashing of teeth. I believe, Mr. President, if it was possible this morning for me to have this projected on a screen to all Members of this Legislature and all the people in the gallery, they would have no hesitancy whatsoever on what we should do with this Bill.

HON. CHARLES L. KIRKCONNELL CONTINUING: I know there my people would be very upset and disappointed in me if I did not support the Bill which seeks to restore a measure of control to that monster and enemy of mankind called alcohol. I have listened very carefully to all that has been said here and I am not convinced that the object and reason of this Bill are wrong because with the new amendments all the objections that have been made are more or less dealt with - firstly the Bill is not changing the age limit of the law, we already have that limit in the old law, secondly it will not reduce anyone under the age of twenty-one to less than job. It will prevent on the other hand scrupulous operators from serving drinks to minors, it will limit the hours in which alcohol can be served, it will enable hotel and bar operators to get rid of the bar flies, it will prevent drunkards from purchasing in bars which in turn will restore a measure of discipline and responsibility in them. The noise emanating from bars and night clubs will no longer incense with children in school, people worshipping in churches or others who may be having a play or other forms of entertainment in the church hall or town halls of this country. It will reinstate abstinence of liquor from restaurants and permit package stores to retail, it will stop the sale of any alcohol ten minutes prior to the closing hours of any bar or night club, and all persons must leave the premises at the legal closing time. It will allow hopefully lawfully guests in an hotel or guest house to drink at any time in the area which is reserved to serve them. If a person has been convicted twice within a period of three years for drunkenness he will be forbidden to purchase a drink in a public place for one year. If any person is disorderly or causes a breach of the peace the licensee shall call the police and have that person removed. Any person placed under restriction who is caught drinking or in possession of liquor will be fined five hundred dollars or to imprisonment for three months or both. Any person who knows of anyone who is placed under restrictions and willfully serves alcohol to that person will be subjected to a fine of five hundred dollars or three months imprisonment or both. If any person is found to be breaking this law he will be fined ten times more than he would have been fined under the old law. Mr. President, we must pass laws that have teeth in them and I think we may have the teeth.

As one would readily appreciate the Bill is meant to help the people and not to hurt them as some are attempting to make the people believe. I have searched the scriptures which is the inspired word of God and found in particular in the book of Proverbs the following verses which has completely removed any doubt which I may have had in my mind with regards to the stand I should take on this issue. In the Book of Proverbs, verse thirteen, twenty-four it tells me "He that spareth his rod hateth his son but he that loveth him chasteneth him betimes". Again in Proverbs twenty-one, "Wine is a mocker, strong drink is raging and whosoever is deceived thereby is not wise". Finally, Mr. President, in Proverbs twenty-three, twenty-one, it says, "For the glutton shall come to poverty and drowsiness shall clothe a man with rags". Mr. President, I could go on and on but I believe in my Bible and try to follow it because it is the best and only real guide which has come down through the ages to mankind. I hope that the words of wisdom which has been quoted from the Bible will be heeded and that each and every Member of this Legislature will have the courage to stand up for what is right and good for our people. It is our responsibility to help correct the ills in our society and to build a country that we can all be proud of.

MR. CHADDOCK ADAMS: Mr. President, I will endeavour to be calm and forceful with my debating this proposed amendment to the Liquor licensing law.

MR. CHADDOCK EBANKS CONTINUING: I remember very much during my school days if it a particular time or a day that a teacher appeared in a particular suit of clothes or a dress, as the case may be, we knew what it meant that day. I will remember just yesterday on my good colleague situation I see that he appears in this Assembly with that type of apparel I will be cautious not to try to further aid in his requirement. I think I've been in this House long enough to know what's right from what is wrong and I haven't asked the protection of anyone. I can make this admittance that not all I say or think is right but I stay by my convictions till I am convinced.

This is not the first time that we have had this Liquor Licensing Law to deal with, there has been many, many occasions, arguments and debates arisen, we will didn't agree and I suppose this may on balance sometime it does need some apologies and it's a part of my life, I make apologies to the man in the street, week in this country day after day we work in the high. I make apologies to my wife, I make apologies to my children and at this time I would like to take this opportunity to apologize to Mr. Maddon, my good colleague if I put a little more temper in what he probably intended to apologise yesterday when he came in. I think it's one of the greatest faults a man or a woman with the public, when they can face them with their apologies and their thank you's.

When I said what I said yesterday morning I had no intention to prolong any indefinite time of dealing with this matter, neither was I prepared to make it under the table or the rumps or any other place. What I got to say about this I will say, what I feel I should agree with I will agree, what I feel that I should disagree with, I will disagree with. But, Mr. President, I would ask you in your capacity if I should say or wander a little bit which I am prepared to bow to your ruling but I will wander off a little bit because I feel that to pertains to the very thing that we've got before us.

Mention has been made that we can't legislate for morals, I don't intend to have any part in that. Every man and every woman must enjoy the choice of their lives whether it's good or bad. But the reason for having laws is to help men and women to realize when they have taken the opposite way when they're committing wrong, not to tell them that they can't do certain things.

Mention was made about education. Primarily I presume they were thinking of teenagers. I agree, I agree and that education should start at home, the first and foremost place. If it's not instilled to where the finances be seen from the home then the public will be faced with problems, the Legislatures will be faced with problems to find laws and ways and means of trying to rectify the behaviour then of people. It's a little sad presents that when the minister's called to the court, may us in a more case. I came from one of the poorest in the district of Northside, I know every rock of poverty. There were times when I acted as father and mother in a home simply because some member of the family may drink, my mother would be with them, my father would be with them it wasn't those days like today, a half an hour you leave some district and you get to the hospital, we had to take heart for it and sometimes we or three days before one would get home, I had to wash, I had to sweep yard, I had to clean house, I had to take care of four or five other children, and what's today I haven't found any reprieve in the discipline that my parents instilled in me. I am a father of two boys and I told them in good, loving, human language I expect you boys to look the world in the face and let nobody point their finger at you. I didn't tell them they couldn't go out at night, but I'll tell you this, they didn't go out there when they were fifteen, sixteen, seventeen, neither seventeen. The oldest boy is now thirty and when he's leaving the house at night to go out he will say, daddy I'm going out the road for a while.

MR. CRADDOCK EBANKS CONTINUING: That makes me feel good, Mr. President. When I know the next door neighbour, when his ten or twelve year boy can cuss his parents and say I'm going out and I'll come back when I want to come back, that's why we need this law, regrettable/it required. The youngest boy is completing college, being in the practical field and he has more me about some security since he left. When he would write back he said daddy I feel good for the way that you have led me when I can look back and see that you have tried to make a man out of me. I am glad when I feel that he said that I don't deserve it, all that you have tried so as to make me happy but I hope I will prove myself and be able to repay you. I told that same boy at the age of twenty - he walked off one Sunday evening to football, when he came back the whole week went by, the previous week, I never said anything to him till the next Sunday morning I said,Danny you went to football last Sunday evening, perfectly alright, if you feel like going then every perfectly alright with me. - make your choice, carry what you got or come back and pick it up. I had no more problems with him. Both of them can live in my house till grey hairs try them but they must mind the discipline, the behaviour, the respect that is belonging to that home. Mr. President, why I threw this banquet on myself I feel that there are hundreds of other parents could have done the same thing with their children. I know many of men who I've heard say I don't have any other time to go get a drink but Sunday because I got to work Monday to Saturday. I work from Monday to Saturday, I work Sunday too. Many/times I spent in fact on children, not too many ago I spent years making two trips every Sunday to one end of the district to another picking up and delivering Sunday School children when I felt sometimes like really resting.

Not only this law, Mr. President but most of all our laws, they have never been administered, they have never been carried out, and this to the reason why this liquor law is always a hot debate argument in this House, from time to time it has appeared for amendments, it always was made clear that a loop hole or loop holes would be left over not so long ago that the commitment was made for eighteen years or ever to work in here, it was an argument, nevertheless, democracy, the majority carried. One particular manner in which this law has been abused is with that one word "apparently" that was left in it only/Members that are present will speak the truth of their thinking they can say we spent hours arguing about that one word and we were told that that was the only workable word that could be used into that section of the law. It was only giving the licensees to sell to anybody because they did not have any business to know anybody's age because it was not in there, only the word "apparently" and that didn't worth the time and the paper it was written on.

On the the first recent election I told my people it would be one thing I could endeavour to try to get amended, one law and that would be the liquor Licensing Law, that every liquor premises in this country be open on Sundays - I didn't mean that we'll have, I didn't mean the hotels, stores, I didn't mean the wholesale stores, I meant every place that is selling liquor. And I see provided into this amendment to the law, where bona fide guests must have the privilege to drink at the hotel that they're at or wherever they may be staying. Now I don't know, Mr. President,how long Members are prepared to stay in here or how far I'll be able to convince them, or how long it will take them to convince me, as far as I'm concerned we are not going to draw a line between our people and a visiting guest that is here for two days or two weeks as the case may be. If a visitor is going to have the privilege to enjoy such rights and privileges and our people be deprived,then I am not going to stand for that - what is good for one must be good for all.

One Member just said, the awful sight he experienced at the Bracewell it's been a number of those happenings and they're all caused through liquor or drugs mixed, making it double.

MR. CHAIRMAN KEEPS QUIETING: Again, Mr. President I would like to refer to the homes the persons. A lot of our boys wouldn't end up in these things, probably if the parents weren't prepared to give them an automobile on their birthday. They promised them, they assure them that as soon as they could get squeezed they would get a car. Sometimes automobiles given them division permission and they're headed, they're given the privilege to use what ought to be the most beneficial piece of equipment for every good purpose but in so many cases it's used to the detriment, it's what's used for the destruction of mankind. Every one of these such accidents, we say, well we think this one will be a lesson to the young people - a few days the scars remove nearly. Some of the worst accidents we've had in this country is on Sundays - they use Sunday only for a sport day, a drinking day, a drunken day and however much or however little we have been carried out to this extent. All honorable night households are being disturbed for something from drunken drivers. Only night before last, two or three o'clock in the morning a drunken gang called to my house, if I could get them some gasoline to get back to Georgia town, no. Why should my night's rest be completely ruined for such type of people? I'm not saying they shouldn't drink, don't misinterpret that, that is their privileges. About two years, a little over two years ago I was the results of an accident on the road one night when four were wiped out on a wide straight road. Recently two lost their lives on a thirty foot road because it was on a curve some matter of Government getting a few complaints about they should reduce it to twenty-five, a fifty mile to a twenty-five to make it that much harder for law abiding citizens. The argument to that was these deaths wouldn't have occurred if it had been a twenty-five mile zone. Just little more than a year ago on a Sunday in a twenty-five mile zone when a car hit another side way, about six fifteen to twenty feet in the side of a building, it happened to be a store, demolished miraculously everything that was on the shelves, the reference from it, the car went another twenty feet in the opposite direction across the road - the impact from the other car, with the speed it had had not even reduced it enough that it had already reversed before this car came back and hit someone the trunk and the other car ended up two hundred feet down in the bush - and killed an innocent, good clean, honest woman which was a mother of many children on the spot, the driver hasn't even been charged. He said he was driving twenty-five - two of the biggest cars in this country were demolished, you ever heard any two cars being demolished at twenty-five miles an hour. The traffic officer, in all of his wisdom and knowledge, he couldn't come to the opinion that this car was being driven over thirty miles an hour - a waste of the payers money to pay such an individual that he couldn't find enough grounds, enough spans, enough room to charge somebody for careless driving or dangerous driving, or drunken driving, which the liquor was in the front of the car - they had evidence where he had just left from drinking for hours - drunken driving, careless , reckless and never even charged. A good clean, honest mother has gone out and left her children.

Mr. President, every time that it comes, some issue in this House we get a lot of emotion, we get an individual or a few people or a group who tries to blow up things to where it would explode with the intention of trying to explain that will happen if such as these as often, things that are brought to the issues, will happen if these things are passed, and yet some of those people are the biggest offenders that we've got in this country, Mr. President, I'm not through and I will still say it and I'll say it any place, the lawlessness of this country has caused more people than it has done any good. I know, they say yes, we employed some you know.

MR. CRADDOCK SPEAKS CONTINUING: I went into a bar not too long ago and there was a fellow in this bar and he was telling somebody else that he had just brought his son in there right to have a drink because it was his twelfth birthday, he was sitting on the counter, the bar tender didn't say, this is no place for that boy, you get him out - he got a drink for him, I don't know what it was. What I'm trying to say, Mr. President, is this, as long as one can march in the door and get a fifty cents or a five dollar bill on top of the counter every bar management, duly licensed premises in this country can prepared to serve and sell them regardless of the effects after - they are not prepared to help uphold or further build the morals of this country. Well, the letter that we got from, I can just repeat what I said yesterday, and as far as I'm concerned it doesn't worth the paper it's on. They are employing, I know. I'll stand subject to correction but I would like for the Government to tell me if they have received from the hotels in this country, any kind, enough funds to put one boy or girl through college then they would be able to come back here and hold a top post job, but they say they're helping this country, I know and I can appreciate it's a lot of help - we got a lot of foreign investment, we appreciate it, we got alot of visitors coming in spending money, I appreciate it, Government appreciate it, but we found here three hundred years without those visitors and it was a bloody good country then.

It's always the tourists, we got to do this because the tourists are coming in, we must do this because the tourists are coming here - I've had many a tourist tell me, endeavour to keep your island the way it used to be, far from that I've had some of them to tell me, keep your telephones out that's what we want to get away from, we don't want to be bothered with somebody calling me on the phone - I couldn't agree with that all the way, we need service. I have never heard a tourist say that we come down here because liquor is free or you can get all you want have to drink, you can bathe in it, they didn't say they came down here for that. I've been to many islands, I've seen so many cab I have/so many, we come down here because the climate is beautiful, the people are extraordinary, they are so friendly, they're so helpful, you get such beautiful beaches, they say that's why we come down here. The tourist that can't live twenty-four hours without a drink we don't need that tourist, we don't need that tourist - any hotel that can't operate without such a tourist they ought to close up too.

Mr. President, I like to see things done all the way, I like to see it done clean. I don't believe in fragmentation, I don't believe in patting anybody on the shoulder, I don't want to be patted. When I came in here, Mr. President, I came in here with a made up mind from what I read that I'm considered different by the majority of other Members. I don't bring my friends in here, I don't bring my business people in here, I don't bring my family in here, I come in here on my mind, on my conscience and when I go home out I will deal with them as always. Nobody is ... going to buy me, nobody is going to bribe me, nobody is going to lobby with me, now, this is what should be and what shouldn't be - I don't get into that and I'm not going to get into it.

When I said yesterday morning, Mr. President, that I felt that there should be some further regulated safeguards to this proposed amendment, I will repeat it was not in my thinking to discard what has been brought here, nor to prolong it for an indefinite time, but undoubtedly some amendments was brought forward after that. I will further deal or better deal with the amendments as proposed and in my thinking when we go into a committee stage to deal with this. I don't want to see anyone become criminals or treated like criminals, I like to see the law or when a Bill becomes law I like to see it carried out to that extent. Whatever is in the law, whether the time are so that the police could arrest or not we seem to have attempted to do little or nothing about dealing with the Liquor Law.

MR. SPEAKER KEEPS CONTINUING: Because there is nobody who can tell me that the police are not aware of the fact, there is from the head of the Department down that they are not numerous dozens of unlicensed liquor premises all over this country and they have not attempted to do anything about them. But if they found somebody or if they even heard somebody was driving their car around here that wasn't licensed for the year they would be getting up a road block to get that individual because their car wasn't licensed, yet they know there are countless unlicensed premises that are robbing this Government of revenue and robbing hundreds from here a day causing what we are faced with in the public. And the police doing nothing about it which that goes to show the crew is no better than the master or the skipper. You have the different categories of licenses for liquor dealing with it, selling it and as far as I know a wholesaler is only supposed to sell in quantities such as much to licensed premises - people that got a license to sell, whether it's a bottle or whether it's a retail or whether it's a hotel or whatever what it is, but the same wholesaler, he'll sell to anybody, it don't make any difference - nothing don't belong throughout it, that quick. Just straight, dollar and but the country and people suffer, go to destruction, go to the dogs.

I am hoping, Mr. President, that . . . whatever might be determined in the end as to the amendments that are proposed or what might be defined as the proper fines or imprisonment or what from anyone to deter , hoping we might drain this liquor behaviour, this drinking behaviour - I'm not saying that somebody shouldn't have a drink, that's their privilege but it ought to be done in the right way, in the right manner, in the right place. If all the beer bottles collected between here and Corner Side off of the side of the main I don't suppose in eight years of a count of a million bottles or containers of beer/wine been drunk and just passed out of the way - loud behaviour, bad Sundays, bad manners, bad respects; they don't think anything of urinating in if they did they would think more of their country. I know they say it's not supposed to be any drinking in a car, we liquor to be carried in a car, but if we get out here on a Friday night, Saturday night and a Sunday night you'll find nearly as much liquor in cars as you'll find in the retail stores. Probably some of the drivers if they see the police coming they pull over and say, see police coming let's give him a beer, give him a beer he go about his business and they go about theirs. Why should I stand here then forever or any longer and attempt to run my blood pressure up, which that's under control, that's alright. It's a lot of people who need to be dealt with, not only juveniles, not only the under age but a lot, I guess they're getting over age now. Parents and guardians ought to be dealt with in the place of some of these teenagers. I feel that when a father can stand and face people and say, my child seven or eight years old I can't do anything with him, I can't do anything with him, the child ought to be taken and put into a home and the parents put in jail, put on the streets and let them work. They are the ones that are help bringing our society, help bringing our morals to its lowest ebb and then when you flip the other side of the coin where people for a quick dollar, let's wake to reasonable to what happens then.

Mr. President, I could go on but on my closing remarks there has been some of a misinterpretation that I'm trying to stop people from drinking till they get twenty-one. The drinking age as mentioned . . . twenty-one, that is not just today or yesterday, that's an old long time back law. At that time it was a lot of other things / that is a twenty-one age group. They couldn't vote until they were twenty-one, they couldn't stand for election till they were twenty-one, they couldn't sit on jury's bench till they were twenty-one, they couldn't get married till they were twenty-one, they couldn't drink till they were twenty-one, they couldn't do this till they were twenty-one, they couldn't do anything till they were twenty-one.

MR. CRADDOCK ESSANKI CONTINUING: Finally, it has fallen upon [illegible] time to time that the age group is now recognized and I think it's getting time that it should be brought to one place, to one post and what do good for one is good for all. The driving age, I think need to be given a deep consideration. We have school leavers, they are waiting for that day to get education so they can leave school and get a car, two days it's a shock, yet the law feels that they're of age, they're responsible to drive. Anything been mentioned this morning, they're giving them a shot gun licence, if they want it, they can shoot, do anything they want to do with it, and for that can to be comprehensively insured somebody likes how to stand responsible for it and it got to be unusually over the age of twenty-five. At the age of eighteen's a compulsory age for taxation, you must pay your head tax whether you got a job or not - you don't tell the collector of taxes, well, you know I have not worked since I left school, they don't take that, you must pay your taxes - he goes out and get a job, he gets the same high pay, the same hourly pay as a man of thirty-five or forty is drawing, [illegible] differentiation in it, he put in his eight hours, he gets his twenty dollars same as the man at forty getting twenty dollars. He's allowed to get married at what any age under twenty-one primarily if both parents are agreeable on both sides. If the parents of the boy find that the girl that he has chosen for his wife is a beautiful girl for that they don't have anything to say, if the parents of the girl don't have anything to say about the boy then they can get married at sixteen, seventeen without any question. Then he has the responsibility of a wife, he has the responsibility to find a home, he has the responsibility probably how then nine months of another one in the family to provide for, and on and on, far from twenty-one yet and to twenty-one he go out in the world and he has achieved to where he gets a license to operate a ship, merchantship or a Chief Engineer on a ship that a three million dollar project that he is in charge out with the lives of forty or fifty people on it, but he is capable, he's still only twenty, twenty-and a half but he has achieved and got his license. I am not saying that he should drink, that's his business on his business. If we parents and guardians and those responsible for the lawyers to do what ought to be done they would better be able to make their choices and their decision of their own lives before they get to twenty-one that we wouldn't have to make a law to enforce certain things.

Mr. President, with those few remarks I am prepared to shut my mouth a little bit and we go into the committee stage and then I will argue on some of these amendments that are to come about, the proposed ones and further amendments that I feel that ought to be there. I am not attempting to say that I am prepared or I am going to accept it in any way, not at all. I just want to be fair to every individual in this country and everyone have the same rights and privileges and opportunities as any other. So I thank you, Sir, and as I said when we go into committee now I will then .....

HON. JAMES M. DODDOH: Mr. President, I know it's getting late but I think I can mind us in just a few short minutes so that we can come back this evening for the second and third reading if you will agree, Sir.

Mr. President, none of us is proposing to the House or to the people of this country that the amendments brought forward in this Bill can only be the only answer to our problems, we wish to God that that was possible, but it is impossible to do so and we are only hoping that it will help in some small way.

I have two things here now I'd like to read that I think is quite appropriate to what we have been discussing, one was written by Count Rumford and it says that drunkenness is the ruin of reason, it is premature old age, it is temporary death!

HON. JAMES M. BODDEN CONTINUED: The other one is by Berkeley Russell, "drunkenness is temporary suicide, the happiness that it brings is merely negative, a momentary cessation of unhappiness". So with this, Mr. President I will go in to try to clear up a few of the points that have been brought out.

Since the new Executive Council has been in since the last election we have been attempting before we bring a law to this House to bring it to the Legislative Assembly. I will try to explain the steps that took place in this Bill. When I heard some of the points raised from the floor yesterday, to be frank with you I was a bit puzzled myself, but I think I have found out what happened. When a Bill is coming to this House or any amendments to a Bill it is first given to the Legal Department to be drafted. At that point it goes to Executive Council to see if the Bill or any amendments and at that point it should be granted. It seems to me that what happened here was this, that the input that was put into this law from the members of the Liquor Licensing Control Board, in going to the Legal Draftsman was probably gazetted before it came back to Executive Council or the copy that was changed in Executive Council was not the copy that was actually gazetted, that's the number one point. Number two is that after we dealt with it in Executive Council the Members of the Legislative Assembly were called together, unfortunately I was absent that day but my colleague here from George Town, the Minor Elected Member, attempted to go through it with the Members of the Legislative Assembly, but time did not permit him to complete the entire Bill so there was some of it that was not tossed at that meeting. After we got to the House here the Attorney General and myself, when we closed down the last sitting of the special Select Committee on the Planning Law drafted some further amendments to this Bill which unfortunately were not circulated yesterday morning, those amendments I think have been circulated now and when I said yesterday morning that I was not prepared to consider any further amendments it was because of the amendments that we had circulated which I thought everybody had in their possession, unfortunately that was not so.

I'd like to clear up a point have mentioned by the Members in regard to try to marry, let's say two separate laws, one for Caymanians and one for the visitor, that is not correct. What happens is this, under the present law in defining the area that will be used as a bar the entire property owned by that person is defined as a bar. One license is obtained - I hate to call names but in this case I will have to do so. Nobody can, I think Caymanian probably has or three bars, something in that nature, their property extends to probably eight hundred feet on the beach and about three hundred and seventy-five feet in depth, the present Liquor Law allows that whole area to be called a Liquor Licensed premises instead of defining it down to the certain area that is a bar, that is serving the public as a bar, so that is why it's very difficult under the present Liquor Law to ever get any considerations because that entire beach area and the building have to defined as a bar under the present law, that is why we had quite a discussion on that in this House, in I think 1974 when that Bill was presented at that time to the House. So our attempt here is to regularize this and define the area that is to be used as a bar, and in doing so we will be able, we hope to have more control through the police force. So in attempting to do this we had to protect the hotel paying guest. When the hotel paying guest is in the hotel occupying a room that is his place of domicile, so is just like any of us in our home. So if he came fit to buy a bottle take it in his room and close his door and drink till six o'clock in the morning, it's nothing we can do about it because we have the same privilege in that room as we would have in our own home. So that is why one has to be careful in that respect, but what it does do is like it keeps him out of any of the other areas of the hotel that would be known as public spaces, for instance the passage ways, the restaurant, the poolside bars and so forth and so on, he could not be using it outside of permitted hours in those areas.

HON. JAMES M. BODDEN CONTINUING: I agree, Mr. President that it is incumbent on this community and this country to try to find places of entertainment for youngsters under twenty-one, it is probably one of the biggest problems that we face for the future. In our country is that which has been implanted for so long. We are not attempting in any way to change the twenty-one and the eighteen which has been on the law for quite a long time; we are remaining as it is. The big thing about it is this that we are taking out the word "apparently" and we are now putting the onus of proof on the individual concerned; still as the bar tender. Again this provoked a very long fight in this House in 1974 when the Bill was then presented to the House however attempts tried to define: how could you define "apparently" and ever get a conviction. I think time has proven that we were right and a conviction could not be made. I made reference yesterday and no objection was placed on it by a current Member in saying that he was a Member of the Liquor Board and had not been consulted. If my memory serves me right what I said was that the four Members of the Legislative Assembly which composed the Grand Cayman Licensing Board, I may not have said the Liquor Licensing Board but the Licensing Board, had been consulted and had put these together.

A Member mentioned about business places helping with the schooling of our kids. It is no one I think in our country that has pressed this more than I have over the years in trying to see what could be done for the youngsters of this country, and believe me that when you start telling the business places of this country to help you do something for the youngsters of this country it is worse than trying to pull teeth without using novocine. I know this by long experience, the generosity stops very short.

Mention was made about on the retail side of it with the buying of beer and so forth, again this is not mentioning that, it is only trying to tie up in a small way an anomaly that exist and will still exist even once this is passed because you will be able to buy as many cases of beer as you would like. What we are trying to say is, that some protection must be given to the retailer apart from the wholesaler having the whole pie, this is mainly what that is about.

It is my belief, Mr. President, that although we might not get the laurels for it today, but when we vote to keep people under twenty-one from having the free use of alcohol that we are helping them and that when they become older and more experienced they will eventually give thanks for what has been done for them. Reference was made by someone in saying, what happens when people do without alcohol? I too have had my stint at use and I remember at one time I was on a ship plying between the east coast of America and South America, and although we were in port probably every twelve days we had been a Steward who unfortunately, I imagine had started drinking at a very early age in life and had become addicted, and after we had been to sea but just a short time it was found out that we had no more extract in the Steward's department he had drunk up all the vanilla extract, the strawberry extract and every thing else. So we do have these things happening, and it's a shame and I guess they will continue to happen.

Now, Mr. President, if we allowed people to drink without control it is like saying, that because a person takes drugs that we must legalize them also and put no controls on them or that under the existing Licensing Law, again, that we put no controls and we just leave it alone and we put a skeleton piece of legislation forward which has no teeth, it is the same thing as far as I'm concerned. I do see one thing that will probably have to be the outcome of this, and that is that in a short time an Amendment will probably have to come to the Traffic Law where a Traffic Licence which is a birth right to all Caymanians as we mentioned will have to carry the birth date and the picture of the person so that they can have identification. I think that that would probably be a good thing and it may clear up some of the worries that some of the people have.

Someone spoke about donating what you should do. Mr. President, unfortunately that is really the basis of all laws that govern

MOV. JAMES K. HOUPO (continuing): weekend today. Even in our country we dictate to the people in regard to the Planning Law, we dictate in the Conservation Protection Law, we dictate in the Traffic Code and I could go on and on and on, every law that's on our statute books today has a certain amount of dictation as to how it is going to be enforced, if you did not have that it would not be a law. Some may that we cannot dictate morality, to one extent I agree, but morality again falls into the same basis that it is the basis of every law that is on every statute book in every country today because it is morality that governs mankind.

I would like to just make one reference to the letter from the Hotel Association. This was touched on by a Member, and I'd like to say that that is why in some cases I considerable it plays funk and confusion and to use the analogy, because the outside in this country as we know are mostly all owned by North Americans and in North America the drinking up period is probably in every country, every State and province in the North American continent. Usually when you go into a bar the hours are set, and I can also tell the Members of this House that it is common custom for the bars in the United States to set their clocks at fifteen minutes prior than the normal time is, which really means that they have about thirty minutes for what they call their drinking up period. When my friend should close in Dawson there's are already twelve o'clock, and that's a standard rule in nearly every bar in the United States, and when it comes to the question of an hour the waiters or may be the good looking waitresse comes by and they said, usually they make a little laugh out of it, they say, the last call for alcohol. Every North American, every person who has travelled the North American Continent is use to this, and yet, why would they come in our little small country here and try to say, "Oh, you're a bunch of fools because you want to do this". That reminds me, Mr. President, of the words of Bernie Benoit when he said, "What I would like all Democrats were saloon keepers, what I said was, that all saloon keepers are Democrats".

We come to another point in the proposed law which may be offensive, and that is that we will agree in time part the Police have said, we cannot do anything because our hands are tied the Law is quite effective. That was one of the very reason that the Chief of Police was brought in on this and asked to sit in and give us his views as to what would help him to control the liquor in this Bill. Now, I'm prepared to tell you now, that if it cannot be enforced by the Chief of Police eventually we will be back in this House, I'm willing, waiting for a further Amendment that the enforcement orders will then come out under the Liquor Control Board.

Some people have said that we must not pay attention to the churches because that is a minority group more or less, well in a little while in my opinion, Mr. President, I do not suppose the views of any particular church, I will attend all of them, I believe in one christianity and that is, that God is my supreme being and in my own humble way I can pray perhaps silently to him. But, Mr. President, since history or since recorded history the churches have been the integral part of any society. I will also say, that in my opinion there's much more that could be done by the church, it's leaders and it's organization in this country to help the country but there is something that is must come out amongst themselves. But we can only say one thing and we cannot forget that, and that is that our country as we know it has been built around the churches and I hope that it will always continue to where the churches will be the corner stone of our country.

I wonder, Mr. President, why the Hotel Association was so concerned and went to such length as bring this Bill for the good of say in four to six people under twenty-one who they thought would lose their jobs if this law were into effect. That is a source of great wonderment to me, Mr. President, because I also happen in my portfolio to be assigned the portfolio of Labour and it's not one day that goes by that I do not have complaint, after complaint from the people who work in the hotels, bona minuger has stayed me out of four children on my constituency, this one has come to me that, so why all of a sudden should they be so concerned, Mr. President? Further than that, Mr. President, I know how hard that we are trying to better the local staff that we have at the hotels in and some of them know awful.

SEN. JAMES M. HOUGH CONTINUING: management, to get some of them into the higher bracket of management, and I am throwing out a challenge for them today that when we get there maybe without their help I'm sure, to where they are qualified that I want to see them really concerned, Mr. President, at that time about these people as they are concerned today about the four or six people who they thought would have lost their jobs.

Mr. President, under our present law, let me point out to the Honorable Members of this Assembly another anomaly, and this is a big one. In our present Law the biggest crook in the world, he could have been the fellow that was so recently extradited from Israel and who I understand lives in quite a bit of pomp in Miami today, I can't remember his name, Lansky or Lucca or something like that his name was, he could be him. He could own the bar, it is licensed, but he takes a poor innocent Caymanian who is the bar-tender and it is licensed in that bar-tender's name; something happens that you'll have to take the license away from that Caymanian, the next day they can get it approved again in the name of another Caymanian who's got to be the bar-tender licensed and nobody suffers. Mr. Pitcairn has still got his business going and all the coppers are still jingling into the till, this is an anomaly and it must be corrected, this is what the Hotel Association is worried about, they are not worried about the four or six people that are under twenty-one that are going to lose their jobs. I believe in selling a spade a spade, if I'm fighting you on one issue let's know that issue out don't cover it up with water hoses sometimes there's a thorn that will prick my finger.

Mr. President, I am my friend of any man if I will give him something that will hurt him, that man cannot consider me a friend if I am willing to do that to him. Mr. President, this has been long debated, when we come back into the Session this evening we will be moving into the second phase into the Second Reading, at that time the Amendments which are on the table will be presented to this Hill. After it is passed I will then be requesting the suspension of Standing Orders so that we can move into the Third Reading this afternoon and pass this into Law.

Mr. President, I would rather die on my feet than live on my knees. Thank you.

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

MR. PRESIDENT: I shall suspend proceedings until 2:30 P.M. this afternoon when we will resume with the rest of the Bill.

MISS ANNIE H. BODDEN: Mr. President, I may be a little late Sir, I have to see a patient, but I will be back as soon as possible.

HOUSE SUSPENDED AT 12:52 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed. In accordance with Standing Order 49(1) the Bill stands committed to a committee of the whole House, so the Assembly will now resolve itself into committee to study the Bill.

COMMITTEE DIVISION

CLERK: CLAUSE 7. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. LAW II OF 1974 AMENDED.

QUESTION PROPOSED:

HON. D.E. KOSTYRA: Mr. Chairman, just one question on that Sir. The Section there (c) I think it is, "was within a quarter of a mile distance of any church, school or whole meeting", would this matter only to new buildings being built or coming into force or it would affect the present ones as well?

HON. HARVARD ARNASON: Mr. Chairman, the interpretation that I took of that in my reading of it means only, that after these amendments are applied to the Law, other words that it becomes a new Law, and any application made for a building of such would be bound under not less than a quarter mile or more: but presently those buildings that are now in operation, the church, the bar rooms, the restaurant or whatever they might be, I feel that they ought to remain as same, that's my feeling of reality to.

HON. JAMES H. BODDEN: Mr. Chairman, that's where it's intended for, this is for any new place that are being licensed, it's not for those that are already in existence.

HON. D.E. FOSTER: Thank you Sir.

HON. V.S. JOSEPH: Mr. Chairman, I wonder if I could ask the Second Official Member to make his comments on that because we want to know what the legal position is?

MR. CHARLES C. SMITH: Mr. Chairman, in addition to that Sir, would the Second Official Member care to define the word "whole centre"?

HON. A. HARVARD ARNASON: Mr. Chairman, while the Attorney-General is checking on this I might point out that in the original Law it says, "shall not grant" it doesn't say, "shall not renew" so it would follow that any place that is already established would be removed even if it was within two hundred of the church or school. The original Law says, "shall not grant". Section 2 says, "the Board shall not grant a license within a certain distance of a church", that's the way it would read when it's amended. So renewals would go on regardless of where the place was I imagine.

MR. GEOFFREY EBANKS: That's the way I take of it, Mr. Chairman.

HON. JAMES H. BODDEN: Mr. Chairman, there never was any intention on this, and it isn't in it now I don't think in this Amendment, that it would have any reference to the places already built and in existence. It would be just for new licenses granted before, because actually what happens is that the licenses comes up for renewal every year, it's not a new grant, the original grant would come with the first license when it's granted.

MR. BROWEN C. SMITH: Mr. Chairman, we still haven't had a definition for "whole centre".

HON. DAVID R. DARWICK: I'm obliged to the honourable Member for reminding me that he raised this question. But I think to deal with the two points that have been raised in the cases in which they have been made there is undoubtedly a reference in Section 8 which deals with the granting of licences or a renewal of an existing licence. And prima facie when a Section speaks of the granting of a licence it would not prima facie apply to renewals. I'm just wondering through the Law to see if there's any provision of the sort that says that when renewing a licence the conditions and pre-requisites to the granting of the licences shall be applied in which case it might be safer to put the point beyond doubt.

HON. THOMAS M. HOGDEN: Mr. Chairman, if there was any doubt raised there, which I do not think there is, then perhaps you could insert between the word "and" or "or" just in the case of grants if there is any doubt and I don't see any doubt, it's quite a difference between a grant and a renewal. But in this Bill in the new Bill in the second line we could add in there "and in the case of grants not within a quarter of a mile distance of any church, school or civic centre". I don't think it's necessary but if you want it . . .

HON. F.H. FOSTER: I'm happy Mr. Chairman, I just wanted an explanation.

HON. DAVID R. DARWICK: I don't see anything, Mr. Chairman, which would lend to any necessary implication that what apply to a grant must also apply to a renewal. The intention of this House has been clearly expressed and perhaps the point did come up before the Board they will be able to take note of what's been expressed in this House in any amendments.

On the second of the two questions which has been raised namely the definition of a civic centre. I think that would have to take the normal and natural meaning, that if a court was called upon to decide whether a particular building constituted a civic centre the court would have to take in to account all the facts relating to that building, and it's something I think that we all know what a civic centre is but it's almost incapable of a definition of that words that's sufficient precision to make sure we covered every type and every case. I think it's better if we leave that to take the normal meaning in every day Parliaments.

HON. THOMAS M. HODGEN: I'd just like to point out, it talks about a civic centre not a building.

MR. GEORGE C. SMITH: One more point, Mr. Chairman. I would like to see the words "quarter of a mile distance" reduced to "one eighth of a mile distance".

HON. JAMES M. HODDEN: Mr. Chairman, I would point out that really in the granting of a liquor licence this would really be about the only thing that you would have that has any force in it, is this quarter of a mile. Because it is a licence that is so easily obtainable under the present law that this is really the only thing that would have any little teeth into the granting of a licence is for it to be within a quarter of a mile, and if you reduce it to one eighth of a mile you're down down to one hundred and something feet. And, you know within a school or a church or something like . . . for instance you have some areas today where you have a church and a liquor establishment has been opened up right in front of it, several cases of that one in the Island, and particular in some cases, say like the Adventist church where they're in worship on Saturday and you might canvas from the opening of the church there's a bar with a lot of noise and so forth going on. So, this is one of the reason for putting it - if you reduce it to one eighth of a mile you might as well just leave it as it is in my mind, never put anything into . . .

MR. CHADDOCK EVANS: I don't see anything either so unreasonable of a quarter of a mile because a quarter mile isn't any distance to talk about. . . .

MR. CHADWICK HEANKS CONTINUING: I on different occasions I had expressed, not in this particular debate this morning but elsewhere that I expressed my views and feelings that such granting or permission for erecting such building should be much further away than quarter of a mile, as far as my feeling is concerned. So I don't think quarter of a mile is anything unreasonable to be from close to a church or school or anything else, even at that a high noise could very well be heard. So I can well support that part of the amendment for it to remain as quarter of a mile.

MR. CHAIRMAN: It's understood that quite a number of Amendments are down to this Clause, I don't know how the Member proposes to deal with them,whether we take them paragraph by paragraph.

HON. JAMES M. BODDEN: The next Amendment would actually be in paragraph (b). The paragraph (b) as circulated would be changed to "Whoever, not having attained the age of 21 years", that would be one, and then (a) "otherwise than in the performance in licensed premises of the normal duties of any gainful employment therein obtains or attempts to obtain; or (c) in any licensed premises or public place, consumes, any intoxicating liquor be guilty of an offence". (a) by deleting the proposed new section 29(2) and 29(3) here is dealing with the Summary Court in regards to juveniles which was not intended to come into this.

MR. GEORGE C. SMITH: Mr. Chairman, the paper that I received with the Amendment, on line four of Section (a) the words"obtains on" has been deleted. Is that correct?

MR. CHAIRMAN: Deleted on mine as well.

HON. D.H. FOSTER: Deleted on mine too.

MR. GEORGE C. SMITH: Well, the Members .....

HON. V.G. JOHNSON: I think it's deleted on all the proposals.

HON. DAVID R. BARWICK: The Honourable Member must have a defected copy I think.

MR. CHAIRMAN: I'm still not clear, are the words meant to be in or out?

HON. DAVID P. BARWICK: If the Honourable Member is referring to the words "obtains on" which they appear on the fourth line of paragraph (a) of the proposed new Section" they're meant to be deleted. I understand that there are some other provisions which are in the same new sub-clause.

HON. G. HAIG BODDEN: Mr. Chairman, in (b) I think we ought to repeat the words "in any licensed premises". Those words are repeated in (a) and (b) and if you leave them out of (b) it would be illegal to obtain elsewhere.

HON. DAVID R. BARWICK: Yes, I would support that Amendment Sir, and I would suggest that the words "in any licensed premises" be substituted in (b) for the words "or attempts to obtain" so that (b) would read "(b) obtains in any licensed premises;". The reasons for suggesting deletion of the words "or attempts to obtain" are that provisions in Section 49 of the Interpretation Act provide that whenever an offence is created by a provision of a statute it is deemed also at the same time to create the further offence of attempting to commit the offence that is created, so there are safeguards to that extent.

HON. JAMES M. BODDEN: So then do proposed then,"(b) obtains in any licensed premises; or?".

HON. TRUMAN M. DODDER: It was just one other Amendment to that, Sir. In the (a) part of sub-section (1) of Section 20, I don't know if the Member has mentioned that, but between the words "a" and "otherwise" right in the first line insert "between eighteen years or over" which will now restore that one to what it was before. So it would then read, "Whoever not having attained the age of 21 years, but being eighteen years of age or over otherwise than in the performance in licensed premises of the normal duties of any gainful employment therein, disposes of", the eighteen would only be limited to that specific section, this clears up the eighteen year old problem.

I had just one other suggestion Sir, to - sorry.

MR. CHOLMAN KNOWLES: If I may ask the Member to read that over again what he .....

HON. TRUMAN M. DODDER: What I suggested was between through "a" and "otherwise" in subsection (1) of Section 20, which would then be the subsection Law but on this white - this long sheet of amendment Sir, that the words "not being eighteen years of age or over" would be inserted there so that they would simply the persons or they'd have to make sure that the persons were eighteen years or over. In relation to employment it would segregate it from the drinking, it's really to bring back in the effects of subsection (2) Section 20 which we'd taken out, Sir.

MR. CHAIRMAN: I think if there's no further debate we can put the question ....

HON. TRUMAN M. DODDER: I'm sorry Sir, I'm sorry. I wonder if I could just say one other thing in relation to the second page of Amendments?

MR. CHAIRMAN: I'm not going to put the question on all the Amendments, it's simply on 20 (1). I think we're just to deal with them one at a time or we'll get into a mess. So I'll put the question that Clause 3 be amended by substituting the following new subsection for the proposed subsection 20 (1), that is 20 (1) is replaced by the following words, "Whoever, not having attained the age of 21 years but being of the age of 18 years or over - (a) otherwise than in ....

HON. TRUMAN M. HANCOCK: Sorry. I'm sorry, Sir. That "but being of eighteen years of age or over" would go between the alphabet (a) and the word "otherwise". I'm sorry if I didn't make that clear Sir.

MR. CHAIRMAN: Section 20 (1) now reads, "Whoever, not having attained the age of 21 years -

(a) but being of the age of 18 years or over, otherwise than in the performance in licensed premises of the normal duties of any gainful employment therein, disposes of;

(b) obtains in any licensed premises; or

(c) in any licensed premises or public place, consumes,

any intoxicating liquor is guilty of an offence". And (B) by inserting the proposed new subsection 20 (6). We're only dealing with this one Amendment first. If there's no further debate I'll put the question:

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: We can proceed to the next Amendment.

HON. JAMES M. BODDEN: The next Amendment Sir, will be in subsection 3? here by changing "K", no, let's see, renumbering - Attorney General, would you take this one ? think you should this one?

HON. DAVID H. HARVEY: Yes, I think the Honourable Member does have it in the logical sequence. I think we have to re-number "K" as "L" and insert the following words into Section 41 of the Law itself. Section 41 of the Law itself deals with the question of guilty knowledge of what we lawyers call mens rea, and it says, "on the trial of any proceedings where an offence under this Law it shall not be necessary for a conviction to prove guilty knowledge, or that the act or omission charged was committed knowingly" Now, that's a provision of the principle Law itself, the Law which we're amending, it can't be seen in the Bill or in the printed amendment sheet, but if Members will look at the proposed new paragraph dealing with cases prohibiting people from consuming intoxicating liquor they will see that unlike other provisions of the main Law this Law does require or this provision does require guilty knowledge. So that if Section 41 of the Law were allowed to stand as it reads now there would be a direct conflict, in one part of the law it would say, "knowingly" and yet in Section 41 it would say "that guilty knowledge was not an ingredient". So it's necessary to amend Section 41 to take into account the provisions of the new Section 41.

And the proposed Amendment in the original form was in general terms, but it has been put to me - and I think it's a very useful suggestion, that the Amendment that we make to Section 41 of the Law relate solely to Section 46. So that we amend Section 41 by introducing in with the words "subject to Section 46" and the present capital "O" would become a small "o" at the beginning of the section, so that the Section will read, "Subject to the provisions of Section 46, on the trial of any proceedings for an offence" and just follow the present wording.

HON. JAMES M. BODDEN: Yes.

HON. DAVID H. HARVEY: In other words, there has been a slight alteration of the wording on the notice paper to make it more specific. Perhaps I could help the table by giving the amendment again.

MR. CHAIRMAN: If you could repeat the exact words then so the hon member

HON. DAVID H. HARVEY: It's proposed that the Section 41 in the principle Law be amended to read, "Subject to the provisions of Section 46, on", and the word "on" at the beginning of the present Section 41 be deleted, so that the Section in future will read, "Subject to the provisions of Section 46, on the trial of any proceedings for an offence under this Law, it shall not be necessary for a prosecution to prove guilty knowledge or that the actual omission charged was committed knowingly".

MR. CHAIRMAN: Well, the Amendment proposed is to re-number or re-letter "K" as "L" and to insert a new "K" before that reads as follows:- "in Section 41, by substituting, for the word 'On' at the beginning thereof, the words 'Subject to the provisions of Section 46, on'.

If there's no debate on that I'll put the question that Clause 2 be amended as has just been moved by the Honourable Attorney-General.

QUESTION PUT: AGREED. AMENDMENT PASSED.

HON. THADDEUS FRANKS: Mr. Chairman, the proposed Amendment here in Section 2 is dealing with this drinking up time, I wonder if the mover has got a view about this in the - I don't mean twenty-six and - or whether it would be ten or twelve or fifteen minutes.

HON. JAMES M. BODDEN: I'm all confused here. Sir, I'm trying to this - I've got three of those green sheets and each one has got a different thing on it Sir. Would the Member care to repeat that question please.

MR. CRADDOCK EBANKS: Proposed(g) in Section 11. During the last ten minutes of each period of permitted hours, are you still proposing that that remain at ten or any amendment to it be twelve minutes, fifteen minutes or .....

HON. JAMES M. BODDEN: I would assume an amendment to fifteen if anyone would like to please to?

MR. CRADDOCK EBANKS: Well, there are so many other parts of it that has been misconstrued by what's attempting to be influential people, trying to mislead the public that you must drink your last drink in the last ten minutes, but as has been readily pointed out during the debate and I think it don't mean any less than that and it ought to be that. But the timing for any customers to obtain their last drink, But they should be granted the privileges of carrying out that drinking period whether it's five minutes or ten minutes or fifteen minutes after the closing time. When the closing time is up, yes, the door should be closed, but the customer should be privileged to retire and to complete his last drink and not just to be rushed up or his drink taken away.

HON. JAMES M. BODDEN: Mr. Chairman, I would go along with making that fifteen minutes if the rest of the Members would concur.

HON. D.H. FOSTER: Mr. Chairman, if you're going to change it change it to five minutes, because that's a longer period if you change it to fifteen minutes, that's a longer period of time coming off of the whole hours for evening.

HON. TRUMAN M. BODDEN: Now to the thing which I found really amusing on this one Sir. The longer time we put here the shortage is due on the licensing period.

MR. CRADDOCK EBANKS: Mr. Chairman, I only asked the mover if he was preparing any further - it doesn't make any difference to me, it only says, that ten minutes before closing time one gets his last drink,but he wouldn't be made to finish it in those ten minutes, that's all I'm saying. If it's ten after or quarter past he must finish his drink and then let out of the door, that's customary in other places that I've been around in my travelling. Sign out I've seen it, and nobody is bullied that you finish your last round in ten minutes, you enjoy it if you want to say that you're enjoying the thing and when it's completed then you are let out.

HON. TRUMAN M. BODDEN: Sorry. I did not mean that. What I said in relation to what you had said, it was in relation to the last paragraph or the second to last paragraph in the letter I have. So, if you thought it that way I apologize to you, it was meant at a paragraph in this letter.

MR. CRADDOCK EBANKS: In the same Section, Mr. Chairman, it closes out saying, "Provided that a bona fide guest lawfully resident in such premises may at any time purchase and consume intoxicating liquor in any part of such premises reserved for the use of guests and not open to the general public". The Member moving this tried to clear up some of this which are in his mind, but I don't think he has satisfied me, in his trying to clear this up. Because it says, 'at any time!' If a guest unfortunately misses it he purchases before closing out, and it ought not to be across the counter unless it's a licensed premises to sell bottle as well as retail. But if it's only for retail he shouldn't be allowed to purchase a bottle on closing hours to take across to his room, or if it's purchased to take across to his room it ought to be that and not at any time, which would to me then it means when that bottle is finished he can apply to the manager that I need another bottle on the as the

MR. CHADDOCK EBANKS CONTINUING: case may be, and because he is a guest in that premises it appears to me like then we would be able to obtain this while no member of the public is allowed to obtain it.

HON. JAMES M. MINOGUE: No, Sir. But it says, "common and consume" and not "obtain". He would not be able to obtain it, and it is such premises because for the use of guests and not open to the general public, for instance, the passage ways, the kitchen, the dining rooms, bars, and areas like that is considered areas of the general public but the rooms are not considered for the general public because that is his temporary domicile.

MR. CHADDOCK EBANKS: It's only, Mr. Chairman, that I intend to be careful about this and like any other thing at any other time, that there is not a line drawn between the ministers and the residents because if and when that's done or if it's done then it's going to create problems, and if it's anybody to have a priority it ought to be the residents, not the visitors. That's all I'm trying to get .....

HON. JAMES M. MINOGUE: Well I can assure the Member, Sir, that there's no intent for that and there is no intent for that in this Section of the Act.

MR. CHAIRMAN: We still have one further Amendment to this Clause on the Order Paper. It said, dealing with paragraph "K" but that has now been re-lettered "L".

HON. JAMES M. MINOGUE: The next one I have Sir, is in sub-section 2. Well, really - no, I think the first one would come in here in 45 (1) on the fifth line down after the word "factor", and it would read "and such person has, within the previous three years, been convicted of not less than two other such offences". And to complete 45 (1) there would be an Amendment of "two years" to "one", those are the two Amendments proposed for 45 (1). Yes Sir, and you would have to take the "s" off of "years" at the end of the last word on 45 (1).

MR. CHAIRMAN: Well, perhaps we could deal with that in one Amendment suggesting that the new "(1)" dealing with Section 45 (1) of the Law Law Amendments should be made to this sub-clause by inserting the following words immediately following the word "factor" in the fifth line of the proposed new sub-section 45 (1), "and such person has, within the previous three years, been convicted of not less than two other such offences". And the second Amendment in the last line of 45 (1), substituting the words "one year" for the words "two years".

If there's no further debate I'll put the question that the Clause should be amended by the Amendments proposed by the Honourable mover of the Bill.

QUESTION PUT: AGREED. AMENDMENT PASSED.

HON. JAMES M. MINOGUE: Mr. Chairman, just to be certain because like I've said while ago I've got three different copies here. But in 45 (2) I would like to know that we are inserting "knowingly" and the same on 45 (3) if every Member's copy has that, because "knowingly" should be inserted on both of those places. Does everyone have that?

The next Amendment, Mr. Chairman, then is the addition of a new Section to be known as 45 (7) and it reads thus:-

> "(7) Where a person is convicted by any Court of any offence and within forty-eight hours of such conviction (excluding any non-working day) there is furnished to such Court a written certificate of -
>
> (a) a government medical officer; or
> (b) a registered medical practitioner who has had under his care the convicted person or a member of such person's family with whom such person resides,

HON. JAMES M. BODDEN CONTINUED:

that in the opinion of such practitioner he would be in the best interest of such person or such family member for it so to do, such Court may declare such person to be a prohibited person for the purposes of subsection (1)."

MR. CHAIRMAN: The Amendment proposed is as set out in the memo circulated to Members and has been moved by the Honourable Fourth Elected Member of Executive Council. The New Insertion of a new Clause 45 (7).

HON. D.H. FOSTER: Mr. Chairman, I wonder if the Member would like to explain Sir, I don't quite understand what that means at all.

HON. JAMES M. BODDEN: This is a Clause that was formulated in order to take the objections and the sting out of this that some people were complaining about, that under the original thing as it must run it would have left it opened and the Judge would have been able to put the order on someone without a doctor certificate. And this is only to give the added assurance that it couldn't be done without a doctor certificate.

MR. CHAIRMAN: If there's no further debate I'll put the question that the new Clause 45 (7) be added as has been moved.

QUESTION PUT: AGREED. AMENDMENT PASSED.

HON. JAMES M. BODDEN: Mr. Chairman, before we get out of committee stage I just want to be certain that in these many different versions of it that I have, that under 20(5) that we have deleted 20 (5).

MR. CHAIRMAN: Yes, we have already voted it out.

HON. JAMES M. BODDEN: O.K. Sir.

MR. GEORGE C. SMITH: Mr. Chairman, I've kept away quiet with regards to all Amendments made, suggested and so forth. The reason for this being that I find I should have basically when he's stopped I'd like to bring something to the attention of this House. It's the Cayman Grantia Number 12 on Monday June 6th, 1977, I'd also like to refer them to page 3 I should say, it's under the Liquor Licensing Law, 1974 where application for grants of new licenses, Section 5, Mr. MartynOuld of Cayman Racquet Club at Barkers Ground - Retail; in applying for licence to be less than a quarter of a mile from a school premises, from a church, and I think it will be one of the first conflicts this Law is exposed to or will be exposed to and I do hope that the Member moving this motion will be as enthusiastic about rejecting or granting a license to this individual or this premises as he has been in presenting the motion.

HON. JAMES M. BODDEN: Mr. Chairman, my fellow Member over there does not have to worry about my enthusiasm, it's always up.

In reference to the Cayman Racquet Club, the Cayman Racquet Club appeared before the Board on the last occasion for an approval in principle and it was granted at that time, subject to the final things being done, like the road number written in and so forth, so that would not be coming under this Law as the first test.

MR. GEORGE C. SMITH: But it stated here in the Gazette as being an application for a new license. According to this paper circulated it shows that this person is applying for a license for the first time.

HON. JAMES M. BODDEN: No, under the Liquor Law there is such a thing as an approval in principle, this is for people that are building places, before they build the place they can come in and get an approval in principle based on

HON. JAMES M. BODDEN (CONTINUING): if they follow quite three (a), (b) and (c). I didn't write that Law.

HON. TRUMAN M. BODDEN: Mr. Chairman, before you go on, there were just three things that I had which are not really Amendments but a matter of form. 1977 had to be inserted on the front page Sir; Liquor Licensing (Amendment) Law, 1977.

MR. CHAIRMAN: Mine has already been altered to that effect.

HON. TRUMAN M. BODDEN: Oh, I'm sorry, mine isn't. In it also altered in Section 1 Sir.

MR. CHAIRMAN: Yes.

HON. TRUMAN H. HUNTER: The other one was, under (b) of sub-section 2 the last word "Cthane" should really read "other", the "u" should come off. If you look at the Law Sir, it would read "be appointed by the Governor from among the Members of the Executive Council" and it would go on "a Deputy Chairman and two other Members" instead of "otheve Members". The other one which the Hotel Association quite rightly pointed out is that there are two "e's" in "preceding". I didn't/that in the dictionary but I assume they're right. Then's on (2) Sir, of 2, the last time"over the preceding fifteen years", we have two "e's" in it.

MR. CHAIRMAN: I think these are fairly minor worded Amendments. Still, I'm still got to put the question that Clause 2 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED AS AMENDED.

HON. JAMES M. BODDEN: Mr. Chairman, before we go out of the informality of the committee stage Sir, ...

MR. CHAIRMAN: We've got the title to take. ....

HON. JAMES M. BODDEN: No, I would just like to make an apology Sir, to the Clerk who I think misunderstood something that I said, when I said that I was hoping they meant - something about the Amendments being circulated on the floor, as normally I make it that the Serjeant-at-arms places these on the desks in the morning when you come in, and that is the way that I meant it was, that I thought they would have been placed in the front of each Member. It was not in any reference to the Clerk that she was derelict in her duty Sir, and if I did in any sense imply that morning I did not mean it, it was not intended and I apologize.

CLERK: A LAW TO AMEND THE LIQUOR LICENSING LAW (LAW 11 OF 1974).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on consideration of the Bill. The Assembly will resume.'
MR. PRESIDENT: Proceedings are resumed.

REPORT THEREON

HON. JAMES M. HUNTER: Mr. President, I have to report that a Bill entitled "The Liquor Licensing (Amendment) Law, 1977" went through the second stage and been approved by the House.
I am afraid to try to read these.

MR. PRESIDENT: The Honourable Attorney-General could draw the attention of the House to the Amendments if the Member could like.

HON. JAMES M. BODDEN: Yes Sir, I would appreciate that because I've got three different versions in front of me.

HON. DAVID H. BANKS: Sir, I'll refer to all the amendments whether they are amendments made on the table or whether they are amendments made on motion so that the Clerk can provide Hansard with a copy against mine.

All mention of the Law should have on the front cover "the Liquor Licensing (Amendment) Law, 1977" and the short title should read "1. This Law may be cited as the Liquor Licensing (Amendment) Law, 1977". The next amendment which occurs in paragraph (b) of Clause 2 of the Bill the final word "others" should read "other" without the "s". In paragraph (d) of the Bill the word "preceding" should be spelt "preceding". In paragraph (f) of the Bill the whole of sub-clause (7) is deleted so that (6) will begin "(6) by deleting section 90 and substituting the following -

"Consumption etc. of liquor by persons under the age of 21.

90 (7) Whereon, not having attained the age of 21 years -

(a) but being of the age of eighteen years or more, otherwise than in the performance in licensed premises of the normal duties of any gainful employment thereon, purchases or;

(b) obtains in any licensed premises; or

(c) in any licensed premises or public place consumes,

any intoxicating liquor is guilty of an offence.".

On the third page of the Bill, Sub-section (5) of the proposed new Section 90 is deleted. There is a new paragraph "k" which reads, "In Section 91, by substituting for the word "on" at the beginning thereof the words words: "Subject to the provisions of section 90, on". Then the paragraph which appeared in Clause 2 of the Bill as paragraph "k" when it was published is now paragraph (l) On the fifth line of the new sub-section 95 (1) after the word "factor" the following amendment was made, the words "and such person has, within the previous three years, been convicted of not less than two other such offences" have been added. And the words "two years" appearing at the end of the new sub-section (1) have been amended to read "one year".

The last of the amendments which were moved in the committee stage is the addition of a new paragraph 7 at the end of the proposed new Section 95. The new sub-section 7 reads:-

"(7) Where a person is convicted by any Court of any offence and within forty-eight hours of such conviction (excluding any non-working days) there is furnished to such Court a written certificate of -

(a) a government medical officer; or
(b) a registered medical practitioner who has had under his care the convicted person or a member of such person's family with whom such person resides,

that in the opinion of such practitioner it would be in the best interest of such person or such family member for it so to do, such Court may declare such person to be a prohibited person for the purposes of subsection (1)".

MR. PRESIDENT: Thank you. The Bill is accordingly deemed to be read down for a Third Reading.

THIRD READING

TITLE: The Liquor Licensing (Amendment) Law, 1977.

MOVED BY HON. JAMES H. BODDEN

SECONDED BY HON. TRUMAN M. BODDEN

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

MRS. KATHLEEN L. EBANKS: Mr. President, can I have a division on that Bill?

DIVISION

AYES	NOES
HON. D.H. FOSTER	MRS. KATHLEEN L. EBANKS
HON. DAVID A. HANWICK	MR. GEORGE C. SMITH
HON. V.C. JOHNSON	MR. CRADDOCK EBANKS
HON. TRUMAN M. BODDEN	MR. JOHN B. MCLEAN
HON. G. HALD BODDEN	
HON. CHARLES L. KIRKCONNELL	
HON. JAMES M. BODDEN	
MR. MARSTON J. SMITH	

8 4

ABSENT WERE: MR. BALMAIN D. EBANKS, CAPT. KEITH P. TIBBETTS AND MISS ANNIE E. BODDEN.

MR. PRESIDENT: The results of the division are for the motion 8 voices, against the motion 4 voices. So the Bill is accordingly passed by a majority of the House.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

SECONDED BY HON. V.C. JOHNSON

QUESTION PUT: AGREED. HOUSE ADJOURNED SINE DIE AT 3:05 P.M.

HON. PRESIDENT: Members will be advised of the date of the next meeting which is usually fixed by the Clerk as soon as he is in a position to advise Members when the next meeting will be held.

THIRD MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 27TH JULY, 1977

PRESENT WERE:-

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

GOVERNMENT MEMBERS

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

ELECTED MEMBERS

MR. DALMAIN D. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN CARLTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE B. BODDEN, OBE.	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 B. MCLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ORDERS OF THE DAY
WEDNESDAY, 27TH JULY, 1977

1. PRAYERS

2. PRESENTATION OF PAPERS AND OF REPORTS OF SELECT AND STANDING COMMITTEES BY LAYING THEM ON THE TABLE:

(a) REPORT OF FINANCE COMMITTEE MEETING HELD ON 8TH JUNE, 1977 BY THE HONOURABLE V.G. JOHNSON, OBE.
(b) REPORT OF SELECT COMMITTEE ON THE DEVELOPMENT PLAN AND AMENDMENTS - BY HONOURABLE C. RAIG BODDEN
(c) DRAFT DEVELOPMENT AND PLANNING REGULATIONS - BY THE HONOURABLE C. RAIG BODDEN

3. QUESTIONS:-

(a) MISS ANNIE E. BODDEN, THIRD ELECTED MEMBER FOR CAYMAN BRAC TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR EDUCATION, HEALTH AND SOCIAL SERVICES

(i) WILL GOVERNMENT STATE WHAT AMOUNT HAS BEEN EXPENDED FOR THE PURCHASE OF DRUGS FOR THE HOSPITAL AND DENTAL CLINIC IN THE PAST TWO YEARS?

(ii) IS GOVERNMENT SATISFIED THAT ALL REASONABLE PRECAUTION HAS BEEN TAKEN IN THE PAST TO ENSURE THE SAFETY OF ANY SUPPLIES OF "HARD DRUGS" IMPORTED BY THIS GOVERNMENT FOR USE IN THE HOSPITAL AND DENTAL CLINIC, AND ARE SUCH DRUGS IMPORTED THROUGH ONE CHANNEL OR OTHERWISE?

(iii) HOW MANY NURSES, (BOTH PRACTICAL AND REGISTERED) ARE NOW WORKING IN THE GOVERNMENT HOSPITAL, AND HOW MANY ARE CAYMANIANS, AND THE NUMBER OF NON-CAYMANIANS?

(iv) HAS GOVERNMENT MADE ANY PLANS TO FILL IN THE GROUNDS OF THE COMPREHENSIVE SCHOOL AREA DURING THE PRESENT HOLIDAY PERIOD?

MISS ANNIE M. BODDEN, THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

(i) WHAT IS THE EXACT COST OF THE CAYMAN MAP SURVEY FROM ITS INCEPTION TO THE 30TH DAY OF JUNE, 1977?
WHAT AMOUNT OF THIS TOTAL EXPENDITURE WAS PAID BY -
(ii) (a) THE BRITISH GOVERNMENT
(b) THE CAYMAN ISLANDS GOVERNMENT

(iii) WHAT HAS THE DEVELOPMENT PLAN COST THIS GOVERNMENT UP TO AND INCLUDING THE 15TH DAY OF JUNE, 1977, GIVING DETAILS UNDER THE VARIOUS HEADS?

MISS ANNIE E. BODDEN, THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

WILL GOVERNMENT CONSIDER RAISING FUNDS TO COMPLETE THE NORTHERN PORTION OF THE DOCK FACILITIES IN THE IMMEDIATE FUTURE, IN ORDER TO CONTAIN AS MUCH AS POSSIBLE ESCALATING COST?

4. GOVERNMENT BUSINESS:

BILLS:

(a) THE LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 - FIRST AND SECOND READINGS
(b) THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977 - FIRST AND SECOND READINGS

MOTION

GOVERNMENT MOTION NO. 3 - PLANNING STATEMENT FOR THE CAYMAN ISLANDS TO BE MOVED BY THE HONOURABLE C. RAIG BODDEN

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THIRD MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

27TH JULY, 1977 AT 10:00 A.M.

MR. PRESIDENT: The Assembly is in session. I shall ask the Reverend Grey to say prayers.

PRAYER: REV. JOHN R. GREY, MBE., B.Sc.

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 Legislature now assembled that all things may be ordered upon the best and surest foundations for the glory of thy name 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 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 and Members of this Legislature that they may be enabled faithfully to perform the responsible duties of their high office in the strength of the Lord and in the power of His might. We ask this through Jesus Christ our Lord, Amen.

MR. PRESIDENT: Please be seated.

Proceed with the presentation of Papers of Reports of Select and Standing Committees by laying them on the Table.

HON. V.G. JOHNSON: Mr. President, I present a report of the Standing Finance Committee which met on the 8th June, 1977 to consider certain supplementaries submitted for consideration. The Committee considered all the applications and approved a sum of Two Hundred and Eighty-two Thousand One Hundred and Twelve Dollars supplementary. One item was deferred for consideration at a later date. I now move that the report be laid on the Table of this Honourable House.

MR. PRESIDENT: So ordered.

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the Table the Report of the Select Committee which dealt with the Development Plan on the following days:-

Tuesday, 24th May, 1977
Wednesday, 25th May, 1977
Thursday, 26th May, 1977
Friday, 27th May, 1977
Monday, 30th May, 1977.

The minutes of these meetings are attached to the report, and I would also beg to lay upon the Table the Development Plan and its Annexures.

MR. PRESIDENT: These documents are ordered to be laid on the Table.

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the Table the Draft Development and Planning Regulations made under the Development and Planning Law, 1971.

MR. PRESIDENT: So ordered.

QUESTIONS:

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER FOR EXECUTIVE COUNCIL, RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

(a) Will Government state what amount has been expended for the purchase of drugs for the Hospital and Dental Clinic in the past two years?

ANSWER:

For the year 1975 : CI$80,818.83

For the year 1976 : CI$86,358.03

(b) Is Government satisfied that all reasonable precaution has been taken in the past to ensure the safety of any supplies of "hard drugs" imported by this Government for use in the Hospital and Dental Clinic, and are such drugs imported through one channel or otherwise?

ANSWER:

Government is not fully satisfied that all reasonable precaution has been taken in the past to ensure the safety of any supplies of "hard drugs" imported by this Government for use in the Hospital and Dental Clinic.

Hard drugs are not imported through one channel if channel is taken in the ordinary meaning.

SUPPLEMENTARIES:

MISS ANNIE Y. BODDEN: Mr. President, I should like to ask a supplementary question, and it is this, how are these drugs imported, is it through the Hospital or through the Dental Clinic or how are they imported?

HON. TRUMAN M. BODDEN: Mr. President, with hard drugs I will refer to them as what is internationally known as narcotics and there are ordered by special orders which are accompanied by import certificate issued by the Chief Medical Officer. The quantity of each substance has to be calculated and substantiated from the total consumption estimated annually, that is, it is a sort of an Express system, Sir.

The estimates are prepared on special estimate forms which I understand is supplied by the International Narcotics Board of Geneva Switzerland and are submitted to their Board before August 31st of the preceding year, then the narcotics are shipped with an export authorization certificate which has to be signed and returned to the Controlling Officer in the territory from which they were shipped. So, Mr. President, it is an international regulation, inter-national from then on follow, Sir.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

How many nurses, (both practical and registered) are now working in the Government Hospital, and how many are Caymanians, and the number of non-Caymanians?

ANSWER:

Hospital - Grand Cayman

1 Chief nursing officer - Caymanian

ANSWER CONTINUING:-

6 Supervisors	-	Guyanese	
10 Staff nurses	-	Guyanese	9
	-	Nicaraguan	- 1
	-	English	- 1
	-	Barbadian	- 1
	-	Jamaican	- 8
22 Practical nurses	-	Guyanese	- 18
	-	Honduran	- 1
	-	Jamaican	- 3

(INCLUDES 2 BEING PAID AS NURSES AIDES)

COMMUNITY SERVICE

6 Public Health nurses	-	Guyanese	- 1
	-	St. Lucian	- 1
	-	Nicaraguan	- 1
1 Staff nurse/midwife	-	Jamaican	- 1
6 Practical nurses	-	Guyanese	- 3
	-	Colombian	- 1
	-	Nicaraguan	- 1

CARIBAN-ARAC FAITH HOSPITAL:

8 Staff nurses	-	Jamaican	- 7
	-	St Vincent	- 1
3 Practical nurses	-	Guyanese	

THE THIRD ELECTED MEMBER FOR THE NATIONAL MUNICIPAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

Has Government made any plans to fill in the grounds of the Comprehensive School area during the present holiday period?

HON. TRUMAN M. BODDEN: *Mr. President, even though I think we've gone a bit outside the Standing Orders I am very happy to answer my lady friend.*

ANSWER:

The filling of the Comprehensive School grounds will be undertaken when a proper plan has been prepared for this purpose.

The Public Works Department requested from the Survey Department a plan giving the floor levels of the buildings in the school compound and the grid of levels in the grounds. The Public Works Department is now examining these plans and will shortly put forward for Government's approval a plan for a complete drainage scheme of the school premises.

HON. TRUMAN M. BODDEN: *I'd like to add to this, that wells have also been sunk for drainage prior to this, Sir.*

SUPPLEMENTARY:

MISS ANNIE H. BODDEN: *Just one supplementary, Mr. President, and it is this, I would like to know how have I gone out of the bounds in asking such a question?*

HON. TRUMAN M. BODDEN: *Mr. President, really formally she should just have moved under Standing Order 28 for more than three oral questions. I have no objection to it, I'll answer as many questions as the Lady Member puts, Sir.*

MR. PRESIDENT: I think its entirely left to the Clerk to determine how many questions are being answered. I think we have been taking for convenience as a number of related questions under what could be termed one full question.

MISS ANNIE E. BODDEN: Right, Sir.

HON. TRUMAN M. BODDEN: I'll stick to your rule, Sir. I'm not making it an issue or anything.

MISS ANNIE E. BODDEN: Well, Mr. President, as it appears I am the only Member interesting in asking questions.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE AND NATURAL RESOURCES.

(a) What is the exact cost of the Cadastral Survey from its inception to the 30th day of June, 1977

What amount of this total expenditure was paid by -
(a) The British Government;
(b) The Cayman Islands Government?

ANSWER:
The cost of the Cadastral Survey Project since the inception in 1972 to 30th June, 1977 was $347,757.78.

By arrangement 70% of the above costs will be borne by the British Government and 30% by the Cayman Islands Government.

(b) What has the Development Plan cost this Government up to and including the 15th day of July, 1977, giving details under the different heads?

ANSWER:

Cost up to November 1976

Printing of Development Plan & Report	$8,351.30
Exhibition at Courts Building	1,113.90
Printing Tribunal Report & miscellaneous reports & material	5,309.30
Visits to Cayman Brac & subsistence	2,773.92
	$18,547.42
less amount received from sales of Development Plan and Tribunal Report	2,833.00
	$15,714.42

Cost from November 1976 to date

Press supplement of Tribunal Report and Central Planning Authority comments	1,386.70
Total.....	$17,101.12

The British Government and United Nations paid for various technical and professional officers seconded to assist with the preparation of the Plan, hear objections and prepare the Tribunal Report.

ANSWER CONTINUING:-

From time to time Government officers worked on the plan. As their salaries fall under recurrent expenditure, no record was kept of their time.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTED DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.

Will Government consider raising funds to complete the northern portion of the Dock Facilities in the immediate future, in order to curtail as much as possible escalating cost?

ANSWER:

The Government does not consider it prudent to seek further loan funds in the near future to expand the newly completed Port Facility. This far, the facility has an economic capacity of 800,000 tons per year - four times greater than the old Port, which is sufficient to serve the Islands needs well into the future. It should be remembered that it is necessary to recover the heavy investment for the new Port before further loans are sought for expansion.

MR. SPEAKER: If there are no supplementaries we can move on to Government Business.

THE LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977

FIRST READING

CLERK: The Loans (Caribbean Development Bank) Law, 1977.

SECOND READING

HON. V.G. JOHNSON: Mr. President, the principle object of this Bill is set out on the cover of the Bill, which says, that it is to empower the Governor to borrow from Caribbean Development Bank for the purposes agreed between the Governor and the Bank such monies as may be required by the Government not exceeding two hundred and fifty thousand dollars or such greater sum as the Legislative Assembly may approve, and that all monies borrowed under the provisions of this Law should be a charge on the general revenue of the country.

Mr. President, there seems to be some confusion over the purpose for the introduction of this Bill according to comments from the public. I would like to say before going any further into the Objects and Reasons for the Bill that the request for this piece of legislation came from Caribbean Development Bank, and this came from the Bank in July, 1976, that's exactly three years ago. The reason why it was not processed before was because, we took some time to decide what the implications would be. There is a long letter out-lining the purpose of the Law from the Bank, and it is merely to seek an overall authority from the Cayman Islands to raise loans from the Bank. I know that in the past it has been the practice to present a Loans Bill to this House to seek the authority of the Legislative Assembly to raise monies to finance specific projects, but therefore it is Government's responsibility to find the money wherever it can.

Now, apart from that authority the Caribbean Development is saying, that they want a specific authority from the Cayman Islands for the Cayman Islands to be able to raise loans from the Bank. This is not even a request coming from Caribbean Development Bank, but it is a condition of certain loans raised by Caribbean Development Bank for on lending to member territories, and this is specifically from the World Bank. Caribbean

HON. V.G. JOHNSON CONTINUING: Development Bank has raised large sums of money from time to time for the benefit of the member territories of the Caribbean area, World Bank has stipulated that there must be an authority from the territories for this on lending arrangement; this falls squarely as a responsibility of the British Government and the British Government before providing such an authority must ensure that the territory concerned, that is dependant territory like the Cayman Islands, provides the authority in the form of a law.

Now, the latter as I have said, Mr. President, outlines the reason for it, and the Bank said in the concluding paragraph that it would be grateful if this matter could be given urgent consideration and this was from three years ago. So, the person who is really responsible for presenting this Bill is Executive Council and now to the Legislative Assembly as the Financial Secretary and nobody else. The Bill in its original form was one that was used as a model for the rest of the Caribbean member countries. When it was presented to Executive Council it was discovered that certain amendments should be effected in order to make it comply with the necessary local practice, for this reason the Bill was amended, it was sent back to Caribbean Development Bank and they had a look at the amended form and returned it and said it was satisfactory to them with few minor points which were accepted, and : the Bill was then forwarded to the Legislative Assembly to be dealt with.

Mr. President, in section 3 of the Bill there is the authority where the "Governor", which means "the Governor in Council", may raise money up to a sum of two hundred and fifty thousand dollars, over and above this sum the Legislative Assembly must give its approval. But, Mr. President, regardless of whether the authority comes from the Executive Council or not the Legislative Assembly must give its consent to the loan otherwise no normal approach Caribbean Development Bank for any sum. If it is proposed to undertake a project which is costing say, two hundred thousand dollars the proposal is put forward, a lot of spade work is given, but the matter must be presented first of all to Finance Committee and eventually approved by the Legislative Assembly whether the Executive Council itself has the authority to raise the loan directly from the Bank or not. So any sum of money to be raised from the Bank by this Government must ultimately be with the consent of the Legislative Assembly. Now, there are various small schemes operated by the Bank, and I suppose for our convenient purposes it would be administratively in the interest that Executive Council has this authority to raise sums up to that amount, and that's the reason for presenting the Bill in this form. The original draft which came from the Bank did say in section 3 of - I should say, the original draft that was presented to Executive Council did not give any authority to the Legislative Assembly to authorize this loan. It says, "that the Governor may in such manner and in such form and subject to such condition as may be agreed between the Governor and the Bank borrow from the Bank from time to time such sums as may be required by Government". But in the amended form this was limited to Executive Council being able to raise only sums not exceeding two hundred and fifty thousand dollars, over and above that it must be by consent of the Legislative Assembly.

As I said, Mr. President, the Bill is seeking an authority by the Cayman Islands to raise loans from Caribbean Development Bank. The Bank can now say after, if this Act is sanctioned by this Assembly that it has an authority from the Cayman Islands for the raising of loans and it can also present the authority to World Bank or to any other financial institution which it wishes to borrow funds from for on lending. The Bank I understand have already got this authority from all the other member territories, I think we are the only one outstanding at this stage, and I would recommend to the Legislative Assembly that they give careful consideration to the Bill. I don't think it is intended to be abused by anyone, the fact is, it cannot be abused because subsection 4 of section 3 says that, "as soon as possible after an agreement has been concluded with Bank a copy of such agreement should be laid before the Legislative Assembly". And as I said earlier that even before an approach is made to the Bank the Legislative Assembly and Finance Committee

HON. V.G. JOHNSON CONTINUING: would have to be consulted on the question of financing of the particular project. So, there are safeguards built into the system and therefore there can be no abuse by anyone to raise loans at random or at anytime anybody wishes to do so.

I therefore recommend the Bill, Mr. President, and hope that Members will see fit to support it.

MR. PRESIDENT: The question is, that a Bill entitled "The Loans (Caribbean Development Bank) Law, 1977" be read the Second Time. The motion is opened for debate.

MISS ANNIN M. MORBURN: Mr. President, I have always heard it said, and we have been I should say, challenged by the bank that our sole duty is to legislate laws and to hold the purse strings of the Cayman Islands when it come to finance. I must say, Sir, that while I agree that we need money I do not agree with this Law which gives authority to borrow from time to time sums not exceeding two hundred and fifty thousand dollars to be used by this Government.

Now, I have just heard it said that there is too much debt or words to that effect to go into any further loans to finish this controversial dock in George Town. I am saying, Sir, that I shall never agree to any law which gives any particular body of this Assembly the power to dispense money without full sanction of the Finance Committee, if it was a sixpence I wouldn't agree to it. Now I agree that we must have faith in people, but when it comes on spending the public's money I cannot and I will not agree to this draft Law. Now I certainly wonder what the Caribbean Bank think of these Legislatures when they would propose a Law that would never even have to come to us in regard to the spending of money; just get the Law passed and all the money you want, signed it from you dont without these Legislature being informed.

Now, if it was my mother and relation whom I loved and respected better than my own life I would not give such a wide opened hand to. I feel that we as Legislature are entitled to know what money is being borrowed for to spend, and I must say that I oppose this Bill in its present form. If it was stated that we are going to borrow sums not exceeding two hundred and fifty thousand dollars for any particular project I would agree to it, because there are a few things left to be done, not too many, we have got practically every thing we should have now, our job is to keep those erections, roads etc., in good shape and we would need money for that purpose. But to give an open cheque to borrow two hundred and fifty thousand dollars from time to time I cannot agree to it. I am wondering if from time to time means that of that two hundred and fifty thousand dollars we could borrow say, half at a time and half at a future date or does it means that when we have understand that two hundred and fifty thousand dollars we could at a later time borrow another hundred and fifty thousand dollars or two hundred and fifty thousand dollars and go on borrowing, borrowing, borrowing; finally if we keep that up, if that is the understanding that the Bill really means, it's how I take it, that we could find ourselves so in debt that it would take a million years to get out it because there are certain people, certain Governments that everything their eyes see they want, and it's more or less the idea now that when you borrow money you haven't got to pay it back or if you have to pay back it will take years. Well, I know different from that, I know that if you borrow money it must be repaid, and how you I've always heard it said in this House that we are plunging this Government into debt which we can do without.

Now that we have the Parliament Building, the Court House, the Police Station, Hospital fitted up to a point, the Glass Cage, the Dock, the Roads, what is the necessity of a law to borrow money that we might very well be able to do without. Now, I suppose the Caribbean Bank must be like most Banks, have their money to loan, and while I appreciate their kindness and consideration I cannot and I will not agree that we should pass legislation to give any Member, not even you, Sir, because the ordinary native Legislature are responsible for the finance of this Government. I cannot agree that we should go wholeheartedly into this, pass it, say you can borrow two hundred and fifty thousand dollars unless it is specifically put in this Law we shall borrow for such project as so and so. If you want to repair the

MISS ANITA E. SODDEN CONTINUING: present shed at the Airport or we want to purchase land or whatever we want it for I will agree to a loan for a specific reason stated but not blindly.

Thank you, Mr.

HON ETHNAL V. SODDEN: Mr. President, it has been said that realities are often choke that awaken us from our most pleasant dreams. I want to tell this House about a few of the realities relating to borrowing. At present you have or I would say, we have on the statute books of this country the Port Authority Law which was passed on the 7th of September, 1976. Section 4 subsection 2 states that, "the Authority may for the purpose of the performance of its function raise loans from the Government or with the approval of the Governor in Council from outside sources", that Mr. President, is an unlimited and an unfettered discretion between the Port Authority and the Executive Council to borrow in unlimited amounts. On top of this, Mr. President, the Authority has been empowered to buy, sell, hold and deal with land and other property, that power is unfettered. Along with this, Mr. President, we have going with it one of the Islands largest asset, under section 5 the Port is vested in the Port Authority.

Now, I'm just wondering or thinking out loud, I really wonder are we really at this stage dealing with what I'll refer to as penal borrowing or are we really looking at realities. It further has power under subsection 6 of section 4 to create, issue, sell or negotiate debentures and other securities. That Port, Mr. President, I believe is one of Government's largest single assets, that is one. We have lying on the statue books the Cayman Islands Companies Law, Mr. President, and under section 10 of that. It it gives the Corporation power to borrow any sums required by them for meeting any of their obligations or discharging any of their functions, and it is subject to the approval of you, Mr. President, and not of the Executive Council. I understand that vested in that is the Islands other real large single asset, the Airport, the jet port, once again the power is unlimited, unfettered and not subject to this Assembly.

Now Mr. Speaker, Mr. President, is sometimes very rewarding when we dig a little bit into it. In 1976 the 25th June there was passed the Public Loans Law, and to tell you the truth I had not realised the ramifications of section 4 until I looked at this real closely, and it says, firstly in section 1, "the Governor" meaning "your Excellency in Council" Sir, may raise funds for the Government by borrowing from time to time from the public such amounts of money as you deem expedient on such terms as he decides against the issue of Government's securities in accordance with this Law for your or to say, "the aggregate amount of Public Loans outstanding may not at anytime exceed ten million dollars upon the security of Government bonds or 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". We have as I mentioned this, Mr. President, an unlimited right to borrow up to ten million dollars, and when we borrow it must be applied under section 10, it must appropriated for the purposes of the Government for which they were raised. So, Mr. President, quarter million dollars is neither here nor there even though much ado has been made of it at this stage.

This law, I mention went through with the consent of substantially all of the Members in this House as well as some of the other ones, and in those days, Mr. President, I do not believe that money was less valuable than it is now. So, we have given good examples of this, if you want to look further as I believe the Financial Secretary said, sometime back in June of 1976, and as is the case he in the custodian of the fourteen million dollars that this Assembly appropriates and he is in invested with it. And I think as the Lady Member quite rightly pointed we have to put our trust in some one, and history has shown undoubtedly that a lot of trust has been put in authorities or I would say, public corporations and naturally in the Financial Secretary. This Law when it originally came to the Executive Council or I would say, the original draft Law was, Mr. President, a law which was very similar to those large multi-storied, and many times on the one

HON. TRUMAN M. GOLDEN (CONTINUED): of three times or three out of four times I think instructional directions to raise any amount at anytime and this Council or the Government side, in agreement with the Members, we went through it, rewinded it, and we actually took it upon ourselves to reduce down and put in the limitations relating to the two hundred and fifty thousand.

What I am attempting to get through at this stage, Mr. President, is that any imputation that may be made on this now I believe that can only be made by a person who either does not know the history of the last few years of this legislature or who is prepared to close their eyes to it.

Now, Mr. President, Winston Churchill said that an optimist sees an opportunity in every calamity, and a pessimist sees calamity in every opportunity. The opportunity here, Mr. President, is that the less well-off people in this country, at least I believe in relation to agriculture and in relation to the fishery side and perhaps the local industries may have a chance for the first in, I would say, a long time to be allowed small amount of loans if the money is available from the Caribbean Development Bank. And what we're dealing with do we through only the question of the quarter million as I understand it, because this Honourable House, and in fact Your Excellency has an unfettered discretion whether or not to appropriate funds, whether or not to permit the expenditure of funds, as it really is not left even with this Honourable House in theory. Small amounts of money in the form of loans which can be granted or guaranteed from Caribbean Development Bank do come on the market at times, but Mr. President, money being what it is, it has to be taken up within a specific time and to begin a process to move special session of this House to raise fifty thousand dollars to give to agriculture or to set up a fisheries project would I believe, Mr. President, be largely a movement which should not be necessary in the light of the small amount of money involved. But it is very important to especially the people of these Islands, and a lot of them are in the area of fisheries and agriculture and of small industries that if money does become available that they can be put out to them and lent to them on reasonable terms.

I believe, and I don't think I'm speaking out of order here, we had the Loan Project from the Caribbean Development Bank for housing; well, this is a good example, a time limit is put on it and the time falls in another few months. The process is through the Legislature is cumbersome by nature and if a small amount of authority, having regard to the millions of dollars we can otherwise raise and spend, is not allowed to us on this, then quite frankly, Mr. President, I believe that we will be doing a disservice to our Constituents and to the country. I believe that it is very obvious, and the Members know this, that this Government is an open Government. We meet with them, we hold public forum with them, if they have any questions or if the public has any questions we answer them. We have, I believe in practice shown that we have erred to get out of putting ourselves in situations where there are absolute discretions on large sums of money, and this is a good example. We have altered Caribbean Development Bank Law to limit the amount which can be borrowed by Executive Council to quarter million, any big decisions especially decisions relating to money are made by this House. I don't think that anybody can really stand up and say that at least the period we've been here that this is not so, we have cut expenditures, we have cut millions of dollars off the Vote, we have cut money everywhere we can, and if you look at us according to our history, Mr. President, we have been a very business like Government which has tried to save the people money whenever we can. After all, Mr. President, it is the people's money and those who represent them have to look at it in the light of what is good for the people or at least what is good nationally.

I do not believe that this Assembly would envy the smaller projects in this country being given a right to have small loans made to them and we can probably get these, but once again time limits are put on this because no good financier lets his money sit and merely lay idle in a deposit account or whatever other type of liquid investment in which he

HON. STUART M. BODDEN CONTINUING: may have it. And as I think we all know the Budget session normally comes up once a year and occasionally there are only a few other sessions of the Finance Committee we have. A very large sum I noticed was raised in 1973 under the Loan Capital Projects Law and which merely outlined where it was to be applied. Further than this, Mr. President, I do not believe that the Lady Member could say that she is either shocked, surprised, or I would say, unfamiliar with this Law. I am sure that it was well known to [illegible] with this is it, the procedure that is normally followed constitutes one of good communication to the public and especially to the Assembly, and in this case I cannot see anybody placing importance to what is in this.

Now, Mr. President, to look back over the different quotations on the different speeches made on the ten million dollars, I find that as was said by one Member, we must have faith in somebody. I think that most of the Members in this House who are back in it this time agreed with that ten million, as I've said, that is some forty times the size of our present quarter million. There are unlimited and unfettered discretions in the Laws that I have mentioned and in fact I cannot see what the surprise is at this stage. However, Mr. President, it should be or it would be I believe interesting when this money does become available especially if at this stage there will be probably a four month gap between this Assembly and the next. I am wondering really if we want our people to sit back four or five months and wait on another three or four months to go by until C.D.B. has granted loans and then a year down the line Mummy suffered they come back and they blame this Honourable House for not taking a very minor expedient force and passing this Law. I believe it's an insult to the people, as far as the Executive Council goes of trying to use this to borrow money, as I've said, we have no further funds, on the out expenditure, we've tried in every instance to cut the north, south and every other area of post autonomy, we've tried to use money wherever we can and if history has anything to show them, Mr. President, I do not believe that we have run this Government in an imbeciness-like and in a manner which is not in the interest of our people.

So, I believe that in this we have an opportunity of doing something worthwhile for our people, and if we miss the boat this time then you have another four months before which this type of legislation could come before the House. Anything over the quarter million it's quite obvious it has to come back to [illegible] the Legislative Assembly and the Law is clear and unambiguous it would appear, and in fact the motion has been set by C.D.B. and the United Nations; and either we're going to try to do something prudent and take advantage of this money when it's available or we will lose it for ever. And Mr. President, I don't want to be the one to go back to the public when the agricultural, when the farmers or when the people in the fisheries or when the smaller industry come especially at times like this, and say, why did you not take advantage of loans which are coming in from these different entities and let us have some means of making a living?

So, I would ask the members to support this bearing in mind that their duty is towards the majority of people and not towards or not firstly towards I would say, a minority, that this is as Winston Churchill put it that we must be optimistic and see an opportunity in this. I don't believe it is a calamity as he mentioned, if it is there are a lot of big ones still sitting on the books and I would ask the support of this and that the Members would disregard irrelevant and if I may say, external comments - I mean not external to this House which would probably only harm our electorate and our people if this Law went through. So, I ask the Members to support this.

I thank you.

HON. G. HAIG MISSON: Mr. President, in supporting this Bill I would like to point out three major safeguards in it. The first safeguard is the limitation as to the source of any loan taken under this Bill, no loan can be made under this Bill except it be made from the Caribbean Development Bank of which this Government is a part, this is in contrast to the Public Loans Law which the Honourable Member on my left mentioned a while ago that was passed in 1970. Under that Law loans can be made by bonds and treasury bills which can be sold to anybody, this confines the source of the money to Caribbean Development Bank

HON. G. HALE BODDEN CONTINUING: and Caribbean Development Bank has been a success only because it has scrutinised every loan that it has made. It undertakes not only the feasibility of the project but it rates and it does determine how the money will be repaid, Tom, Dick and Harry cannot go to Caribbean Development Bank and get loans. So, there is this first major safeguard.

The second major safeguard in the Bill is that every transaction must be laid before the Legislative Assembly. Section 3 subsection 2 says, "as soon as possible after an agreement has been concluded with the Bank in respect of any sum borrowed under subsection (1) the Member shall cause a copy thereof to be laid before the Legislative Assembly". The words are "shall cause", this is a direct confidence upon the responsible people to lay this before the Legislative Assembly. This provision is not found in any other Loan Law much less the most recent loan law which was passed in 1976. And the third major safeguard in this Bill is the limitation of the amount, the maximum limit is two hundred and fifty thousand dollars which could not carry on any real big project, for example if we were thinking about building an Airport Terminal that loan could not be raised under this Bill because it is limited in amount to two hundred and fifty thousand dollars, here again this is in contrast to the Public Loans Law passed in 1976 under which the then Executive Council and any subsequent Councils could borrow up to ten million dollars upon the security of bonds without first coming to the Legislative Assembly, without afterwards laying it on the Table and there was no opposition from the people who are opposing this Bill now. And furthermore, as if ten million dollars was not sufficient quantity to borrow they put in another subsection (b) which said, "that in the matter of Treasury Bills they could raise an amount not exceeding twenty-five percent of the average annual Government revenue reckoned over the past three years", and this at the current time is an amount of three to four million dollars.

I was awakened on Saturday morning when I was called by a gentleman who admitted that he was a common supporter of the past Executive Council because of very right minded financial matters, and he apparently did not know about the Public Loans Law under which they could borrow unlimited funds. Because, while today twenty-five percent of the average of a year's revenue is only three or four million dollars, in a few years time that could be ten million dollars. So the opposition to this Bill is politically and it has come from those poor people who got their cookies broken in November, 1976, (MISS ANNIE H. BODDEN – I didn't get mine broken) – and it is time that people be told that they were not try to make political capital out of Loan applications when auction takes over Legislature goes out the window, and these people are only digging up themselves [illegible] but they'll need more than to dress up, they'll have to change their present ways of living. And I am disgusted when opposition comes from people who had supported far greater evils than the Bill which is before us; people who now strain at a gnat – I'm not referring to the Members of the Assembly – people who now scream at a gnat have swallowed many camels. You have heard about the Port Authority Bill, you've heard about the Authority that runs the Airport, you hear about the Public Loans Bill, these are camels, the Bill before us is a small insect.

Do you know that under the Public Loans Law the conditions are set by Executive Council, under this Bill it would be set not only by Executive Council but by Caribbean Development Bank which is an institution, a fiduciary, high institution of no mean order and so we hold the guarantee of people with financial expertise to help the poor boy Members of Executive Council, / this consideration was not taken in previous Bills nor was it criticised by people that have now come to me and say they are concerned Caymanians. I say, you ought to be concerned because your memories are so short. If we look throughout this Bill you will see that phrase "shall be laid before the Legislative Assembly" occurring again and again. Under section 3 subsection (2) though, "the Governor shall cause to be laid before the Legislative Assembly", and under section 11 (2) it also says, "shall be laid by the Governor before the Legislative Assembly". So how can people say that they will not know what is going on?

I was yesterday entering the headlines in the

HON. G. HAIG BODDEN CONTINUING: newspaper which made me wonder if that had not been written by the same man who had approached me on Saturday, because it used his own words. Talking about the Legislative Assembly surrendering the rights of having to examine and approve every money Bill, this Parliament is not surrendering any rights at all, this Assembly has the right to examine every money Bill and must give its approval before any money is spent. This Bill does not confer upon Executive Council the power to dispense any money raised by Government or borrowed by Government, it gives them the right to borrow, Finance Committee must approve the spending. So how can people talk about the Legislative Assembly surrending its right to examine and approve of every money Bill which involves expenditure of this country's funds. This Bill makes provision for the raising of funds, expenditure of those funds would I hope be examined by the Finance Committee and by the Public Accounts Committee and be looked under the severe criticism by Parliamentary questions. So, this Bill does not in anyway take away any of the rights or privileges of the Legislative Assembly.

One or two people approached me on this Bill and after it was explained those people understood it. On the other hand there were people to whom I made no effort at all to explain it because I am not that kind of a teacher that could get anything through their thick skulls; but thank goodness those people were in the minority and I hope that they will continue in the minority because God help this country if they could impose their will upon this Legislative Assembly, if they could control the Members of this House and if they could control the electorate of these Islands and let them put in here Members that they would like to see. There is nothing wrong with the Bill, it has its limitations, it has its safeguards and I can assure the House that as long as I'm a Member this Bill will not be abused, and if any of my colleagues in Executive Council were to abuse this Bill I would have to disassociate myself with them, but I know I can speak on their behalf that this will not be abused. In fact there is nothing on the drawing boards as far as I'm concerned to which this Bill will be needed immediately. The Third Official Member has explained that this Bill didn't come from Executive Council, it was a recommendation of the Caribbean Development Bank. We have found the Bank a useful source of funds when we are in need, and sometimes during the last administration, not even when we were in need when they wanted funds this has been a useful source of funds, and as long as we borrow from the Bank we will have to abide by their terms. If a person goes to a Commercial Bank he does not tell Barclays Bank you lend me at two percent and you don't hold a mortgage on my property, no borrower in today's world ever buys down the terms under which the loan is negotiated. And what the Bank is saying to us is, you are my debtor and you must have a law which is sufficiently wide enough for us to continue to do business together as friends cutting out a lot of unnecessary red tape, but at the same time having in it safeguards which will guarantee that public funds are not abused, are not misspent, every project financed under this must have the sanction of the Bank. There is nothing in this Bill to indicate that Executive Council can go out and borrow as the man said to me on Saturday, every hour on the hour of the clock.

No, Mr. President, I support this Bill fully and I trust that other Members will see fit to do so. If there is any particular section that a Member does not like he may seek to amend it in the committee stage, but I think the question before us is, do we remain a Member, a borrower, from Caribbean Development Bank where loans can be acquired at favourable rates of interest, where projects can be examined by experts that we could not afford to employ on our own and where we can have the good business sense of a major financial institution or do we listen to those few people who would like to see the country destroyed because their little cookie has broken? Members, I believe this Bill is not a monstrosity, this Bill is a Bill under which this Government can work. If Members of Executive Council or the Financial Secretary or the Governor himself should try to abuse this Bill there are safeguards in your Constitution, you can remove them, you can remove everyone of them, we just now it happen, we one need not worry about a politician taking on to him great powers and doing as he likes, because in this country

HON. S. RAYO SOULEN CONTINUED: the voice of the people still prevails. And if your present Executive Council is not doing a good job, and if your present Members in the House are not doing a good job the public will soon know and they will soon speak. So, one not get carried away or alarmed about this Bill causing any abuse, about this Bill bringing any fraudulent calamities upon the people of these Islands, this Bill is intended to help and it has been presented by the Third Official Member and he has shown good fiscal sense through the years and I fully support it.

MR. JOHN B. MCLEAN: Mr. President, I rise to support this Bill which is before us. I remember not too long after being elected, it was one of our first meetings to discuss this Caribbean Development Loan, and I am not that short memoried to forget about it now. There is one thing that I would like to draw to the attention of Members and these words were spoken by John Graham Altman Governor of the State of South Carolina, "the real riches of a man life can best be obtained through public service", this is not necessarily to mean only political services. Again, I feel the opposition and the criticisms that we are receiving on this Bill are all political. I feel it's laid out quite simply, clearly, clear enough for anybody to understand and I cannot see somebody making a big thing out of this.

However, Mr. President, as I've said, I give it my fullest support because I feel it's quite beneficial for this Government, to our Islands and our people. I do feel if this is passed it will be quite helpful to promote agriculture for one, one which I am very much interested in to see it grow forward in our Islands. And as I see this Law it's only a matter of security like was mentioned, if somebody goes to a bank to borrow money some sums of collateral must be put up, and I feel like section 4 that states, "Loans etc. to be charged on general revenue and assets of the Cayman Islands", it just the matter of having an it has to be tied to our revenue as a form of collateral.

However, Mr. President, I feel that enough has been said on this, but I would just like to state to the Members my feelings that those who have criticised this Bill, we will just have to try and live with them and we can expect this for the next four years. In closing, Mr. President, I would again like to make a little quotation by George Newton "if you are an honest person when you make a promise to another person you will live up to it, but it's just as important that you be honest with yourself, so when you make a promise to yourself, live up to that promise, and don't make a promise in the first place unless you intend to fulfil it". Mr. President, I promised my people that I would do everything in my endeavours for their benefits, and I feel this is just another one that will be helpful to them.

I thank you, Sir.

MISS ANNIE E. BODDEN: Mr. President, nobody in this House .....

MR. PRESIDENT: I think the other Honourable Member had the floor slightly ahead of the Lady Member.

MISS ANNIE E. BODDEN: Yes, Sir, I would just like to make a little explanation please Sir, but I'll wait until later. Thank you.

MR. BALMAIN D. BRANDT: Mr. President, I want to support this Bill because I feel that it's a Bill that will help the people of these Islands and also the Government, and that is what we are here to do. So far as the criticisms from outside, I know we're going to get that, this seems to be another political issue as has already been said. It seems like the people outside are not concerned about our Island nor is looking in this wrong direction to be concerned, because to me it seems like they would not want to see us do anything good at all, they rather to see the Island go down or the boat turn up. The sad part about it is, I feel that they have to use some of the Members of this House to keep this boat rocking and I hope the people would really look into it. I support this Bill because I pledge my will have to serve my Island and my people to the best of my ability. The public is now looking to Government

MR. DALMAIN D. EBANKS CONTINUING: for help and Government needs the money, and this is a chance that we can get it at the right opportunity. So, I'm supporting this all the way, Sir.

MISS ANNIE H. HOUGHN: Mr. President, I'd just like to say this, that I have been in this Assembly sixteen years and I have never made myself obnoxious in anyway - (MIKE TURNED OFF - INAUDIBLE)

HON. JAMES M. BODDEN: Mr. President, we have before us today what should have been a very non-controversial subject, because this Bill is a very complete Bill, a lot of thought has gone into it and moreover if we are to continue the trends on which Government embarked the Bank says that we must have this Bill. Let me give a little bit of background on this Bill. Certain sections of the community have been quite quick in the last few days to embark on their criticisms of this, and I would have to join the Member who last spoke in saying, that certain people are trying to use the Members inside here for their own good because they were not able to get back here to do their bit.

This Bill, Mr. President, was on the drawing table, the Member who presented it himself said, from 1974. I am sure that the most Executive Council had had many opportunities in their last two years in office to have viewed that Bill and to have known what was in it. It was prepared wholeheartedly with their help, but now these same people will say, that you're putting the Government on skids and sending it down to the deeps. Who would be foolish enough unless it was extension cords to believe in this junk? When this Bill was brought before the present Executive Council we looked through the Bill to see what amendments that we thought should have been made in it. The first thing that we did was to put a limit on this Bill, when the Bill came down to us it had no limit but we thought that that was wrong, and that in presenting that to the House it should have had a limit, and that was where the two hundred and fifty thousand dollar figure came in. Originally your past Executive Council who is now standing on the street corners bleating their complaints had this Bill to present to the House if they had gotten back here and there was no limit in it, now they will tell you that we are the ones doing it to gain power and to be able to spend money as we like, Indian and gentleman let's don't kid ourselves, there is no money to be spent it has already been spent.

After we had made these amendments to it, Mr. President, we took our normal course of action that we have taken since November of last year, and that is, that we had a meeting in the Executive Council room at the Administration Building with all the Members of this House to get their approval before this was put to the House. Sir, I am pleased to see the Members that have spoken so far, that they did have the knowledge of this because they are telling the truth, they are telling you and they are telling the people that this country for years has the upmost type of Government that it should have had.

It is nothing new, Mr. President, in what is being done here, yet the Press who has a great responsibility to this country, because we only have one newspaper, should before they make some of the remarks that were made in this paper should have researched the type of legislation that is already on the statute books before they would have tried to mislead the people. We have on the statute books at this time, Mr. President, the Loan Projects Capital Law, this was a Law that was passed from the fourth of May, 1972, it is known as Law 8. If we look at section 2 of this particular law we will find that the Governor in Council is authorised to borrow at one time or in instalments the sum of eight million dollars, and such sum as is necessary to defray the expenses this is in this Law and it is not subject to the approval of the Legislative Assembly, you could have borrowed five million, nine million or eight million. Section 3 of this law, it can be applied to various purposes as is seen fit by the past Executive Council, Section 4, "the loan or any part may be raised in such manner and upon such terms as the Governor in Council may dictate", that is a very telling thing, it does not say one thing about it coming for the approval of the Legislative Assembly. I remember my colleague and myself fighting this Bill when it came before the House and I could see the reason to fight it when you consider and read this again, and

HON. JAMES M. BODDEN CONTINUING: read section 4.

Section 5 of this Law charges the general revenue and the assets of Government with the principle and the interest that is charged upon this loan, have they had such short memories as to forget that they passed these Laws? The Public Loans Law, Mr. President, of 1976, section 8 "the Governor may raise funds as he deems expedient on such terms as he considers against the issue of Government securities". It is not saying the Legislative Assembly, Mr. President, it is saying the Governor and under our law the "Governor" means "the Governor in Executive Council". This Law, Mr. President, came into being on the 15th of July, 1976 and all the Members of this House and the people in the gallery today know who was your Executive Council in 1976.

If we read section 6 of this Law we will see that the amount that can be committed under this law without the consent of the Legislative Assembly is not two hundred and fifty thousand dollars but in excess of ten million dollars. Is that, Mr. President, why they're saying the same on the outside today is because they have not been privileged to come back in here and exercise the authority that they wished to do when they pushed this law through. Section 5 of this law calls for the payment to be chargeable to the general revenue and redeemable from that.

Section 8, the terms and conditions as determined by the Governor, not the Legislative Assembly, but by the Governor in Executive Council. Section 15, the Governor to make Regulations as to the issue, interest payments, repayments and payment of commission. It's all in this law and it was passed July the 15th of 1976. Here is another one, Mr. President, it is known as the Cayman Islands Corporation Law, I do not know the date that this came into being but undoubtedly it was some years ago, and if we read section 10 it would show you that the Corporation has the power to borrow and to charge the assets of the Corporation. Who is the Cayman Island Corporation? The Cayman Island Corporation Ladies and gentlemen is the Cayman Islands Government, you, me and every person that is on the street, that is who the Cayman Islands Corporation is. And according to this law the Cayman Islands Corporation does not have to come back to the Legislative Assembly to get approval to borrow or to charge its assets.

We have another one, the Port Authority Law. We have just gotten through spending in the excess of four million dollars and we would probably have spent seven million if some people had it had their way. And let me tell you ladies and gentlemen that that dock out there is not vested in the Cayman Islands Government as such it is vested in the same manner as the Cayman Islands Corporation holds the Airport into an authority that is known as the Port Authority. And if we read section 5 we will see that the authority has the power to come make any contractual obligation it see fit and to raise or negotiate any a type of money that it sees fit to do so, and it does not have to come back and ask the Legislative Assembly, and yet that is just an arm of Government. If we read the Caribbean Development Bank Law, Law 8 of 1970 of which we are a signatory and a shareholder to give you the details on the loans that are made to the countries that are shareholders in this Bank. So this is nothing new, Mr. President, we are not asking in this law for ten million of dollars we are only asking for a very small amount, and we are asking that this money be borrowed when it is needed in order to help with agriculture in this country, in order to help with the fishery industry; in order to help with the small industries, things that will create employment; or to do what these very learned people that I have spoken about would like to say, let the economy enable more than it is now, don't get the money because then you will not be able to create the jobs; they helped put us in this position that this country is in today and they should be willing to keep their mouths shut at least and let us try to pull it back out. How are we going to find the money to help create the jobs in this country if we do not get it from outside sources? Are you going to tell me that the money is here in Grand Cayman, because if it is, I'll tell you you have a liar.

This country is hurting ladies and gentlemen, each and everyone of us know it, we cannot hide this fact any longer. It is about time Mr. President, that some people stand up to their obligations and not be like the country side in Holland where you see a lot of windmills,

HON. JAMES M. BODDEN CONTINUING: and those windmills blow or turn in any direction in which the wind blows. We are here not just as politicians, Mr. President, we are here with a great obligation to the people, we are here to do what we think is right, we are here to take the good and to take the bad, no politician can always champion select causes you must champion the whole be it good or bad. We cannot represent any select group we represent the entire population of these Islands.

Mr. President, I hope that this Bill will have the support of the House. At first I did not think it would've been necessary for any of us to have spoken, at first I could readily have accepted like most people would do and say, I don't care whether it passes or not, but we have passed that point, we have come to the point where we must from the problems of this country and we must from them as women and men. We must be bigger than to let ourselves be subjected to street corner gossip and the nibble minded people who will sit on the street corners and hollowolf, they do this because they have been hollowing wolf for so many years and they cannot get anyone to listen to them. This is a special group that would use the Members of this House to try to bear it rationale because they see that this House is working together and can accomplish something what they were never able to do. And, Mr. President, it gives me great pleasure to see that the people in this House today were wise enough to know what is good for the country and be willing to support it. It would be a little bit better if we had a little bit more cool air in here, Sergeant.

MR. CRADDOCK EBANKS: Mr. President, there is an old proverb that says, "It's easy to get in debt but it's hard to get out". I believe that most people that get in debt and they get out of their debts their debts were contracted on good intentions, that's why they got out of debt. I believe ninety-five percent of the investors in this country today have made a public statement as to why we choose this territory for our investment or certain investments, because we've got a good, clean, stable Government. And I believe, Mr. President, that as long as you've got Legislators that will endeavour to keep a good clean Government there won't be too much problems to get involved in debt, because they're satisfied that the debt will be paid.

All members of a family are entitled to enjoy the amenities, the privileges of their family circle, their home, whatever might be in it, so it's/ reason if we or a Member of any Bank or Banks that we shouldn't get our point on being a Member as others. I have heard a little bit of criticisms about this, glancing over the Press yesterday evening, that you're giving anybody the privilege to borrow money from the Development Bank or this Government. Well, I don't let those things put my blood pressure up, I try to live a cool, normal life and not take somebody problems and make them mine. I have been put here by the people and I intend to support the people to the best of my ability.

One Member in speaking while ago said that there wasn't anything on the drawing board that this money, if borrowed, could be used presently. Well, I think it's getting time for some things to be on the drawing board if I may might, because there is a lot that needs to be done. And I think right here I would say that a hundred thousand out of this ought to go to putting a decent road through the district of East End, because that's deplorable, the last sector of the Islands that's got the most deplorable road in the Island. So, I think we can find place to spend this, and it's needed; we've got Education, we've got Agriculture, we've got a number of things that we intend to do something about to improve, to finance. I have tried to borrow money a few times from different angles or try to get in debt and after I did I find out now there's no problem for me to get what I want, simply because I pay my debt. And the Bank, which I don't know why from the opening debate on this by the Financial Secretary why they kept it in a closed sack for four years? Nevertheless, I know until a year ago money was dropping off the trees, but the Bank is saying to this Government, you're a shareholder or you're a member or you're a participant in this, why not commit a certain amount of money as a loan and go ahead and do your work on from there. I thought myself when this first came about that Government was proposing to

MR. CRADDOCK EBANKS CONTINUING: approach the Bank again for another loan, but after hearing from the Financial Secretary that while is a proposal put forward by the Bank, and as has been outlined it's not a cut and dried intention that Government would borrow this amount of money tomorrow but if we got to wait until our debts that we are in now paid off it will be sometime before we would be able or Government would be able to do a lot of things for the people of this Island.

And as has been pointed out, even though Government would have the right or the avenue to this two hundred and fifty thousand they intend to bring the matter to the Assembly, we're going to draw fifty thousand to do something to get the approval of the Assembly for this expenditure, and that's what we are here for to see what the money or monies to be spent when they should be spent for and to the best advantage.

I know, Mr. President, the natural death or the death of the last election is not dead, I know that. I remember when the Mosquito research came into being they told us Members of the House that when discussing the matter, the possibility of reducing the mosquito pest in this Island, it may get to the place sometimes that you may be for months and don't find one but that don't mean to say that they're completely eradicated it's still one left some place. And I am aware that whatever Members might attempt to do at this time it would be wrong, it would be plunging the people and the country into destruction probably, but I feel, Mr. President, that the brains in here today has been here ten years ago and if the Islands could be brought to the place to have a reputation to face the world today with a good clean Government than I think Members here are patriots and can keep it the same way.

I don't have any strong axe to grind with this, there may be some questions I will ask in committee stage going through a few sections of it, but I am satisfied, I've got the confidence that whatever this money will be spent for if and when it's needed that it will be brought to this House for Members to have a say as to whether they agree with that expenditure, whether it should be spent in that manner or on there, then it can't be spent or it won't be spent until it gets the approval of the Assembly. So, with those few remarks, Mr. President, I give my support to this in principle and trust that it will be all for the betterment of the country and to help get something started, as has been pointed out for ways and means of doing things that will provide some jobs, and that's going to be essential. So, I give my support to this, Mr. President, and as I've said, trust that it will all work out reasonable and smooth.

MR. PRESIDENT: Does any other Member wish to speak on the Bill? If not I shall ask the Honourable mover if he wishes to reply.

HON. V.G. JOHNSON: Mr. President, first of all I would like to thank all the Members for their contribution made in the debate on the Bill before us. I must also thank the Lady Member who opposed the Bill. It would be certainly dull in the House if all Members supported all matters presented here, it would provide very little amusement especially for people in the gallery, so I think it do good that we have opposition at times.

Much has been said about the Bill, Mr. President. In my opening remarks in giving the Objects and Reasons, I did say that the proposal for this legislation came from Caribbean Development Bank; it came because the Bank required an overall authority which would allow the Cayman Islands to borrow funds from their resources. And I went on to say, that it was not so much Caribbean Development Bank that requested this authority as much as World Bank from which Caribbean Development Bank obtains loan funds for on lending.

Mr. President, the loans which this law would seek to provide the authority for are perhaps loans which have already been raised from the Bank and loans which are being negotiated at present under various schemes. And I might mention the first scheme which was approved by the Bank a year or two ago was brought to this House under a specific Law call the Student's Loan Law, up to the present time loans have been made to about

HON. V.C. JOHNSON CONTINUING: half a dozen students, and the facility is still available to anyone else who can qualify for the financial assistance; that is one of the schemes which come from the Bank. The other scheme that we are presently negotiating is the small industry credit scheme and this will provide small loans to persons interested in small projects in agriculture, fishing, light industry. Already, Mr. President, there are a number of people inquiring about the possibility of financial assistance from this source. The matter is now being negotiated with the Bank and at the next meeting of this House a Bill will be presented here to set up the system to operate the small industry credit. So, this will be another source of finance for people involved in industries and agriculture and things of this sort.

There is another project which is operated in the private sector, and that is the housing scheme which provides money for people who wish to build homes, these are not elaborate homes really, they are medium to low priced homes: and yet, according to a report from the local financial institution operating the system it provides very valuable financial systems to local people. Many loans have been made already and the Bank is in the process of examining further applications and I imagine that loans will be made in the near future, additional loans.

So, Mr. President, there are quite a number of schemes which have already been approved or in the process of approval which will fit under the umbrella of this authority which we are now seeking in this Law. We also had a Ports loan from the Bank in the sum of 2.2 million dollars, and this is also one off facilities which would need to be covered by the legislation. I did say that we had an approach from the Bank probably three years ago to provide this Law, we had been corresponding with the Bank to be quite certain what it was all about before the proposal was presented to Government. In September, 1971 we had another letter from the Bank inquiring about this Law and the letter said here, "that as you may be aware the Caribbean Development Bank has entered into two agreements both dated April 30th, 1975 with World Bank under which funds totalling 20 million dollars U.S. are being lent to Caribbean Development Bank for on lending. In order for these funds to be made available to your Government or to approved enterprises in your territory it is essential that the proposed legislation be enacted". So, Mr. President, this Law is not only country loans that would be raised by Government but loans that would also be raised by applicants in the private sector once it was supported by Government. There is no specific arrangement at the present time to raise loans from the Bank. The mention here that the Governor may borrow sums not exceeding two hundred and fifty thousand dollars, and with the consent of the Legislative Assembly in some wording that is an authority for whenever this is necessary to be done, it's not that we are preparing to fly to the Bank for a loan just now. This authority remains on the statue book so that at any time whether it is during the course of this year, next year or in the next five or ten years the Government will have this authority to go to the Bank to negotiate a loan. Other things must come before, because as other Members have pointed out, the authority of this Government, this Legislative Assembly is required before any negotiation is made with Caribbean Development Bank for a loan. The Finance Committee must be consulted, the Legislative Assembly must agree by resolution, and all these authorities must come forward before any loan is negotiated.

Furthermore, in many instances there will be loans coming forward to authorise borrowing. There is a great amount of built in safeguard, Mr. President, in the existing pattern of procedure, that is the financial procedure of this Government. We have just over recent loan programs made in this Government and we're looking at previous Government, this present Government. A member mentioned awhile ago about good, clean Government, good politicians, I support all those views, that's why this country has made the progress it has over the years and I am sure that the country will continue with these good people; it will continue with the same form of financial control, I see not change, I see nothing to be fearful of, Mr. President. I recommend this Law, and again I want to thank all those Members who supported it. Thank you.

MR. PRESIDENT: The question is, that a Bill intituled 'The Loans (Caribbean Development Bank) Law, 1977 be read the Second Time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING. (MISS AMBLE VOTED AGAINST)

MR. PRESIDENT: Perhaps before we leave this Bill I should mention that the Bill was given the Governor's recommendation which is required under Standing Orders; and which we're obliged to note in the minutes of the proceedings.

I suspend proceedings until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 12:40 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed.

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977
MEMBER IN CHARGE OF THE BILL: HONOURABLE G. HAIG BODDEN

FIRST READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977. FIRST READING.

MR. PRESIDENT: The Bill is deemed to have been read a first time. Is ordered to be set down for the second reading.

SECOND READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977. SECOND READING.

HON. G. HAIG BODDEN: Mr. President, I move the second reading of a Bill entitled The Development and Planning (Amendment) Law, 1977.

Mr. President, the Bill before the House is necessary to make certain changes in the Development and Planning Law, 1971. These changes have become necessary because a plan has been prepared and brought to the Assembly and in order for that Development Plan to work it is necessary for certain changes to be made in the Law. In fact certain sections of the old Law have now become obsolete by the passage of time. These are sections that laid down the guide-lines for the preparation and presentation of a Development Plan, and that preparation having been completed it is necessary to make changes in the Law. Also when the Law was passed in 1971 it was reported that the Lesser Islands would be included and would come under the Development Plan. There was strong opposition in Cayman Brac and Little Cayman to their being governed by the Development Plan made under the 71 law. The wishes of these people have been taken into consideration, recommendations have been made by the Tribunal and the end result is that the Development Plan being presented today does not include Cayman Brac and Little Cayman. But these islands will be governed, as far as this law is concerned, by certain guide-lines which have been drawn up in Cayman Brac about two years ago. So it was necessary to change the Law in order to exclude Cayman Brac and Little Cayman from certain sections of it. Furthermore the principle law had one defect in that appeals from the Control Board in Cayman Brac could only go to the Central Planning Authority in Grand Cayman and the decision of that Authority was final. We have had strong representation to change this and this is one of the things that this amended Bill will do. The amended Bill sets up a special Tribunal called the Lesser Islands Tribunal which will hear appeals from the Control Board in Cayman Brac regarding planning decisions there. And, also if a person is not satisfied by the decision of that Tribunal the aggrieved person can go on further to the Grand Court.

A new concept has crept into the Development Plan and here again it was necessary to change the law in this respect, and that is that certain areas now have more than one use. The new Plan provides for agricultural and residential development to exist side by side that, say in effect the primary use within zones includes any use which is subsidiary to and compatible with the primary purpose of a zone.

It was also necessary to change the composition of the Central Planning Authority and to bring in an additional member from the Lesser Islands. Formerly only one person from the Control Board was a member of the Central Planning Authority here. Under the amended Bill the Chairman as well as another member of the Control Board will be members of the Central Planning Authority.

The old law had a time limit of nine years for the Planning Authority to act on the acquisition of land which was necessary under the Plan. This time limit has been reduced or will be reduced to one year in the amended Bill.

By amending section 7 of the original law it will now be easier to make alterations to a Development Plan. The original law had a provision in it which allowed people to sub-divide into six lots without planning permission and this brought some hardship in that there are a few instances in which land has been divided and some of the shareholders do not

HON. G. CRAIG BODDEN CONTINUING: have any access at all to their portion of land. It was decided to remedy such a situation by making it necessary for people doing subdivisions regardless of the amount of lots to ask for planning permission. Of course, the law says that the planning permission will be given. It says "approval will be given to the subdivision of land into six lots or less, subject to compliance with sanitary, access and other requirements". In other words once the requirments are met planning permission cannot be refused for small subdivisions, also there is no charge for subdivisions. But the people, perhaps members of one family, subdividing lots would be protected against the exclusions from rights-of-way and other evils that could creep in.

Section 19 of the old law said that no development could take place which was at variance with the Development Plan. A certain amount of flexibility has been recommended in the Plan and that is taken care of by amending the law to allow in certain instances variations from a Development Plan. Of course it is not an easy matter to get these variations in the instance of residential area, commercial activities, agricultural activities can be carried out if certain conditions are met. Also for a land where the primary purpose is residential the Authority must satisfy itself that the applicants has published notice of his application and that consent has been given by the majority of the people in the surrounding area.

The law also had to be amended to take care of storm belts which have been established by the Plan. It also makes provisions for the removal of sand; this has been the subject of much controversy and it should be at last possible to combat those people who continue to remove sand in contraventions of the law. The section reads that when a person is found in control of sand he will have to prove he would have been deemed to have continued the law until he proves the contrary. Also provision has been made for people to remove small portions of sand not exceeding one cubic yard in any one month without contravening the law.

There are the principle areas being amended in this law. As I did with the Planning Statement in May I have endeavoured to give my views on the major point to compare what we're getting with what we've been working under since 1971. There is one point I would like to re-emphasise I touched on it lightly in saying that it would be easier or it would be made easy for it be out feasible under this new law to amend the Development Plan.

Provision is made for the Central Authority whenever expedient to submit to the Assembly proposals for alterations or additions to any Development Plan. Now the subject of a Development Plan has been ever since 1960, 1970, 1971, a subject where people have become disturbed and as a result of this the new Administration has made every effort to allow the public all the opportunity in the world to have their own input into the Plan and into the law. This is in keeping with the 1971 law which suggests that the public could be consulted whenever a Development Plan is being prepared, it is in keeping with the 1971 law which provided for the publication of proposed Development Plans and which provided for objections to be made and which provided for the Tribunal to hear the objections and which provided for the Assembly to have the final say.

In May Members had an opportunity to express themselves on the Plan and here I would like to pay credit to all the Members of this House who shared in the debate and who sweated out the many hours in the Select Committee to bring this to the conclusion, and I believe a special word should be given to the Legal Department under the guidance of the Honourable Second Official Member and I must say that he together with Members has gone the extra mile in preparing this Plan. We know that there will be some criticisms of the law, we know that the law is not perfect, we know that we will be back here one day, perhaps, sooner than we expect offering amendments to this, and I am prepared to put forward whatever amendments are suggested that are reasonable, but what I will not tolerate is an attempt being made to upset the public by people who will not report the truth in dealing with the Plan and the other matters connected with it despite a long time already. This week I hope we'll be able to put an end to it for at least another few months.

HON. T. ALIG MODDEN CONTINUING: I know the public will breathe a sigh of relief when they hear that this Assembly has put an end to this Development Plan.

An unfair, an unjust criticism was levied at the Members of this House and perhaps directed at the Member in charge, that the Select Committee did not report back to the House before/concluded its sitting in May or early June, this is not true. The President of this Assembly was informed that the Select Committee had completed its work and was ready to report, but the Members felt that they could kill two birds with one stone by dealing with the amendments to the law and the amendments necessary to the regulations, and the President of this Assembly did what was proper in that he closed the May sitting and brought an early August sitting - which this sitting would have been in August - there is no point in holding the sitting of the House open when no work was going on because the Select Committee had finished its work, it was only that the hard working Members of this House being reasonable and sensible and responsible people felt that they should do everything one time and get done with it, and this is exactly what it has done. And when the Northwester in the normal fashion puts in its editorial that this thing is being run through the House in short order it is simply not true. I don't need to rehearse the history of this Plan or this law, or the regulations, the Members are familiar - but just a few highlights - the Plan was tabled in March, the Members by public meetings took it to the people in the districts, the Plan was debated in May, this House appointed a Select Committee of all its Members to look into it, the Select Committee sat for five days and when they had finished they made a recommendation that Members in an informal committee would look at the necessary changes to be made in the Law, and the committee with the help and advice of the Legal Department, with the help and advice of the Planning Department drafted the law which we are dealing with today and drafted the regulations which were tabled this morning and when this exercise was completed the draft amended law and the draft amended regulations went through Executive Council and after it had received the blessings of Executive Council the amended law and the regulations were gazetted in the normal fashion, and today, four months later since the tabling of the Plan in March we have brought it back to the House. So it is simply untrue to say, as the Northwester said in its July issue, that we are running through the House in short order with this Law.

Now remember this careful handling is in direct contrast to the handling of this matter in 76 when it took a stormy emergency session for the public to have another extra month to look at this. Another criticism of this matter was that people in district meetings were writing the Development Plan, this is utter nonsense and another typical Northwester trick because it was not done by people in district meetings. This Plan was prepared by the Central Planning Authority, submitted to the Assembly, sent to a Select Committee, dealt with by the Members that are elected to serve these Islands, but the public did have an opportunity to send in their recommendations and that is something required by the law itself. So we were only following the democratic process. And if this were not enough they have further resorted to insult to the people of these Islands saying the people have been consulted but what people. - I say what better people could be consulted in the matter of planning for the Cayman Islands than the Cayman Islands people. And in the handling of this law and the regulations, and in the plan we have done our utmost. The House was told this morning that one thousand, three hundred and eighty-six dollars and seventy cents was spent in order to publish the Tribunal's Report and the Central Planning Authority's comments. We have done what was required, we have gone beyond the requirements. It is true that we did not report the findings of the Select Committee to the Northwester. I would have loved to have been able to do that but the Standing Orders of the House makes that impossible because they say that the report of a Select Committee shall be confidential until the report is made to the House.

HON. C. HALE BODDEN CONTINUING: I ask the Members to accept this amended Bill which I must say was put together with all the Members present. I think we had nearly one hundred percent attendance at the informal meetings held with the Attorney General in preparing this draft amendment, and whatever is in it is the product, not of my own hands but of the Members of the Assembly. As Chairman of the Select Committee I did not have a vote although I must say I concurred with the findings of that Committee, as Chairman of the informal Committee I'm happy to say that the will of the majority prevailed and we had the expert leadership of the Second Official Member to get this down into legal language and the result is the Bill which is before us today. I honestly believe that it would have been very difficult for any other fifteen people in these Islands to have come up with anything better. Undoubtedly there will be areas in the law that won't please everybody, there will be areas in the Regulations that won't suit everybody and there are areas in the Plan which are foreign to the original authors of it, but nevertheless I believe that this amended Bill will put in to force the many areas of the plan and I recommend this Bill for the consideration of the House.

HON. TRUMAN M. BODDEN: I second that, Mr. President.

MR. PRESIDENT: The question is that a Bill entitled the Development and Planning (Amendment) Law, 1977 be read the second time. The motion is opened for debate.

HON. THOMAS M. MCGUIGG: Mr. President. I'm sorry.

MR. PRESIDENT: I think the Honourable Member for West Bay had the floor first.

MR. J. CARLTON SMITH: Mr. President, I am indeed very proud this evening that I am witnessing the fulfilment of one more of our promises to the people of these Islands, but especially to the people of my district whom I represent.

I hope, Mr. President, that we have seen the end of an era of lost hope, disillusion, unemployment and hunger that was cast on our people by certain persons and sections of this community who wished to impose their will not caring what the ills that would be inflicted on fellow country men in less fortunate conditions. It is no secret that our country has suffered, it is no doubt that our people has suffered for jobs. The Development Plan has caused more disruptions than any problem. Our country has had to come to grips and I promised my good Lord if I lived I would commit to taking this yoke from the shoulders of my people.

Mr. President, I do not speak idle words, facts speak for themselves. Mr. President, our Island was a happy and prosperous place until the wizards who sat in exalted positions tattooed the plan and law of bondage and lost value. It will be many years, Mr. President, before the economy totally recovers.

Today, Mr. President, should prove a day of great rejoicing in our country because it proves however dark the night down and night will prevail. The law and plan made our godfearing law abiding citizens rebel and march on numbril occasions. Certain of our great leaders laugh and ridicule the people thinking they would conquer, but, Mr. President might always conquers, right always conquers. In just eight months, Mr. President this present Assembly has fulfilled our promises and have put an end of seven years of a nightmare. Just look at the past, Mr. President, and compare how the law, regulations and plan were handled, and yet these same people have the nerve to say they champion democracy. Just consider the number of poor people who had their horses shattered when they were refused permission of their land and was told it no longer had value. Consider the wealthy persons and persons of influence who would have made additional fortune but God destined plans have worked.

MR. J. CRESTON SMITH CONTINUING: Our people have risen for themselves who cares, who keeps their promises and who realizes that the right of the people comes first. They have had a chance to participate in this plan, participate in each district and say what they wanted Mr. President, this is the people's plan - right has championed this was not conceived on the minds of imperial gentlemen who did not know our country and did not care, Mr. President, this is a law, regulation and plan made by the people and their elected representatives and from today onwards no one need care, our ship of state is in capable hands and we can hear the echo of the Quarter deckers words "steady she goes". I thank you very much, Mr. President.

CAPT. KENNY P. TIBBETTS: Mr. President, I am one of those that stood strongly opposed to the Proposed Development Plan that we had in 1976 and I am proud to be one of those today to stand and support this new Bill before us with its regulations and its plan.

If you look back the examples are here, that's the Development and Planning Law of 1971, you see the size and mass of paper this is - look back in 1977, just a few thin pages - here is with the Development Plan was all its annexures drafted and gotten together for 1977 compared with a big book of 1976. I feel as some of the other Members has said, we have crossed milestone and we're going to make the people of these islands be a lot happier when we can produce this law that will be acceptable to one and all. The law originally was not acceptable, the plan was deplorable and now I feel like the Honourable Member for Bodden Town how rightly said, that this plan is for the people and by the people, so I must support it. But I want to give credit to the founders of this plan for making a big mistake. If we take the law of 1971 and look at section 9, that is where we were given the opportunity to fight and to correct errors/had been made.

I am very proud to be in a position to support this present plan, and the law/goverms it. I am not fully satisfied with the regulations and we will deal with that as it comes about, but I feel like each Member here today should be in a position to support this plan and I'll assure you that it will be all for the better and bring us back into prosperity where we were a few years ago.

Mr. President, no doubt you remember from your Throne Speech and from the speech of the Financial Secretary in March I opposed the statement made by the Honourable Financial Secretary in saying that our depression was through recession in United States. I will not withdraw that statement, I still feel like this Development Plan of 1976 was more detriment to the welfare and the prosperity of the Cayman Islands than any recession in the United States that is our being including that of 1929 through 1933 which I am one of those that can remember. So I'm here to support this plan and I feel confident today that each one here should be proud that they have done right towards their people here in the Cayman Islands. Thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President, after seven or nearly eight years now we are hopefully reaching the end of a very long hurl and to many landowners a very brutal road.

This group of documents, the law, the regulation, the statement and the plan has been the input of a lot of constructive work, a lot of very hard work by these Members and I feel that they will in the future regard this as one of the days in which they have made history.

Planning is always a very difficult task because there are normally two, or rather I would say this is one of the several areas of a man's goods that when you attempt to touch it he naturally will defend it and each person will want the best for themselves.

One of the problems which has circumscribed or I would say has clouded this law for many years is uncertainty and, Mr. President, unanimity in this day and age, especially relating to the investment and the financial side of Real Estate, is one which is not tolerated.

HON. TRUMAN M. BODDEN CONTINUING: In Cayman land is wealth and I believe that with the last plan, the old plan I would say, that one could look at this in the light that it is very difficult for a hungry person or a hurt person to take cognisance of good planning theories. We live in a realistic world and I'm afraid while we are here I believe we have to give way to realities.

The Law, when it originally came in was designed as it appears to me to be a very short gap or a short measure as far as any adoption of existing planning was concerned and within a year a Development Plan should have been presented. Now, Mr. President, earlier this morning I mentioned that realities are the alarm clock that wakens us from our most pleasant dreams and this, I'm afraid, this Law has awakened many people. The realities are recorded in history and/meetings of this House and we really saw that section 6 (1) extended and extended over the past six or seven years.

The Law was so geared that it put the Central Planning Authority in a position after Law 13 of 1974 that it had to arbitrate/Throughout Law when passing certain or just about all of the planning approvals and this was brought about, Mr. President, because a duty was put on the Central Planning Authority that it had to conform to the Development Plan. And, Mr. President, I think the people were awakened in this last election when they realised that they had a Development Plan; that in practice there was a plan by which this Law had conferred authority and by which the Central Planning Authority had to abide.

Now what does strike me as a bit odd is that many of the people who put through this Law and I know there were objections within this House to it, seem to have understood what they were doing that in effect they were not going through the procedure which we have gone through which is laid down in section 8 and by dealing with, I think it was subsection 7 to section 8, they retrospectively conferred authority on the Development Plan which was the cause of the evils of this country.

Mr. President, this plan was or I would say a plan was originally prepared by the Central Planning Authority and it was published in accordance with section 8. Objections and representations were made within a month as prescribed by section 8 and this was extended by Law 2 of 1976 to two months. So objections have been made. The Tribunal heard the objections, Mr. President, in accordance with the Law and that was done in a way which was undoubtedly very judicial. However, I believe that many people felt that it was very difficult to face what I regarded and/person whom I had respect for, an English Attorney who knew his job and he knew it to the hilt, therefore it made it very difficult and it made it unwieldy and many times embarrassing for a layman to present their views before that Tribunal. I think that I probably appeared before that Tribunal more than probably any attorney within the island and I can assure you that he knew what he was doing. The Tribunal finally reported on this and the Central Planning Authority considered the Tribunal's Report and itself made certain modifications. The result was that the plan was partly amended and at a later stage the newspaper had a supplement in it which came out and which was what the Tribunal originally passed in accordance with the Law. After that, sometime, I believe in April of this year the three Members for George Town, the lady Member and the, I'll have to call him the gentleman Member, the other two Members together with myself published in the newspaper that we would be holding a meeting and that anyone with any better procedure or better method or any views on how best to deal with this plan would they please let us know, and I hope that the press took cognisance of this because it was published in their media So we said to them if you know of a better way of doing this come and tell us, don't come after the fact, and tell us because then it will be history. We held public meetings in George Town, we explained the position and we asked that anybody, and this was also published in the newspaper in an advert, who would like to offer any help or make, I think it was phrased, any constructive criticism of the plan should do so. Similarly anybody who wanted to serve on a committee which we were trying to put together to deal with this should do so.

BOR. TRUMAN H. BANCROFT (CONTINUING): Mr. President, I believe that we have run the legal democratic procedure under this law, we have run a double barrel procedure in that we have gone back to the people on several occasions, on top of this the Lady Member and the other Member for George Town and myself requested a committee which began, I think, with some forty or fifty people to put this on display which they did for three days including the Family Fair's Day, and we provided a little booklet and we provided a form in which people could officially object. We had some comments on it but hundreds, probably thousands of people looked at that plan, Mr. President, and I believe that the request for variations or I know were very minute. Why I have gone into detail on this is that I want no misunderstanding and that no misguided views that we have gone down this in a democratic way and that if any entities or persons in this country have sat by with their mouth shut and done nothing in relation to this still that is their own fault, and it is a bit late for them to come up with bright ideas at this stage.

It is interesting, Mr. President to know that our plan in relation to George Town is in many respects similar to the amended plan by the Central Planning Authority. In other words the last Central Planning Authority Plan. The main areas and this was quite a large area that we changed was the rural land and this was put into agricultural, I believe largely, so that there is not any great discussion between the ultimate plan which came out and the plan which the committee went through. There are one or two serious alterations but that is as I said mainly the rural land and I think there was a change of signs of the proposed coastline into zoning for guest houses. What this plan has now done is to wipe out the large mangrove reserves, this is in general run, Mr., and to make land which was worthless and which had been made worthless by law is of high back into useful land. The redistribution of wealth created by that law has caused to exist.

Now, Mr. President, we have had quite a bit of criticism from a few people on the procedure that was laid down or rather that was followed in this matter. But, I believe that we have to be very careful to understand that within every civilized society there are groups or there are people who would like to appear to be a constructive element while in fact being the opposite. It is interesting, Mr. President, if you follow the trend of humanity you will find that many times this element comes from persons who have failed to reach the top. Their next best move, Mr. President, is to bring the top down to them. That is a destructive theory, a destructive approach to things and it is normally attempted by the jealous, the brave and the stupid. What I'm really saying here, Mr. President, is that we have to be very careful as to what is a majority view and what is a minority view. This Assembly when it passes this group of documents and law, I believe, will make history and it will pass a law which is one of the most vital laws to this country at this stage. This Assembly is human and I believe that to err is human, we all do; it's a further saying that to forgive is divine, I also believe that to correct is somewhere in between humanity and divinity. If there are serious mistakes in this group of documents, I believe that this Assembly will come back to this House and they will amend it. And this is the very critical difference, I believe, between the Assembly here and perhaps the people within the past who perhaps may not have been as quick to correct mistakes when they arise.

I personally feel that the Committee which dealt with this matter in George Town put in a lot of work and it was well representative I can them a lot and I publicly thank them as I have done in the past.

What we now have at present is the plan passed by Law 12 of 1974 and in the words of one of the Members in that sitting he said "I'm sure the Members who have opposed this Bill now see that it is a good amendment and it is a legal amendment", and further throughout there was argument to the effect that they, as they put it here, they clearly understood what was being passed. So I would hope, Mr. President, that none of the members of Law 12 of/ who injected upon the people of this country a plan which was neither workable and which caused the Central Planning Authority to act ultra vires at times in relation to positive decisions given by it and sadly who did not move through this procedure and left the country for some seven or eight years in a state of turmoil would not at this stage be so hypercritical as to come back and criticise the procedure that was gone through by this Assembly."

HON. TRUMAN M. BODDEN CONTINUING: Mr. President, the position in relation to these documents is, I believe, one which was a clear political issue in the last election. I do not believe that it is any Member here who can say that they did not make this a public issue and they undertook, as I did and on the other Members I know in Cayman Town did, that they would alter this or at least settle this problem once and for all.

This Assembly in passing this law will have done in five months what two previous Assemblies were unable or incapable of doing in some seven years. It has a history riddled with corruption, demonstrations, boarded up Assemblies, the searching of people during that time before they entered the Assembly, the loss of franchise right to our population and in general probably one of the biggest problems that this country has seen. Mr. President, I believe that the passing of this will confirm to the people that this Assembly has been capable of doing something constructive and something positive. It will also strike hard against the persistent obstructor and the persistent pessimist who feels that there should never be a plan so that controversy may continue in perpetuity.

This Bill and these documents, I believe, are for the good of this country or I know they are for the good of this country and the mandate of the people is clearly behind this Legislature when it passes these documents. And, I believe that a load will be lifted off the shoulders of this Assembly and especially off the shoulders of the Assembly Members who have had to live with this problem over the past seven years, the day that we complete this and put it behind us and settle down to attempting to get it working again. I support these documents, they are comprehensive, they are complex and, I believe in due course whatever problems may arise in them can be ironed out. So I would ask that Members once and for all finally settle this matter which is a very grave matter, a very serious matter and that they will naturally take any type of destructive criticisms with a grain of salt, and perhaps remember as I mentioned earlier that those who do not reach the top try to get the top down to their level.

Mr. President, I repeat that I support this Bill and I ask the Members of this House to do justice to the electorate to be honest with themselves and to fulfill especially their promise to the electorate and give them back their birthright which their forefathers have given to them, the property which is of some value and which is their lifesaving and which probably what is necessary to keep their family and their children from going into financial and economic woes, and finally put the country, in general, back on a stable footing and hopefully we can begin after this to forget this part of the past and look to the future and try to improve the future. I thank you, Sir.

MISS ANNIE T. BODDEN: Mr. President, I would like to make my contribution to the Development Plan and the law and Regulations.

First I would like to say, Sir that from 1969 I have been in his water over these lands. I have been taken to court, I have been abused, I have been everything and up to today this war still goes on. I'm not the least bit afraid of anything. I thought from the start from 1969 when this Interim Development Plan was talked about and became law that it was not what we wanted exactly. I fought it but of course when you're in the minority you're lost, and that was my case. When it was passed in 1971, this new plan with all the ramifications I was into it - I was in the march, I was in the meeting. I was one of the signatories to the emergency meeting because I felt that we should never have our democratic rights taken from us, and those laws, regulations, plans etc. certainly are not for our welfare. And this plan before us today your Excellency will not measure up to all that some people expect. This plan here, this piece of paper today is not going to turn Grand Cayman or Cayman Brac into heaven where there will be no more trouble, impossible, but it is an improvement on what we had before. And I feel, Sir that we should try to make it work and I hope it will work. I must say that I resent the fact when it is said that the prior Government and Executive Legislature they are . . . so ignorant, so everything that they couldn't get conform with this plan, that is not correct.

MISS LINDA V. BODDEN: This whole thing has been a very controversial matter and I'm afraid that it will continue to be because I've heard it said as much time, as much energy, as much work as has been put into this plan - you know what it is termed, a personal plan not a Development Plan. So we are readily, Sir that we cannot please everybody. We have tried our best and I feel that we have come up with something quite reasonable, but as I said, Sir, it is not perfect, and I bet my bottom dollar that six months from today we shall have to amend this plan, maybe the law, maybe the regulations and that is what we're here for - when we do wrong but we correct it. But under the circumstances now I feel that we have done the best we could.

Mr. President, planning has always been a controversial issue in George Town at least and I suppose it is in the country parts. I remember I have a plan in my office now prepared by one C.M. Clarke twenty-five years ago had that plan been followed we would have had a better laid out George Town. But everybody then as too quick to get everything their own and never considering one tract of land, and by that land being discarded, thrown aside we have what we have in George Town today, a cement wilderness. And unless we really adhere to this plan and follow as near as possible what it is decided to do we shall have a repetition of what we have now. I am supporting it, I'm not supporting it under the heading that it's perfect, not anything like, but to get this matter cleared off and to get things moving I will support it.

Sometimes, Mr. President, I must tell you very candidly I am disgusted with being in this Assembly, because I am looked upon like roads, I'm abused, I'm insulted, I'm called a trumpet from the last Government, I'm disgusted with it. And let me say here and now that no other human being in the world could bribe, buy or do anything to change Annie Eoddan when she knows she's right. No cajoling, no bribery, no anything because I'm a very conscientious lady, I'm many nine years of age, although I might look like a teenager except that I'm too fat, but I live by my conscience. I wouldn't sell my soul to get Henry Ford's millions, what you think to get back in the Assembly, and I'm sick and tired of being abused and one of these days I'm going to do what my sister always used to her when she got heard, 'get ... nigger' and you will hear a lot of stuff that alot of people think I don't know. But in the meantime I will go along with people but I expect respect and which I am not given. In the Compass yesterday morning I am told Captain Charleston had a letter against me which I know his name appears but he's not the author of that letter, saying that the first has become last. Well I'm last, I consider I'm last among this crowd but that's what they believe, in their estimation I'm last but in Annie Eoddan Bodden's estimation I'm right up on the top and I intend to stay so. Thank you, Sir.

HON. PRESIDING: Do any other Members wish to speak on this motion?

HON. JAMES M. BODDEN: Mr. President, let me preserve what I'm going to say with these words, "that an ideal not coupled with action will never become any thinker than the brain cell it occupies".

Today is a great day for this House. I'm not going to stand here and tell anyone that we have a perfect law or that we have perfect regulations or that even the plan is perfect, because man has not gotten to that point yet where everything is made perfect. I am sure in the days to come that there will be amendments on top of amendments that will have to come into this in order fit the changing times. But I think that that is one thing that many people have lacked and that is that they have never been able to adjust to the changing times.

In speaking on this today, Mr. President, I feel somewhat like a new father holding in his arms for the first time his first born child. The reason I feel that way is because I have to look backward into time. I am very pleased that God has blessed me to see the end of what I consider to be a blighted era and to see a successful conclusion come as a long, hard, bitter fight. I'm going back into time, Mr. President, because some years ago this was a prosperous and developing country until some people got together and decided it was best for us to change our way of living.

HON. JAMES M. BODDEN CONTINUING: And let us face the facts today that the plan and the law was not just a plan and a law, but it was the intention behind it to change the entire way of life in the Cayman Islands, to make the people of the Cayman Islands subservient to the whims and fancies of a very select few. I am very pleased to say that I along with many others on this country, at that time decided that the Administration had been shown down, it was time to pick it up and make a fight, make a stand. I did that, Mr. President, and although since that time I have been humiliated in many respects, I have been dragged down, I have suffered many insults and I have suffered much financial loss. But today I can look in the mirror and look at myself and say "at least God I was able and willing to take up that Administration and take that stand. I know several people say that I did it for personal reasons. If I had done it for personal reasons completely it would have been a different thing, because if it had been for personal reasons I would have sat in the background like alot of the other people did, did nothing about it, enjoyed my riches and today would have probably been the richest man in this Island, but riches in life, Mr. President, are not all, it's the inner feeling and satisfaction that a man gets from knowing that he's willing to stand up for his beliefs. And I feel that if anyone ever stood up for his beliefs I have stood up for mine since I have entered this House and even before that.

I can readily remember, Mr. President, the first demonstration that this country ever experienced. I'm proud that I was associated with that demonstration. Although I must tell this House tonight that the night before that demonstration one of the men from, I think they call it MS Station in Bermuda who was here at the time in charge of a special branch that had been sent in by the Royal Navy and one of your highly Government Police Officials came to my house and he said "do you realize what you're about to do tomorrow," I said "yes I realize it" I will even tell you this, that I had to meet in a darken cottage on the beach at three o'clock in the morning with these two gentlemen. He said, "do you realize that tomorrow morning when you and the other people of this Island appear at Government House that there is armed policemen in Government House and they're ready to shoot into the crowd if necessary," I said "I didn't know that but I hope it doesn't happen" This is why today, Mr. President, people might think that I am bitter and if I am bitter I think I have justifiable reasons to be bitter because never in life did I ever suppose that in a peaceful country like what I have been brought up into, because I was willing as the people of this country were willing to stand up for their views that I would have someone tell me you're going to be shot down like dogs like you did in Hungary. That is why today I feel good, Mr. President, because I have lived to see the conclusion of this.

I remember, Sir, the warship that did not come peacefully into our harbour, I remember the building next door blocked up, not a breath of air in it, armed policemen all over the hill, armed policemen on the door, ladies as well as men being searched; this is what happened, Mr. President, and it's history today, but let us not lull ourselves into complacency because it can happen again, and it would have happened again if the people of this Island had not had the ability and the good sense to stamp those who were pushing that down your throat on November the tenth of last year. You might say this is a political speech and I hope it is interpreted as a political speech because I like politics, Mr. President, all of this has been suffered by our people just because the people in the Legislative Assembly of this Island were willing to be led by people from abroad who had no idea of what our Island was like or what our people were like. And I am not afraid to stand here and tell the country today that in my humble opinion we have a lot of Civil Servants today who pushed this plan that should be in with bells along with their bambins. I feel this, Mr. President because some of these people proposed to the planners the curtailment of building in this country, the tourism section, business section and housing areas. They proposed a moratorium on our buildings of this nature for three years and then they have the nerve today to stand out and say "that unemployment has come about in this country from the recession abroad and from the present Legislature when they themselves pushed for these years for a moratorium on buildings. Where is the money going to come from if the investors are not doing the building and the local people are not doing the work.

HON. JAMES M. DODDIN CONTINUING: Exempt lands to be taken over by Government because the local people did not have the sense to deal with them. Build up for tourism, spend the Government money on it but curtail the apartment and hotel rooms to the building of one hundred and forty a year. How are you going to accomodate the tourists? That's the position we're in now. If we can pick up tourism, where are we going to put them because these people are not fit for their/good the curtail development of this country for years and let our local people suffer.

Control the population and the movements, this might sound ridiculous at this point but it's even a wonder to me they did not try to even control it further. Land speculations and values to be controlled by difficult planning permissions and sterilise land values. These are the things that our people who you and I pay, the tax payers money pays them and this was the day that they told this Government, these were the things that they told them to put into the Development Plan and who suffered from it ladies and gentlemen, who is still paying them, but who suffered? You and I and everyone else in this country. It's a shame that the politicians had to swallow this hook, line and sinker because it was unnecessary.

We go back into this, Mr. President, and we find out that this House with Law 18 of 1974, I think I can hear the fight now that my colleague from Naddun Town and myself put up at that time with the help of a couple of other Members to try to keep this Government from making a fool of itself as well as the people by putting in a plan that had been registered back in 1968 or 1970 and to try to make the people believe that you did not have a Development Plan. I can remember that fight, I sat over there that day and I talked a long time. These are the things that hurt and they hurt deep, Mr. President. After that we even went to the expense of bringing in one of the most published and probably learned of lawyers that this country had ever seen and they had the nerve to tell us that that man was brought in to protect your rights, my rights and the rights of the other people of this country when that man was brought in here to try to intimidate the people that they would not go forward and make a process that should have been made. I am only thankful, Mr. President, that that Tribunal in my opinion was chaired by one of the most honest people I think I have met, and I'm also thankful for the local members who sat on that Tribunal because if it hadn't been for their help and their fairness we would probably not be here today putting through something that might help the country. Because if the Tribunal, Mr. President, had upheld the views of the Central Planning Authority at that point the politicians of the past would have brought that law back here and passed it in 1974 or 1975, but because they knew there was a little bit of support for the views of the people in the form of the Tribunal's Report, Mr. President, they did not have the nerve to do it because they knew then that they would have been whipped completely in '; they thought they were fooling the people by thank God they did not fool the people.

We have today a new law, more or less, it only has the skin of the old law on it, all the insides of it are new. We have a new plan, we have new regulations and, Mr. President, this can truly be said this time that this is the input of the people and that true democracy for once has been at work because the people of this island have been given the opportunity this time that they did not get before. Committees were formed in each district of the island and I thank those people very much for the untiring efforts that they put forward and the work that they did. And they put their views together and presented it, they came here in this building, took time off from work to come and sit here to be willing to meet with us and put forward the ideas together, this was how this plan was done and there was no secrecy in it. This plan had the blessings I feel of the people of this island. Again let me say that there are going to be changes, there will have to be changes to the plan, and the law and the regulations, but we feel that at this time we have come as close to having something that will help the people as anyone has ever been able to do.

HON. JAMES M. BODDEN CONTINUING: In dealing with primary use in this plan..... I'll be willing to sit down until tomorrow, Sir.

MR. PRESIDENT: Unless the Honourable Member can finish in about five minutes I would ask him to.

HON. JAMES M. BODDEN: That's too short, Sir.

MR. PRESIDENT: Well in that case I'll interrupt the proceedings and the Honourable Member will have the right to resume tomorrow morning.

MISS ANNIE S. BODDEN: Mr. President, I shall be a little late, Sir. I have to go to a Chamber's matter in the court and I'll be back. Thank you.

ADJOURNMENT

MOVED BY HON. O.H. POSTON

SECONDED BY HON. V.O. JOHNSON

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 4:30 P.M. UNTIL THURSDAY MORNING AT 10:00 A.M.

M I N U T E S

THIRD MEETING OF THE (1977) SESSION OF THE LEGISLATIVE ASSEMBLY

SECOND DAY

THURSDAY, 28th July, 1977

PRESENT WERE:-

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.H.FOOTE, M.B.E., JP.	FIRST OFFICIAL MEMBER
HON. D. E. WARWICK, C.B.E.	SECOND OFFICIAL MEMBER
HON. V.G.JOHNSON, O.B.E.	THIRD OFFICIAL MEMBER
HON. TRUMAN BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. O. RALPH SUGDEN	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. DODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE.

ELECTED MEMBERS

MR. WILMOTH HARRIS	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. ECTHELSTON BEARNS	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 H. BODDEN, O.B.E.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN.
CAPT. KEITH TIBBETTS	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS
MR. CHADDOCK BEARNS	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE.
MR. JOHN McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ORDERS OF THE DAY

SECOND DAY

THURSDAY, 28TH JULY, 1977, 10 a.m.

1. PRESENTATION OF PAPERS AND OF REPORTS OF SELECT AND STANDING COMMITTEES AND OF LAYING THEM ON THE TABLE:

REPORT OF THE CAYMAN ISLANDS POLICE FORCE, 1976 BY HON. D.H. FOSTER, M.B.E., J.P.

2. GOVERNMENT BUSINESS:

BILLS:

(a) DEBATE CONTINUED SECOND READING THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977 - COMMITTEE THEREON AND THIRD READING

(b) THE CAYMAN ISLANDS DEVELOPMENT BANK) LAW, 1977 - COMMITTEE THEREON AND THIRD READING.

3. QUESTIONS:

MISS ANNETTE H. BODDEN, NOMINATED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

1. (a) Will Government please say why no outside "expert advice" has ever been obtained in regard to insurance of Government Buildings, etc?
(b) What is the reason why the advice of Cayman Insurance Brokers, Limited, here and why is the Press not Government advisers) was not sought in the matter when the last Insurance Contract was being negotiated?
(c) Is Government fully satisfied that in case of a casualty the insurance can be collected without difficulty from the present insurers?
If there is any doubt, will Government seek immediately to remedy the situation?

2. Will Government please advise what is the position in regard to Cayman Airways Limited, whether the Company will continue to be affiliated with Lacsa in the future or not?
If not, is to negotiate with new plans, how will the venture be financed?

MISS ANNETTE H. BODDEN, NOMINATED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR CIVIL AVIATION, TOURISM ETC.

1. What will be the cost of establishing a Cayman Wave Bureau in George Town as described in the Caymanian Compass in the issue of June 21st, 1977? How the head of the Bureau, which she will work full-time in George Town arrived as yet, and how many other persons will be employed at the Wave Bureau, and what salaries will they received?
What is the reason why the other News Media have been changed?

4. GOVERNMENT MOTIONS:

Government Motion No. 3 to be moved by Hon. G. Haig Bodden - Planning Statement for the Cayman Islands, 1977 together with Appendices and accompanying Map.
Government Motion No. 4 to be moved by Hon. G. Haig Bodden - Development and Planning Regulations, 1977.
Government Motion No. 5 to be moved by Hon. D.E. Bennick - Age of Majority.

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MR. PRESIDENT: Proceedings and resumed.

REPORT OF THE CAYMAN ISLANDS POLICE FORCE 1976

HON. O. H. MATTHEW: Mr. President, I beg to lay on the Table of this House the Report of the Cayman Islands Police Force 1976.

MR. PRESIDENT: So ordered.

We next proceed to Government business. This is Private Members' day and normally any private members' business takes precedence over official business. Notice of one Motion has been received on the 25th and this Motion has not been put down today because this Motion requires five days' notice. However, if the length of the Assembly's/does not run to four days which would allow the Motion to be debated then the Member may put a Motion to suspend Standing Orders and we can then proceed to that Motion before the meeting closes. I would observe that the suspension of Standing Orders is quite a serious thing and unless there are real grounds of urgency we should, perhaps, not use this device if sufficient notice of a Motion has not been made. However, this Honourable Member will have his opportunity to stress the urgency of the matter before the House rises.

Proceed to Government business. We will continue the debate on the Development and Planning (Amendment) Law, 1977 and the Honourable Fourth Elected Member of Executive Council has the floor.

CONTINUATION OF DEBATE - MOTION TO AMEND LAW ON DEVELOPMENT & PLANNING LAW

HON. JAMES M. BODDEN: Mr. President, yesterday evening time caught up with me and I only dealt with about a half of the speech in regards to the Development and Planning Law which is before the House.

I think every day that the sun rises we see more and more why it was necessary to change the Development and Planning Law, and why it is becoming more and more necessary to know that the structure of that Board has been changed.

Mr. President, so many of our laws are fraught with the word 'discretion'. Discretion is a word with a very deep meaning. Some people are capable of using discretion in the manner in which it should be used, some people appear to be able not to use it. It seems like some people will use it just to get at other persons and to get their will done. That is why, Mr. President, it has become necessary for this House to just about completely eradicate that word from any law, but particularly from the Development and Planning Law.

The Planning Law in the past has been used as a tool and this House wishes to go on record to make it quite plain that never again will the Development and Planning Law be used just to the advantage of a certain few. This time we hope that the Development Plan will play the part in the growth of our country that it was supposed to have played in the first part.

It is probably not correct to say this, but I think that the people at large in this Island felt the discretion in the Planning Law over the years has been used strictly by the Chairman and the Members of that Board to dictate whims and fancies as they saw fit. This I can assure you, Mr. President, whether I sat in the opposition side on the other side of the House or on this side of the House that is one thing I will never agree to in the future. I didn't agree to it in the past and intend to fight it even more so in the future.

The past Plan and the law under which this country operated for several years was shrouded in uncertainty. No one knew what was happening, it was impossible for anyone to put an application before the Board and even to think what might be the outcome of it. We see values in this country shrink to where there was very little left in it, we have discussed this in this Chamber many times in the past.

HON. JAMES M. BODDEN: (CONTINUING): We must realize exactly the structure of society that we have in this country. The only wealth that a Caymanian has is his land, that, Mr. President, is inherited wealth. Because in the past our forefathers, whether they created it in, whether they got it by grant, whether they stole it or however they got it, it was usually passed on from one generation to the other. It meant that the children took care of the parents in their older days leaving the parents free to be able to pass on this gift to their children and in turn their children to their children. But we must remember that the family structure of this Island has changed so much particularly in the last twenty years. That is caused because the price of things has increased. It is not necessary for the parents to try to give their children a better education that all cost money. Years ago there were very few of us that were able to get that education because we all decided we would either stay on the Island and farm or we'd go abroad and go to sea. So very few of us had to put that burden on our parents of putting us through college. Today time has changed and the people today are not going to be able to take care of their parents which means that the parents, because we have no social security system, we have no system to take care of the older people of this country, it means that that must be their social security.

Now, Mr. President, I ask the Members of this House as well as the public at large if we deviate that inheritance what will the people have in their older days? Must we make paupers out of them just because somebody would like to use the property that we take the little bit of wealth, the little bit of money that these people could have and dash it down the drain and then come into this House and enter these people's name on the pauper's roll after they have spent a life time trying to build this country? No, Mr. President, I could never agree with that and that was what some people wanted to do. We will never allow that to happen. That is why Mr. President, this law was put through in the said manner it was because it would have brought the people in these Islands into complete subjection and I put it to this House that we have had enough subjection as it is, we cannot stand any more. And we must never allow a law to have the detrimental effects on our country in the future that this one has had in the past. This law caused more trouble, more humiliation and everything else in this country than any other law that was ever put on the books before.

This law, Mr. President, was just like the sword of Damocles hanging over the heads of our people. Now in this new law that we are putting forward I would just like to show the people a little bit of the difference in this one compared to the other one. Under the previous law any land that was deemed necessary to be acquired by Government was subject to sterilization in the value for up to five and a half years, and at the end of five and a half years it could be put back into sterilization again for another five and a half years having no value to the owner at all. Now what is the use of a man saying "I own a piece of land" when that piece of land cannot be traded because it has no value to him, you might as well take it away from him in the first place. These were the things that our benefiant Legislature of the past have tried to foist on the people of this country. See they will have a nerve to get up here and try to talk foolishness today and say they did so much for this country and that the country today is in bad hands. The best hands it has ever been in yet.

Under this Law it can only be sterilized in value for up to one and a half years and then it must revert to its original use and its original designation.

To make a change in zoning before it was more or less inflexible, could not be done. Under the present law that we are putting forward you can advertise to change the public use of a piece of land. You must also make your neighbours aware of what you are intending to use that for. We have seen fit to reduce the area of what is called the storm belts. This is a stretch of mangroves on the north coast of the island and on the east coast of the West Bay Peninsula that under the old Plan was one thousand feet in depth and in some places probably more like three thousand feet. That has now been reduced to five hundred feet.

HON. JAMES M. BODDEN: (CONTINUING): They call it a storm ridge, I will not argue with that, but I will say that that ridge in my opinion serves but very little bit of use in regards to being called a storm belt. Because if my memory do correct and the records that I have studied are correct I think the last hurricane that ever Grand experienced that came in from the north was in 1876. If a hurricane ever comes from the north you have the reef and you have very shallow water in the South Sound. So I don't think it was really intended in the first place to serve that purpose in the Planning but, I think it was only put there for other reasons.

Under the old Plan land in George Town from what is probably known as Mrs. Ethel Cook-Bodden's house around to Bob Soto's I think it and on the north side was again sterilized in value because no additional buildings were supposed to have been built in that area. Of course, Mr. President, like everything else with that law in the past that did not hold up either. It depended who you knew, what you were able to do. Because we can look on the whole front today and we can see the additional buildings that went down under the old Plan. But just according to how that land was sterilized in value. Mr. President, that will no longer be so. This land will revert to the original value that it had before.

Again in beach areas we have seen fit to lower the setbacks. Now, Mr. President, in that particular subject history, I guess, will have to tell us one hundred years from now whether we were right or not. But most of us have travelled a lot and we have seen other countries that have similar situations like ours with hurricanes, hotel trade and so forth and in a lot of these we find that the hotels are very, very close to the edge of the water. So history, as I said a while ago, will have to prove us wrong as to whether we made the right move on this one or not. But we felt with land becoming scarce on the water side bench that something like this was necessary.

We go on to what was the protected shoreline in the old law. Vast areas of this country were sterilized in value because you could not change the shoreline use, you could build on it put it to the Members of this House what was the value of that land to the owners if they could not use it? Whose bright idea was that Cedro Bluff for instance which in some cases I imagine looks like the scarp of the moon was zoned as agriculture and protected shoreline, when actually it is one of the highest areas in this Island with some places being 70 feet above the water. Yet it was protected to the extent that you could not use it. It is true we were protected, Mr. President, we were protected pretty well out of existence and it is the only time, I guess, since I have been in this House in this Session that I would have liked to have seen some of the great brainiacs of the past military around here so I could have told them of the terrific job they did.

I would like to wind up, Mr. President, by thanking the various public committees throughout this Island who help put this present Plan and Law together. They spent a lot of time and effort in this and I think they are due a vote of thanks. Besides that, Mr. President, it is going to be difficult for the public at this time to say what they did not have a chance to put an input into this, because those who were too stubborn to forget the past or who were too busy to take any interest in it. We can only hope that this will help our country, we can only hope that what we have tried to do will be able to take care of some of the ills of the past. I hope that the old wounds of the mind anyway can now be bound up and be taken care of. Mr. President, there only three types of people in this world those who make things happen, those who watch things happen and those who say what happened. There are some people saying what happened and more/over would say must I come to grips the new Legislative Assembly and start the educational process. Mr. President, it is not necessary for any one to come from abroad to try to start an educational process among this present Legislative Assembly because it is not needed. They can know that where they had it in the past, where they had to keep them educated but this Legislative Assembly does not need it, Mr. President.

HON. JAMES M. BODDEN: (CONTINUING): I am only hope, and I am sure it will happen, that some of these brothers of the past will now be sitting under the almond trees fanning themselves, gasping for breath and saying what happened?. Thank you.

HON. CHARLES KIRKCONNELL: Mr. President, it has been said that no age in history has been so aware as ours is at calling on a completely wrong idea of real life. This is true, Mr. President, in general but can be truly applied to the old plan which was presented to the people of these Islands about seven years ago.

A Plan usually begins with the people but unfortunately this was not true of the old plan and this has been the root cause of our trouble. We now have a plan which has certainly been presented to the people of these Islands. Most of them have come forward and have genuinely contributed to this plan which is before this Honourable House today. As has been stated by the Second Elected Member of Executive Council there has never been a perfect law or regulations and the law before us today is not perfect. To safeguard and so remedy this imperfection amendment of section 7 of the principal law makes provision for alternative or addition to the plan wherever it appears necessary.

The Select Committee of the whole House did its utmost to come up with a plan that is workable and workable. The public was given every opportunity to participate and if they did not come forward with their objections and suggested remedy or remedies it is their fault. The Government has left no stone unturned to comply with the wishes of the people and to restore confidence in the orderly and continuing development of our Islands.

The people of Cayman Brac and Little Cayman can never say that they have never been given a fair hearing and the opportunity to get what they wanted. On behalf of the people of Cayman Brac and Little Cayman I would like to thank you, Mr. President, for your kind advice, your help and guidance and to our learned Attorney General who has ably assisted us in getting what we needed.

The Select Committee has also supported and was very interested in the Development on the Guidelines given to the Lesser Islands, and for this I am very grateful. Let us hope, Mr. President, that the new plan will lift the stifling economic lid which the old Development Plan put on real estate and the development of our Islands over the past seven years. I hope and pray that the passing of the new Development Plan will usher in a new seconds era of prosperity and that in the years to come our people will appreciate the justification for this plan. Thank you.

MR. JOEN McLEAN: Mr. President, I am proud to share this final moment of this proposed Development Plan. I feel we need a plan in order to advance, in order to go forward on the correct track, but, Mr. President, I found it very impossible to agree with what was put forward in the proposed Development Plan in 1976.

It is my feeling that that was more of a destruction plan than a development plan. And I am quite certain many people of our Island have experienced this. Today, Mr. President, I am quite happy that the Members of this Honourable House could in eight months bring to a close what has been hanging over our people's heads for years. I feel that the reason for this long term was due to the fact that the past Government took the wrong approach in the presentation of this Development Plan. I feel today that this House is justified in the approach that was taken in the presentation of this plan to our people, the setting up of committees in each district. I feel this was the correct way. After all, Mr. President, this Development Plan is for our people and once we have our people involved in this plan I do not see ourselves doing much more.

Like all other Members of this House, Mr. President, this was one of my main campaign issues to try my endeavour best to have this Development Plan changed, to have a plan put forward

MR. JOHN MCLEAN: (CAYMAN BRAC): suitable for our people, suitable for this Island.

Today, Mr. President, I feel this Honourable House is on the correct path to success. And while I am mentioning success I would like to quote a passage from Prior Daniel "Our success in life depends entirely upon what we do on this earth for our fellowman". Today, Mr. President, I feel that with the help of our people we have done our part to our fellowman in bringing forward a plan which I feel will work. We can only trust and hope that everything will be well, and I do know, Mr. President, it will not be satisfactory to everyone but then we can expect with anything we may put forward, but we can only trust in God that the majority will find it well.

Mr. President, again I wish to commend the Select Committee for working together, bringing ends together and bringing forward to this House what I consider a good plan for our Island. Thank you.

MR. DALMAY BANKS: Mr. President, there isn't anything that I can say that hasn't already been said and I do not like repeating what some one else has said, but I still want to interject something for myself as my people expect me to do.

First, I want to say the old Development Plan is one of the reasons why I am here today - it was a big campaign issue and I fought it and I am very proud today to be here and to have been on this committee that has formed this new one. And as the new one is formed by the people I feel that it is a plan for the people and the Islands. I know there is nothing that is perfect so I am not looking for a perfect plan where we have amendments to make - but as it is now, Sir, it is workable and it is what the people want. The old Development Plan, Sir, was a very drastic thing, it caused things to happen in this Island that had never happened before. And I don't think and I don't feel that this will happen through the new Development Plan.

I want to thank the Committee and to congratulate them for working so diligently on it and to our capable Attorney General that helped us and even you. With that I'll say I feel that the people are happy with what we are doing, Sir. I have no complaints from the people - my people meet me and say we've done a good job. I tell this House we are doing a good job, Sir. Thank you.

MRS. ESTHER EBANKS: Mr. President, much has already been said about the Development Plan and most of the people in these Islands know the history of this Plan.

First I'd like to say thanks to the Honourable Member for bringing this plan back to us in March. Because there is a saying that if you want to make an easy job seem mighty hard just keep putting it off. And I feel that most of the Members of this House realise that we had a plan, the people were not satisfied with the proposed Development Plan, it had to come back to this House at some time, someone had to bring it back and the quicker we got it over with the better. We can only hope as Members that this plan will be a workable one, one that will satisfy the majority of the people of our Island and as has been said there will be mistakes in the plan but I think we will have to come back if the majority of the people so wish and change anything that is not satisfactory.

I will not make too much of a long debate. I can say that my knowledge of the plan was very limited until the end of 1975 when I started studying the plan a bit, but people were dissatisfied. As a Member has previously said, marches took place in our streets, warship was at our shores. This proved that something must have been wrong with this plan. Today I must say the majority of the people seem to be more satisfied with the plan that is now being presented before this House and

MRS. ESTHER EVANS: (CONTINUING): we can only hope as representatives of the people that this plan will be of more benefit to our country than the past proposed Development Plan. I thank you, Sir.

MR. CHADDOCK EVANS: Mr. President, I am glad this morning to see that dealing with the life-line of the people of these islands that there is calm, peace and quietness as existed five or seven years ago. I will not go into all that background but until 300 years ago when the pleasures, the joy, the happiness of the people of these islands was centred in their land all we knew was our land and Moskito Cay. As our forefathers would go out there and come back and those that are at home put the two toys together and made a happy and contented home and country. Until a few years ago when it was the whims and fancies of who thought they were brainiacs to spoil or attempt to spoil the good way of life on these islands.

I know when the streets were filled with people standing only for their rights and they were justified, and if they hadn't they would not have had any rights today - we wouldn't have had any land today, we wouldn't have had any privileges, we wouldn't have had even the Development Plan that we are now dealing with. I for one don't like to see turmoil, strife, envy or hate or anything but as human beings it is only fair and right that one should stand up for their rights - as has been said regardless of how our ancestors or forefathers or grandfathers and great-grandfathers may have got their inheritance to the land - as I said for the past 300 years it was our security, our life-line and we enjoyed it.

When it was thought that we should have a plan for the development of the island I think most Members, most people of the public indicated that they agreed that it would be good to have a reasonable plan, but not something as was proposed as a plan. But, Mr. President, I wouldn't expect much initiative in the drafting or the proposing of such a plan - when you grab a banker from behind the bank desk and put him in charge of the Planning Department as giving him authority to run this country in development planning for the future. That is only one of the many drastic mistakes that this Government has made. It was reasonable to expect such an individual or individuals to suppose where it has never been in the history that any type of shrubbery, trees or what grows in certain areas as to propose it for agriculture. Then if that is the case then it is abundantly clear one did not know what to do nor where to turn or how to approach doing something that ought to be done in the best manner.

Then there was a lot of areas mined and laid out for various reasons, purposes that would be unreasonable, it was unreasonable but worst of all a lot of landowners was being deprived of the privilege of their land - they couldn't use it in any form or another, they couldn't sell it, they couldn't cultivate, they couldn't build on it. Then how would one expect for a good people - a hard working people to live or accept this - to live with it.

I heard Mr. President, a lot of people that came to this island think that we are still a part of the dark African. I am aware of that. I remember telling Mr. Lawrence the land tenure officer when he talked about the cadastral survey I said you couldn't do it within less than five years. I was talking nonsense, and I think it was read out here yesterday covering a period of five years. He said 18 months and I said five years. I got a fisherman's certificate and he has an engineer's certificate.

If these type people that are brought in here to help develop this country, advise the people if they were to approach the people and get the feelings and the advice of the people we could achieve and accomplish a lot of things faster and better with less cost. The figure that was given for the cadastral cost that is just as far from being true is up and down being plus minus. It doesn't make any difference who made it up or where they got it from, it is not a true figure. Five years work of such a team for $600,000 between to one million and a half dollars.

Mr. President, I am not going to prolong this, I could go on and on because if it was like when it was all to seven

MR. CHEDDOCK KRANKS: (CONTINUED): years ago when I told the President of the Assembly the day that we met over there it won't be any building until all these windows are opened that anybody may come inside, all the police be unarmed then we'll have a meeting. I could go on and on and on from there back to here but since there are still others, whose names, there is question, there is confidence - the storm is past let us now stare out on what we have as a plan and start building from here for a future. I am glad in the wisdom of some Members before election keeping this plan under the cloak to be brought after election - still with the hope that they would have had the opportunity to pass that plan as was planned. But there is a good time, later everybody shall be shown to the majority of people 'be wise and don't be fools the second time'.

Mr. President, on this plan with the help of the people we have made every reasonable provision that one can continue to do with his or her land as used to be. While there are zoning areas where there is land to be sold maybe they can still use it in the meantime or sell it or do something with it, they can go to the bank on it but as it was before everybody hands were tied behind them now even in the front of you.

Mr. President, I feel that this plan will be workable. Whatever minor amendments may arise at some time that won't be anything mountainous to cross and from time to time there may be a necessity for minor amendments it will not stop the progress of the development of this country and we trust that in the near future when with the passing of this plan has been published and the world and the surroundings have about to once they will be at ease and say we can start building, we can start building, we can start buying, we can start developing anything again. I thank you, Sir.

HON. G. ELIE DOLDEN: Mr. President, there's only one point I would like to clear/find this is a matter that could have been done yesterday, but there were no supplemental questions on the cost of the Coastal Survey which, perhaps, has some little bearing on Planning. The figures given yesterday were taken from January and that figure of six hundred and odd thousand dollars covered the local costs which were paid by this Government with 70 per cent being recoverable from the British Government. That was agreed upon by this Assembly. But there were other costs such as the salaries of highly paid United Kingdom personnel and these salaries were paid directly from funds British to the people employed, so the total cost really was much more than the $600,000 But the cost expended by this Government was only $600,000 70 percent of which will be recovered, some of it has already been recovered, from the United Kingdom Government.

As/the Development and Planning Law is concerned I now only thank the Members for the support and ask that we move on to the other stages of the Bill.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. SPEAKER: Both Bills/are now put down for the Committee stage and the Assembly will move into Committee.

THE LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977

HOUSE IN COMMITTEE

MR. CHAIRMAN: The Assembly is in Committee. We shall deal first with The Loans (Caribbean Development Bank) Law.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. POWER OF THE GOVERNOR TO BORROW FROM THE CARIBBEAN DEVELOPMENT BANK.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. LOANS ETC. TO BE CHARGED ON GENERAL REVENUE AND ASSETS OF THE CAYMAN ISLANDS.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. POWER TO ISSUE INSTRUMENTS INCLUDING BONDS.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. BORROWING FROM THE BANK BY STATUTORY AUTHORITIES.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. APPLICATION OF LOAN MONEYS BY STATUTORY AUTHORITIES.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. POWER OF GOVERNOR TO GUARANTEE LOANS BY BANK TO STATUTORY AUTHORITIES.

QUESTION PUT: CLAUSE 8 PASSED.

CLERK: CLAUSE 9. RESTRICTION ON BORROWING POWERS OF STATUTORY AUTHORITIES SO FAR AS GUARANTEE OUTSTANDING.

QUESTION PUT: CLAUSE 9 PASSED.

CLERK: CLAUSE 10. POWERS EXERCISABLE BY THE GOVERNOR IN THE EVENT OR PROSPECT OF DEFAULT BY A STATUTORY AUTHORITY.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. STATUTORY AUTHORITIES TO MAKE TO GENERAL REVENUE SUMS PAID UNDER GUARANTEE.

QUESTION PUT: CLAUSE 11 PASSED.

CLERK: CLAUSE 12. ARBITRATION.

QUESTION PUT: CLAUSE 12 PASSED.

CLERK: CLAUSE 13 IMPLEMENTATION OF AGREEMENT.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: A LAW TO PROVIDE FOR THE RAISING OF LOANS FROM THE CARIBBEAN DEVELOPMENT BANK BY THE GOVERNMENT AND BY CERTAIN STATUTORY AUTHORITIES AND FOR MATTERS CONNECTED THEREWITH.

QUESTION PUT: AGREED. TITLE PASSED.

MR. PRESIDENT: That concludes examination in Committee of the Bill intituled "The Loans (Caribbean Development Bank) Law, 1977", and we'll proceed next to a Bill intituled "The Development and Planning (Amendment) Law, 1977".

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 8 OF THE DEVELOPMENT AND PLANNING LAW, 1971.

QUESTION PROPOSED:

HON. G. BAIG BOWDEN: Mr. Chairman, there are a few corrections which I think throughout this but these corrections were made on all the copies before they were sent to the Members. For example in clause 2 the word "Into" had been left out of the last line of the clause, the last line of (d) and I don't think it be necessary to take up the time of the House.

MR. CHAIRMAN: I think if Members have all got these typed corrections on their copies we can take it that we're studying the amended Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 8 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. REPLACEMENT OF SECTION 9 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF THE PRINCIPAL LAW BY ADDITION OF NEW SECTION 9A.

QUESTION PROPOSED:

MR. CHAIRMAN: I think it may be wise to have the remarks from the Chair but there are some dates to fill in in this section and until the various documents have been approved by the Assembly we can't very well put these dates in in advance. What I think could be done procedurally is if the Assembly authorises the Member to insert the dates we could report the Bill and we could take the Third Reading of it after the various resolutions have been made by the Assembly. So that the Bill will not be made until after the various procedures have been gone through on the plan.

HON. TRINA BOWDEN: I'm just wondering if the Attorney General is happy with that, Sir, or whether as an alternative it may be better for the Committee not to deal with that specific part and not report back until after. I abide by whatever he says.

HON. W.K. SANGUCH: Yes, I was contemplating this as we were moving through the other clauses of this Bill. I think if the House authorised and if it was approved subject/the plan being approved I think procedurally we'll stand in order Sir. It will still have to be reported and the Third Reading will still have to take place.

MR. CHAIRMAN: If that's acceptable to the House what we'll do is we can pass this clause of the Bill, subject to the later insertion of the requisite dates but the Bill will not be reported out of

MR. CHAIRMAN: (CONTINUING): Committee, we will not proceed to the Third Reading until after the various resolutions have been made to the Plan. If of course the resolutions were not passed we should have to re-commit - bring the thing back into Committee to unscramble it.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 6. AMENDMENT TO SECTION 7 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT TO SECTION 8 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. AMENDMENT OF SECTION 10 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. REPEAL AND REPLACEMENT OF SECTION 11.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. AMENDMENT OF SECTION 12 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. REPEAL OF SECTIONS 13 AND 14 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. AMENDMENT OF SECTION 17(1) OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. AMENDMENT OF SECTION 18 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14. ADDITION OF NEW SECTION 21A TO THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. AMENDMENT OF SECTION 22A OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16. REPEAL AND REPLACEMENT OF SECTION 24 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17. AMENDMENT OF SECTION 30(1) OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 17 PASSED.

CLERK: CLAUSE 18. REPEAL OF SECTION 31 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 18 PASSED.

CLERK: CLAUSE 19. AMENDMENT OF SECTION 33(3) OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 19 PASSED.

CLERK: CLAUSE 20. ADDITION OF NEW SECTION 38A TO THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 20 PASSED.

CLERK: CLAUSE 21. ADDITION OF NEW SECTION 40A TO THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 21 PASSED.

CLERK: CLAUSE 22. REPEAL AND REPLACEMENT OF SECTION 43(1) OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 22 PASSED.

CLERK: CLAUSE 23. ADDITION OF NEW SECTION 47 TO THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 23 PASSED.

CLERK: A LAW TO AMEND THE DEVELOPMENT AND PLANNING LAW, 1971.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: This concludes examination in Committee of a Bill intituled The Development and Planning (Amendment) Law, 1977. Proceedings in the Assembly will be resumed.

MR. PRESIDENT: Proceedings are resumed.

THE LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977

REPORT TAKEN

HON. V.C. JOHNSON: Mr. President, I have to report that a Bill entitled The Loans (Caribbean Development Bank) Law, 1977 was examined by a committee of the whole House and passed without amendment.

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

THIRD READING

CLERK: THE LOANS (CARIBBEAN DEVELOPMENT BANK) LAW, 1977 - THIRD READING.

HON. V.C. JOHNSON: Mr. President. I beg to move that a Bill entitled the Loans (Caribbean Development Bank) Law, 1977 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: This might be a suitable time to suspend proceedings for fifteen minutes.

HOUSE SUSPENDED.
HOUSE RESUMED.

MR. PRESIDENT: Proceedings are resumed.

HON. C. HAIG BODDEN: Mr. President, before moving Government Motion No. 3 - I would like to explain to the House that that Motion will be slightly amended and under Standing Order 72 (6) it would be in order to ask for a modification in this motion. This has become necessary because a few discrepancies have been found in the map and it is a very difficult

HON. G. BAIG HOLDEN (CONTINUING): ... seek to agree on something and then to put it down on a map.

The amended Motion that I will move has been circulated in part to Members so that they can get a fair idea of what these amendments are.

I'll move the Motion.

GOVERNMENT MOTION NO. 8.

"WHEREAS a Select Committee of the whole House has considered the Planning Statement with its appendices and the map

AND WHEREAS all the requirements of the Planning Law 1971 have been met

BE IT RESOLVED that the Report and Minutes of the Select Committee that studied the Planning Statement be adopted

AND BE IT RESOLVED that the Planning Statement for the Cayman Islands 1977 together with its appendices and accompanying map be approved with the following modifications to the map:

(1) That the footpath from East End to Great Beach be shown as a proposed Public Road.
(2) That the area east of the West Bay Road now shown as hotel-tourism be designated as commercial.
(3) That a half-mile of the scenic coastline on the north east side of the Island be changed to beach resort/residential. This half-mile is the beach area at Great Bluff.
(4) That the proposed new road running parallel to the George Town-West Bay Road be deleted."

A further explanation is necessary, Mr. President. The amendments circulated to the Members on number 2 showed the north east scenic coastline to be changed to hotel and that should really have been beach resort/residential. Also, the map has on it a road slightly West of the proposed new road George Town should be deleted and it was the Committee's intention to delete the road running on to West Bay as well, that is the proposed new road.

SECONDED BY: HON. TRUMAN BODDEN.

MR. SPEAKER: The motion has been moved and seconded, does the Honourable Member wish to elaborate on the motion?

HON. G. HAIG HOLDEN: Yes, Mr. President. The fourth matter, that of the proposed new road running parallel to the existing road between George Town and West Bay, was raised in the Committee and the Committee felt very strongly that a second road should not be put in at this time. However, through some member's devil I suppose this road which had been on the previous plan still appears on the map and it is necessary to delete it.

The third area in that area running from Old Man Bay to Colliers on the northeast side of the Island is considered to have in it an area that would be good for tourist-related activities and it is necessary to make a part of that available for future development if it should arise on that side.

The second area dealt with was the west side of the West Bay Road. There is a section on the map showing that as hotel-tourism and it was felt that it would be better to leave that as commercial so that duty free shops and other related hotel commercial buildings could be put in on that side.

The first matter raised was the matter of showing the proposed public road going into the main-land of East End. I know that the Member from East End did make a special effort to have this put on the map but somehow or other it seems to have been left off.

HON. G. HAIG BODDEN: (CONTINUING): Of course, what is shown as a proposed road does not mean that a road will actually be put but it does show that the requirement is there and perhaps the necessity is there and it would be a good thing to open up that area.

There are several other things that seem to have been missed from the map, but , perhaps, it might be better not to go into too many amendments to the map and I would suggest that any other discrepancies should be amended later on. There is provision in the Law for amendments to the plan, but if any Member wants to press any particular point that can could be called to those amendments.

MR. PRESIDENT: The Motion as set out by the Clerk under Government Motion No. 5 and as amended by the Honourable Member in proceeding it is now open for debate.

HON. JAMES M. RUTTY: Mr. President, I support what my colleague has said but there are a few other amendments that should be considered at this time on the map. I am being very frank in saying this Sir, that I do not like the manner in which this has been put together by the Planning Department because they sat in on the meetings; they had specific instructions from the twelve elected Members as well as the Government official side, they had the maps which were prepared by each Committee from each district and I do know that they have been spoken to on several occasions by some of the Members of Executive Council requesting them to put this on and it seems like they were not willing to take directions from any one. And the directions came from Executive Council and the other members of the House and that is where they should have been dealt with. It should not have been left for them to do as they saw fit and I take grave objection to that Sir, that it seems like no one wishes to pay attention to what they are told by the Executive Council Members as well as the elected Members of this House.

There was an area submitted in the Cut Bay area on the area map that was prepared by the East End committee showing that area to be beach resort/residential instead of the zoning that is in it at the present time. Bluff Bay was also shown in the same way, my colleague has dealt with that one. The Old Man Bay area, some of what is commonly known as Mr. Miller's plans are also on the area map designated as beach resort/residential. Bankers from Spanish Bay hotel area up to Palmetto Point are also designated on the area plan from West Bay as a hotel area. And in the Rum Point - Water Cay area there are two public areas there which were supposed to have been left out and designated on the map and these have been left out, so I would crave the indulgence of this House to request that these be put back on the area map and that the map that we have in front of us be accepted in principle or be accepted rather subject to the Planning Department being specifically instructed this time by this House to designate these areas on the new Plan before it is officially given to the public. Thank you, Sir.

MR. PRESIDENT: I think it would help the House and also would be useful and necessary for the future if a list showing any amendments to be made to the map before the House be given to the Clerk so that these amendments appear very specifically in the Minutes and can be interpreted by the Planning Department on to the map which is finally issued. So, perhaps, members who have amendments would specifically write them down and pass them to the Clerk and I can read these out before the question is put on the motion.

HON. TRUMAN BODDEN: Mr. President, just on one point it will be very difficult , I believe Sir, to get to review to writing specifically areas and it may well be a lot easier if this could be pointed to a surveyor who is here and have him put it on. Without grid marks I think it may be quite difficult and I am wondering if this may be an easier procedure.

HON. THOMAS BODDEN: (CONTINUING): While I am up, Sir, I want to join with the last Member. I found it extremely frustrating and in fact something which was annoying along with it is that when specific instructions are given by this Honourable House and by Executive Council that they are not carried out. We had areas in this as well that we told them, I personally told them and it really appeared, Sir, that we didn't appear but these instructions were specifically not carried out Sir, otherwise there would not have been these amendments and the different blocking outs all over the map Sir.

I'd just like to note that as well so that this time when we deal with it Sir, they should understand that when they're requested to put something down that they would carry this out. Thank you.

HON. G. HAIG BODDEN: Mr. President, if I may speak again. I have the four amendments which I mentioned and they are committed to paper pretty clearly and these can be passed on to the Clerk. The other amendments mentioned by another Member will take some time to be put out clearly in writing and I am wondering if this will be a suitable time to adjourn for lunch or if you would move on to other business and come back to this tomorrow in order to give time to have it set out clearly.

MR. PRESIDENT: Well, the Honourable Member can move that the debate be adjourned and be resumed on a later occasion and this would be more suitable.

HON. G. HAIG BODDEN: Mr. President, I beg to move that the debate on Government Motion No. 3 be adjourned until a later time.

SECONDED BY: HON. THOMAS BODDEN.

QUESTION PUT: AGREED. DEBATE ON GOVERNMENT MOTION ADJOURNED UNTIL A LATER TIME.

GOVERNMENT MOTION NO. 4

HON. G. HAIG BODDEN: Government Motion No. 4:

"WHEREAS the Development and Planning Law 1971 states no regulations shall be made pursuant to the provisions of this Law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the Legislative Assembly

BE IT RESOLVED that the draft of proposed Development and Planning Regulations 1977 be approved as the Development and Planning Regulations 1977.

SECONDED BY: HON. THOMAS BODDEN.

MR. PRESIDENT: Government Motion No. 4 has been moved and seconded and is open for debate. The Honourable Member may of course speak to the Motion.

HON. G. HAIG BODDEN: Mr. President, there are a few corrections that have been made to the Regulations in ink and I would just ask the Members to check their copies of the Regulations and see that they do have a copy which bears the ink corrections and if that is so I have nothing further to add.

HON. JAMES M. BODDEN: Mr. President, could I be excused I have an appointment at twelve o'clock with the radio, Sir.

HON. THOMAS BODDEN: Mr. President, I'll just mention briefly that these are Regulations which the whole House has gone through and looked at - which is the comprehensive they've altered things and they've been

HON. THOMAS BODDEN: (CONTINUING): through in detail during an informal committee stage after the Plum Sir, and that is probably the brevity on debate Sir. Thank you.

MR. PRESIDENT: If there are no other speakers I'm quite prepared to put the question on this.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5 PASSED.

GOVERNMENT MOTION NO. 6

HON. D.R. KENNICK: Mr. President, Sir, I rise to move the Motion No. 6 standing to my name in the Order Paper which motion is in the following terms:

WHEREAS the Age of Majority in the Cayman Islands is presently the age of 21 years

AND WHEREAS having regard for the changes which have been made in recent years in Law relating to the Age of Majority in various other countries it appears desirable that the Law of the Cayman Islands governing that matter should be now reviewed

BE IT RESOLVED that a Select Committee comprising all the Honourable Members of this Honourable House be appointed to make such review and to recommend what changes if any should be made in such law

SECONDED BY: HON.D.H. FOSTER.

MR. PRESIDENT: The Motion has been moved and seconded and the Honourable Member has the right to speak further to the Motion.

HON. W.A. McKEEVA: Thank you, Mr. President.

As you will see, Sir, the Motion proposes no particular course of action in regard to the age of majority itself. It merely proposes that this Honourable House submit the whole question to a Select Committee for review.

As far as I am aware Mr. President, Sir, the question of when a person in these Islands becomes of full legal age has never been considered by the Legislature here. The position has been settled by the Received Law, by the Common Law which regards a person whether male or female as an infant until the completion of his or her twenty first year.

During legal infancy a person is regarded by the law as being of immature intelligent and imperfect discretion with the result that there are a number of important legal acts which an infant is not competent to perform with binding legal effect. At common law for instance infants' contracts are generally voidable at the instance of the infant, although binding on the other party.

There is an exception to this rule where contracts which are clearly for the benefit of the infant such as contracts of apprenticeship or for the supply of necessaries are concerned, but other contracts such as agreements regarding loans, guarantees and bonds, can not be entered into by infants.

Where land is concerned, a person who has not completed his or her twenty-first year, can not hold legal estate or be a tenant for life.

Infants are under many other disabilities, too, Sir - I will not attempt to list them all here now - I think it is enough to mention that an infant may not appoint an attorney, may not be a full partner in any partnership, or may not sue or be sued in his own name and right in tort.

The legislatures in many countries Mr. President, Sir, have come to the conclusion that in today's world it is unrealistic to continue to subject people under 21 to legal dis-

HON. D.H. DARRICK: (CONTINUING): ability when they are physically mature and when they are regarded for so many other purposes to be no different from persons over the age of twenty one. Researches show that among Commonwealth countries which now regard a lower age than twenty one as marking the end of legal infancy are the United Kingdom, India, Malaysia, Guyana, States of Canada, States of Australia, New Zealand and many others.

As I began by saying Mr. President, Sir, I do not seek by this Motion to advocate any particular answer to the question of what the Age of Majority should be in these Islands. I do, however, Sir suggest that the question is one which warrants close study now by those entrusted with the responsibility for making the law of these Islands and for that reason, Sir, I recommend to my fellow Honourable Members that a Select Committee be appointed to see whether the law on the subject as it presently stands is suitable in all respects and if it is not what changes should be made.

MR. PRESIDENT: The Motion is now open for debate.

HON. OSWALD MORTON: Mr. President, I support the Motion which is before the House. It has been said, Mr. President, that if you give youth responsibility they will shoulder it and manage it. If you never do so they remain always a youth.

Mr. President, that is probably a part of the story of progress in life as a whole.

The learned Attorney General has quite rightly or quite ably rather outlined many of the legal disabilities at present of infants, and in this day and age, Mr. President, when an infant has amongst other things to make a living from, sometimes on age earlier than twenty one then I believe that we must look very carefully at ensuring that there are not disabilities which would stand in the way of his carrying that out in a proper manner. The legal disabilities extend over the question of Wills, except I believe if my school serves me right when he is in military service he can make a Will or when he is on active naval duty- he cannot own land, he cannot be a trustee in most cases. The Attorney General has outlined the question of contracts and Mr. President, I must say that some of the most difficult areas of this law I believe arise around establishing what is a necessity for the purposes of the Infants Relieved Act and what is not.

One area of real hardship is that an infant cannot obtain a loan from a bank and he cannot guarantee loans or other matters relating to banking. Mr. President, in this day and age when the economics of countries move around a close connection with loans and banking facilities this is a real harsh disability. It extends into the execution of mortgages and signing of guarantees as I mentioned earlier. Even I notice in one of the authorities he cannot change his domicile of origin. He sues and is sued under the remnants of a very old common law fiction or I would say the - what resulted from an old common law fiction or action he sues and defends by what is called his next friend and a guardian ad litem and this is a very cumbersome and peculiar procedure especially sometimes to find that for a person who may not have that close relative within the Islands or is resident here.

However, Mr. President, this goes on I believe there are many other disabilities which have to be looked at such as guardianship and other areas, I cannot list or I do not profess to know all of them but it is possible from research to find these out and for the Committee to look at these one by one and to look at all aspects of them - incidentally once again this question arose under the Liquor Law in the last session which is another one of the laws.

Against this, Mr. President, a youth is entitled to vote, drive a motor vehicle which hopefully is quite a responsibility, be tried and punished as an adult. He also, as I mentioned before, normally has to make a living and many times work or enter into

HON. IRIMA BOLDEN: (CONTINUING): contracts for schooling, enter into loans or enter into bonds for money received for schooling. So that, I believe, that this is probably a matter of extremely great public importance and it is one that should be looked at carefully and I believe that the public as a whole should have the right to air it and have their views heard on this.

Mr. President, during the time that I was in school and happily at that stage I was no longer an infant, but in 1969 United Kingdom brought in the Family Law Reform Act which dealt with this matter and most countries have now dealt with this through legislation either fully or partially. That law reduced many, or substantially all of the incapacities relating to an infant and it did naturally create considerable amount of public debate during the time that it was there and each area of society looked at each specific part of the law which most closely affected them to ensure that in general the law going through would be one which was not taken merely on the merits of one specific area of the law. It is very wide, in fact, Mr. President, it is a larger part of the life of a youth in England, when I say that meaning between 18 and 21, around this legislation; and it is one that I hope that they as well as persons over the age of 21 will make their views heard.

I know, Mr. President, only too well that - and I speak personally because I am not at this stage asked of the views of my electorate or the public as a whole - but I have been through this stage and I believe I am a reasonably good example of the problems which one faces a youngster through a matter of not having sufficient age. I completed school at 16 and I began working and in those days in the United Kingdom as well as in these Islands and just about every part of the Commonwealth the age was 21, and it carried with it within the law the disability relating to any senior type of authorised signing and I know that an agent can normally sign even though he is under the age of 21 at times- so that progress as is/ormal in banks normally comes through seniority which carries with it authorised signatures. During that time I made a little bit of money and I bought some land it had to go into the name of one of my parents. Similarly with the banking scene there were the problems about that because while I did complete, I believe, just before I was 21 the A.I.B., I could not get the experience within the bank through and being able to progress as fast as I may have and in fact it emphasizes the hardship that it is one of the few fields in the matter of eight qualifications I have that I failed, and I failed it through, I believe, a lack of having the practical behind it to pass practice of banking which was the difficult subject in it.

Even within the last few years I understand, I was not in the House at the time, when I was - and not during your time Sir - appointed on several occasions to act as Attorney General I normally am not given the right at times to sit within this Honourable House - I am not saying age has all to do with it there may have been other matters involved but I do believe that that may have been one which bore heavily in the minds of whoever made those decisions in those days. So, Mr. President, I believe I am a very good example and I believe I understand fairly thoroughly and I personally regard this as a matter of great public importance. I will go back to my people, to the electorate with it and make sure that it is aired fully, that everybody has their say including the persons that it most seriously affects. I will once again look carefully at the law relating to this and, Mr. President, I would hope that by the time the Committee came back to the House in a few months that the writer would have been fully informed and that we will be in a position to come back to this House and make the recommendations which our people want, and which is right and just and equitable to the people as a whole.

As I said, I have my personal views, I want to make it very clear that the example I have given of myself is history. I attempt as far as possible especially the sad part of history to forget and leave behind but there are times like this where I feel it

HON. TRUMAN BODDEN: (CONTINUING): It sometimes good to refresh one's memory because it can undoubtedly help one in seeing the issues clear and I believe that explanation of this sort will be invaluable in preparing and in putting to our people the issues so that they understand them clearly.

So I would ask that this House be allowed the right to go into this, that our people are given a right during the time that the Committee is sitting to air the views that they have and that the Committee naturally will listen to groups and/or individuals who make or submit will take into consideration I should say any views or any proposals that are put forward to them either from the group or from individuals. I would hope, Mr. President, that in the next three months when we come back here we can probably come to the decision at least knowing where we're going on this very important issue and not leave it and keep putting it off from time to time. I believe that we must face major issues early, deal with them thoroughly, deal with them with the gravity which they deserve to be dealt with, but as one of the Members said yesterday I believe to constantly put it off is a mistake and an injustice.

With that, Mr. President, I support the motion for moving this into a Committee and as usual I assure this House and my people that I will do all that I can to have the facts and the law clearly dealt with and thoroughly dealt with and narrowly dealt with and will do my endeavour to carry out whatever are the wishes of the majority, Sir. I thank you.

MR. SPEAKER: Are there any other speakers who wish to speak on this Motion? Does the Honourable Mover wish to reply?

MR. CRAIGNOR EBANKS: Mr. President, I have been hearing for quite sometime about the generation gap. I am wondering what is the difference between a normal born infant today and yesterday, why we talk about a generation gap.

This Motion, Mr. President, is one with many surroundings. I will not go into details of my full feelings on this matter at this time since it was proposed, and if it hadn't been removed in the drafting of the Motion I still think that that would have been the proper course for it to go to a Select Committee of the whole House to study the Motion. Nevertheless I do admit that as is today we have got somewhat of a straddled age group. The age seems to start at 17 and end at 25 so there is a gap in between this - while the 17 year old can obtain certain privileges the 18 can obtain other privileges then it goes to the 21, and according to some Insurance Laws dealing with motor insurance particularly one cannot get a comprehensive insurance until he is 25 unless he pays through his kids for it. So you do have this vast straddle as I have said of the age group that undoubtedly should somehow, some way be brought to one area, one post some place. I am not thinking, or suggesting or proposing any one plan at this time.

It has been some argument from time to time with debates in this House dealing with matters that arose under the teenager was involved as to voting and paying taxes and all the rest of it, going to war and getting a job, getting married - I know all of these there has been some debate in here - but if the question the Motion is asking what should be the age limit as to defining it as a majority and I feel, as I said, a moment ago with what seems to be the different fields of the age group at this time it is getting time that some consideration should be given to try to reach a happy medium. Which I don't know before it is finished if it may not be just as controversial as the Development Plan might have been at one time.

I remember, Mr. President, when it was brought to this - not the present Assembly I don't mean that - but during some of my earlier days in the Assembly when the straps should be taken out of the school and the strap should be taken out of the Police Department -

MR. CHADDOCK SPARKS: (CONTINUING): it hasn't helped our country and in no other country and I argued that and I didn't support it and I wouldn't and I wouldn't, because I didn't see that it was going to do any good, and it didn't. Now if the teacher takes the opportunity to give a child a spank the parents go and jump on top of the teacher. Many a country ... that was asked to follow is suffering today double beyond what even we are suffering. The death penalty was removed now we have countries clamouring to bring it back into effect. I feel that all of that has been caused - why all this hijacking and what not come into the world has been because we have eliminated/attempted to eliminate punishment too lenient. I feel it is easier to live good than it is to live bad.

I am prepared, Mr. President, to give as much time as one can give in dealing with this when it goes to the Select Committee, but even before that or even during the committee stage I intend to have meetings with my constituents to help guide and direct me to how they feel it should be dealt and what steps should be taken.

So at this stage, Mr. President, I will not elaborate in any manner in any way but I am sure that we will have to be cautious and careful and deal with this to the best of everyone concerned taking into consideration that we will have to face the public and deal with them, get their views and their feelings. I know that there are many in the younger group that will not want their age limit touched in any way except make it lower for one and everything, but however we see it fit or see it best we will try to tackle it in fairness and dealing, as I said, wholly with it through and by the help and the guidance of the public. So at this stage, Mr. President, I will not have any more to say on it - and again I will say I will give all of my time that I can to help remedy this grievance among some or all I suppose - the young feel today that in our day and age we didn't have anything to look forward to but they have something to look forward to today. Well I don't know that we would mature any faster or took any longer to mature but that is the thing - I know that some people mature earlier than others, some never mature if they get one hundred - but it is the question and I am prepared to help tackle the situation and to do my little part. I thank you.

HON. V.H. BANNICK: Mr. President, Sir, I want to thank the Honourable Member who seconded my Motion and also the Honourable and Learned Member for Health, Education and Social Services. He added most usefully to the catalogue of disabilities which I mentioned and I am obliged to him for his support on my Motion. I am also most grateful to the Honourable Member for North Side, as usual I found his words worthy of great respect and I look forward to the contribution that he can undertake to make when the matter goes into committee.

I have nothing further to say, Sir, I leave the matter now to the House to decide whether it wants to take the matter to committee.

QUESTION PUT: AMENDED, DISAPPROVAL MOTION NO. 5 PASSED.

MR. PRESIDENT: It is now necessary to decide the quorum for the Select Committee. It is not a committee of the whole House, although it is a Select Committee comprising all Members of the House. The quorum under Standing Order 74 of a committee of the whole House is 7 Members in addition to the Chairman and if that is acceptable to Honourable Members we could so decide this quorum for the Select Committee.

Is that satisfactory to the House? Well we'll take the quorum to be the Chairman plus seven, and under the Standing Order governing the Chairmanship of Select Committees - under 69 (2) - I shall nominate the Attorney General the Honourable Second Official Member of Executive Council as Chairman of the Select Committee.

Before I suspend proceedings for lunch perhaps the Honourable Member presenting the Development Plan documents could indicate whether it is likely that we'll be able to resume debate on it

MR. PRESIDENT: (CONTINUING): this afternoon. Is it possible to have the map re-presented by half past two?

HON. C. HAIG BODDEN: Yes, Mr. President.

MR. PRESIDENT: Well in that case I suggest that we suspend now for lunch and return at half past two. We might continue with the motion on the Development Plan document, following that, I think the Lady Member has returned, the Third Elected Member for George Town, her question might be taken this afternoon. I think there is possibly a chance that we might conclude our proceedings this afternoon. So I'll suspend proceedings until 2.30 this afternoon.

HOUSE SUSPENDED AT 12.30 P.M.

HOUSE RESUMED AT 2.30 P.M.

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

CONTINUATION OF DEBATE ON GOVERNMENT MOTION NO.3

HON.G.HAIG BODDEN: *Mr.President, we are still dealing with Government Motion No.3 and as many other amendments were offered other than the four I put forward, we had decided to lay with maps so that these matters could be put into writing. I am afraid we are still in the same position as when we adjourned - I have not yet received these instructions, so I would ask the House to proceed with passing this motion or rejecting it with these four amendments to the map and whatever other amendments may be wanted would have to come at some time in the future. I don't think we should delay the business of the House any further and for the benefit of the House I can read the instructions which we would want the Clerk to forward to the Planning Department so that these four items will be fixed on the map.*

No.1 is that the foot-path from East End to the Great Beach be shown as a proposed Public Road.

No.2 is that the area east of the West Bay Road now shown as Hotels/Tourism be designated commercial.

No.3. That a half-mile of the scenic coastline on the north east side of the Island be changed to hotel-tourism. This half-mile is the beach area at Great Bluff.

No.4. That the proposed new road running parallel to the George Town - West Bay road be deleted from the map.

Mr.President, I have just been instructed that the further proposed amendments are ready and can be added to this list.

Those other amendments are attempting to change areas on the map previously designated as residential only to Beach Resort Residential and the three areas mentioned are, one in Old Man Bay, one in Gun Bay and one in Barkers. The one in Old Man Bay is situated as follows -

North by the Sea
South by the Public Road
East by eastern boundary of Parcel No.57A16
West by western boundary of Parcel No.52A63 excluding existing commercial areas and public open space.

The registry maps are here and can be attached for the purpose of the House.

The same thing applies to Gun Bay - the map is available and shows the area to be changed in Gun Bay as
North by northern boundary of Parcel No.75A130
South by southern boundary of Parcel No.57A47
East by the sea
West by the Public Road.
The other area to be changed in the Barkers area is
North by the Sea
South by the Public Road
West by the eastern boundary of Parcel 18A8
West by western boundary of Parcel 39D24

The registry maps are here to be attached for the record of the House. This can be passed on to the Clerk.

This, Mr.President, will give very vague idea of the complexities of dealing with a map for the entire Island, but the effect of these amendments will be to change certain specific areas to beach resort

HON. O. HAIG BODDEN: residential areas.

MR. CHADDOCK EVANS: Mr.President, if I may ask then, what happened to the proposed areas in the Water Bay areas.

HON. O.HAIG BODDEN: Mr.President, I don't have any instructions on that particular area, but I do think that the Committee had decided on such a thing for the Rum Point Area -- I am afraid if the Member could help to pin-point the specific area -

Mr.President, this is a copy of the registry map of the area mentioned by the Member from North Side and on it the areas that are suggested as public open spaces. This amendment would mean that these areas, if this is accepted by the House, would be earmarked for public open spaces, public beaches and would have to be acquired by Government, if not already in Government possession, and under the law, if not acquired within a year, would no longer be set aside as a public open space as known. So this amendment would be altogether different from the other one. So, if I can sum up again, Mr.President, the request is made that amendments be made to the map before it is finalised to

1. Delete the proposed road between West Bay and George Town.
2. To change the area east of the West Bay Road from hotel/tourist to commercial.
3. Also to change the sandy shoreline in Bluff Bay to a beach resort.
4. To change the residential areas in Sun Bay, Old Man Bay to beach resorts.
5. To change the Parkers area to a hotel/condium rather than a beach resort.
6. And to declare the areas in what I call the Big North Side area as public open spaces.

And, finally, to make it plain, although there is already a foot-note on the map, that the proposed roads for through Town are deleted and the proposed road to West Bay also deleted.

Mr.President, the Members were all present at the meetings of the Select Committee and they probably appreciate the difficulties in putting into map-form the many suggestions that were made in that committee and so I would ask that they accept the map with the recommended changes which the Chair will direct the Central Planning Authority to make on the map.

MR.PRESIDENT: Are there any other speakers to this Motion? I would remind Members of the terms of the motion by adopting this the Assembly will be approving the Report of the Select Committee held on the Draft Development Plan and the various documents - they are approving the Planning Statement of the Cayman Islands which was drafted in Select Committee and they are approving the accompanying map, which has been circulated to Members with the various amendments which have been marked by the Mover of the Motion.

So I will put the question - Will those in favour please say Aye?

MEMBERS: Aye.

MR.PRESIDENT: Those against -- No. The Ayes have it.

GOVERNMENT MOTION NO.5 PASSED.

MR.PRESIDENT: Now the motion has been passed it would probably be an appropriate time to continue with the reporting and Third Reading of the Bill which we considered earlier in Committee and which was held up for the insertion of the date on which this last motion was passed.

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1977

REPORT THEREON

HON.CARLY BODDEN: Mr.President, I have to report that a Committee of the House examined a bill entitled The Development and Planning (Amendment) Law, 1977 and passed it, subject to the insertion in section 6 of the date on which a resolution of this Legislative Assembly made the Development Plan a reality and would not that at this time the date, the 28th day of July, be inserted in section 6 of the amended law.

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

CLERK: The Development and Planning (Amendment) Law,1977.

THIRD READING

HON.C.RAIG BODDEN: Mr.President, I beg to move that a bill entitled the Development and Planning (Amendment) Law, 1977 be given a third reading and passed.

HON. TRUMAN BODDEN: I second that, Mr.President.

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

MR.PRESIDENT: This leaves us only with Item 3, Questions on today's review of the Day and with the Leave of the House will ask that we proceed with this Item of Business.

QUESTIONS

MISS ANNIE H. BODDEN, THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE MINISTER FOR FINANCE AND DEVELOPMENT.

1. (a)WILL GOVERNMENT STATE IF ANY OUTSIDE 'EXPERT ADVICE" HAS EVER BEEN OBTAINED IN REGARD TO INSURANCE OF GOVERNMENT BUILDINGS,ETC.?
(b)WHAT IS THE REASON WHY THE ADVICE OF CAYMAN INSURANCE BROKERS, LIMITED , (WHO ACCORDING TO THE PRESS ARE GOVERNMENT ADVISERS), WAS NOT SOUGHT IN THE MATTER WHEN THE LAST INSURANCE CONTRACT WAS BEING NEGOTIATED?
(c) IS GOVERNMENT ABLE SATISFIED THAT IN CASE OF A CASUALTY THE INSURANCE CAN BE COLLECTED WITHOUT DIFFICULTY FROM THE PRESENT INSURERS?
IF THERE IS ANY DOUBT, WILL GOVERNMENT SEEK IMMEDIATELY TO REMEDY THE SITUATION?

ANSWER TO PART (a):
PRIOR TO MARCH OF THIS YEAR NO EXPERT ADVICE HAS EVER BEEN OBTAINED IN REGARD TO THE INSURANCE OF GOVERNMENT BUILDINGS,ETC.

ANSWER TO PART (b):
IT IS NOT CORRECT TO STATE THAT THE ADVICE OF CAYMAN INSURANCE BROKERS LIMITED WAS NOT SOUGHT. CAYMAN INSURANCE BROKERS LIMITED WHO ON THE 17TH MARCH, 1977, OFFERED TO REPRESENT GOVERNMENT IN INSURANCE MATTERS WERE ADVISED ON THE 17TH MARCH THAT THE PUBLIC TENDERS COMMITTEE WOULD HAVE TO CONSIDER ALL THE TENDERS RECEIVED AND MAKE ITS RECOMMENDATION INDEPENDENTLY.
THE TENDER DOCUMENTS WERE PREPARED BY CAYMAN INSURANCE BROKERS AND FORWARDED BY THEM TO ALL THE COMPANIES ON THE 4TH APRIL, 1977.
THE BIDS RECEIVED WERE OPENED ON THE 5TH MAY IN THE PRESENCE OF THE

REMAINING DIVISION OF CAYMAN INSURANCE BROKERS LIMITED AND PASSED TO HIM FOR SCRUTINY, EVALUATION AND RECOMMENDATION. ON THE 17TH MAY HE RETURNED THEM WITH HIS REPORT AND A SUMMARY OF THE QUOTATIONS. THESE WERE IMMEDIATELY CIRCULATED TO ALL SIX MEMBERS OF THE PUBLIC TENDERS COMMITTEE WHO MET ON THE 19TH MAY AND RECOMMENDED ACCEPTANCE OF THE TENDER BY SUN ISLE INSURANCE CO. WHICH WAS APPROXIMATELY $21,000 LOWER THAN THE NEXT LOWEST.

ANSWER TO PART (c)

ARRANGEMENTS SATISFACTORY TO GOVERNMENT ARE BEING MADE BY THE LOCAL COMPANY TO WHOM THE CONTRACT HAS NOW AWARDED FOR THE PAYMENT OF CLAIMS ARISING THEREAFTER SHOULD ANY NECESSITY ARISE. THERE IS NO DOUBT AT PRESENT THAT THESE ARRANGEMENTS WILL CREATE ANY PROBLEMS.

SUPPLEMENTARIES:

MR. GEORGE SMITH: Mr. President, a supplementary question. Would the Member care to state or explain I should say, how it is that the Premier, the Honourable Leader Opposition has stated that MEM has terminated a particular portion of this insurance agreement?

HON. V.C. JOHNSON: Sun Isle Insurance Company places the entire through Motor Owners of Jamaica. Motor Owners of Jamaica covers about 1% of the insurance portfolio - the balance of it, 99% is placed with large re-insurers in other parts of the world.

MR. WOLCOTT EBANKS: Mr. President, if I may ask a supplementary. Where is the head office of Sun Isle?

HON. V.C. JOHNSON: Sun Isle is a local Company, local insurance company. They are insurance representatives.

MISS ANNIE H. BODDEN, THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

WILL GOVERNMENT STATE EXACTLY WHAT IS THE POSITION IN REGARDS TO CAYMAN AIRWAYS LIMITED, WHETHER THE COMPANY WILL CONTINUE TO BE AFFILIATED WITH LACSA IN THE FUTURE OR NOT?
IF CAYMAN AIRWAYS IS TO ACQUIRE ITS OWN PLACE, HOW WILL THE VENTURE BE FINANCED?

ANSWER:

THERE HAS BEEN NO CHANGE IN THE BUSINESS ARRANGEMENTS BETWEEN CAYMAN AIRWAYS LIMITED AND LACSA. THE AFFILIATION WILL CONTINUE UNTIL SUCH TIME AS THE BOARD OF DIRECTORS OF CAYMAN AIRWAYS RECOMMENDS OTHERWISE.
IF CAYMAN AIRWAYS IS TO ACQUIRE ITS OWN PLACE, RECOMMENDATIONS FROM THE BOARD OF DIRECTORS WILL BE MADE TO GOVERNMENT REGARDING THE FINANCIAL ARRANGEMENTS.

SUPPLEMENTARIES:

MR. GEORGE SMITH: Mr. President, supplementary question. Will the Member care to state whether Lacsa has stated verbally or in writing their intention to withdraw from the agreement with Cayman Airways or take back their plane in the near future?

HON. V. C. JOHNSON: Information was made earlier in the year that they would perhaps need the aircraft towards the end of the year, but they have come back and given an assurance to Cayman Airways that they would not withdraw the aircraft until such time as Cayman Airways had made suitable alternative arrangements.

MR. ORLEEN SMITH: Supplementary question, Sir. According to the present agreement with Lacsa how much time is required before they can legally call back this plane?

HON. V.C.JOHNSON: I think the time period is three months.

MR.JOHN McLEAN: Further supplementary, Mr.President. I wonder if the Member could say what would happen to us if Lacsa decided within those months they wanted the plane and we could not find a plane within that time to take up route?

HON.V.C.JOHNSON: Your guess is as good as mine.

MR. WILMOTH EBANKS: A further supplementary. Under the present arrangement who has effective control of the aircraft, Lacsa or Cayman Islands Government?

HON.V.C.JOHNSON: The aircraft is owned by Lacsa Airlines, it is leased to Cayman Airways. The effective control is therefore with Lacsa.

MR.JOHN McLEAN: Mr.President, I understood the Member my guess is as good as his - I don't think we should really be guessing about these things. I am wondering if that agreement between Lacsa and Cayman Airways is a proper one?

MR.PRESIDENT: I am not sure if that is designed to be a question or a reflection.

If that is the end of the supplementaries we can move on to the next question.

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

WHAT WILL BE THE COST OF ESTABLISHING A CAYMAN NEWS BUREAU IN GEORGE TOWN AS ANNOUNCED IN THE CAYMANIAN COMPASS OF THE ISSUE OF JUNE 8TH 1977? HAS THE HEAD OF THE NEWSPAPER BEEN AND WILL WORK FULL-TIME IN GEORGE TOWN ARRIVED AS YET, AND HOW MANY OTHER PERSONS WILL BE EMPLOYED IN THE NEWS BUREAU, AND WHAT SALARIES WILL THEY RECEIVE? WHAT IS THE REASON WHY THE OTHER NEWS MEDIA HAS BEEN CHANGED?

ANSWER:

UNTIL JUNE OF THIS YEAR THE TOURISM PUBLIC RELATIONS WAS HANDLED OUT OF A NEW YORK OFFICE BY ONE PERSON AT A COST OF APPROXIMATELY $60,000.00 PER YEAR INCLUSIVE OF EXPENSES WHICH WERE MAINLY IN THE FORM OF AN EXPENSE ACCOUNT OVER WHICH IT WAS WELL NIGH IMPOSSIBLE TO MAINTAIN ANY CONTROL. IN ADDITION THE CAYMAN ISLANDS TOURISM DEPARTMENT WAS HOUSED IN THIS OFFICE AND FOR THIS SPACE CAYMAN ISLANDS GOVERNMENT PAID SEVERAL THOUSAND DOLLARS PER YEAR AND THE TOURISM REPRESENTATIVE WHO WAS PAID OVER US$10,000.00 PER YEAR IN EXTRAS DID MAINLY SECRETARIAL WORK FOR THIS GENTLEMAN AND WITH TOLL-FREE AND OTHER OFFICE EXPENSES THE TOTAL AMOUNT SPENT WAS APPROXIMATELY US$25,000.00 PER YEAR. NO RECORD WAS KEPT IN CAYMAN OF PRESS RELEASES AND MORE EMPHASIS FROM TIME APART FROM TRADE STORIES WHICH WERE VERY FEW THIS PUBLIC RELATION FIRM WROTE AND PLACED ONLY TWO GENERAL TOURISM STORIES ABOUT THE CAYMAN ISLANDS YEARLY. WHEN THE FILES OF PRESS RELEASES AND CLIPPINGS FOR 1976

WERE REQUESTED THEY WERE SUDDENLY FOUND TO BE MISSING. THE PRESENT ARRANGEMENTS WITH THE NEW SIX-MAN HILL STAFFER OFFICES IN NEW YORK, MIAMI AND GRAND CAYMAN AT A TOTAL COST OF APPROXIMATELY CI$77,664 INCLUSIVE OF EXPENSES. IT WILL BE SERVED BY THREE OFFICES INCLUDING THE LOCAL OFFICE WHICH IS EXTREMELY IMPORTANT FOR MAKING LOCAL NEWS RELEASES FOR THE LOCAL PRESS AS WELL AS CHANNELING THEM TO THE OVERSEAS OFFICES. [illegible] OF A CAYMAN BORN MONEY HILL DEPARTMENT WILL NOW HAVE TWO FULL-TIME EMPLOYEES IN GRAND CAYMAN WHICH MEANS THE LOCAL ECONOMY WILL BENEFIT BY NEARLY HALF OF THE MONEY SPENT LOCALLY. THE U.S. OFFICES WILL HAVE THREE PART-TIME EMPLOYEES. THE LOCAL OFFICE IS NOW TEMPORARILY STAFFED UNTIL THE PERMANENT STAFF ARRIVE IN A FEW WEEKS. SALARIES OF THE STAFF ARE THE RESPONSIBILITY OF THE COMPANY AND NOT OF THE GOVERNMENT. THE MINERS MADE THEIR CHARGES AND ALLEGATIONS THE DAY BEFORE AND MEMBERS OF EXECUTIVE COUNCIL HAD THE NIGHT TO SEE A CLERK AND HAS PERUSED THE ACCOUNTS, FILES, AND CONTRACTS THAT COULD BE FOUND.

MR. GILSTON EXIT: [illegible] I would like to move a motion under Standing Order 24 (3) (viii). I move that a committee of seven [illegible] of this Honourable House be appointed with a quorum of three to investigate cost, payments and other matters [illegible] and similar companies or persons and work done by them and to report back to this Honourable House.

MRS. ESTHER BRAVO: [illegible]

MR. PRESIDENT: [illegible] Standing Order 24 (3) (viii) Sir?

MR. MARCO MILLS: Standing Order 24 (3) (viii), Sir.

MR. PRESIDENT: Could a copy of the motion be supplied to the Clerk, please, so that I can read it out for the benefit of the House?

CLERK: I move that a committee of seven members of this Honourable House be appointed with a quorum of three to investigate cost, payments and other matters to news media and similar companies or persons and work done by them and to report back to this Honourable House.

MR. PRESIDENT: Well, the motion to be moved out by the Clerk - it is properly moved under Standing Order 24 (3), which allows a motion of this kind to be made without notice, at once at the end of question time and when all other business of the House has been dealt with. The motion is open for debate.

HON. V. ARCHER: Mr. President, could I have the motion, Sir, as it is written?

Mr. President, sorry to hold the House up, I just wanted to see the wording of the motion because I thought that an amendment could be suggested. The honourable Member is requesting that the Legislative Assembly appoint a committee of seven members to carry out investigation of certain accounts. Mr. President, this Honourable House is dissolving in a few days time, and I think that that is the body that should be requested to carry out any examination of any of the accounts requested by this Motion. I think the motion here could carry a simple amendment to request the Public Accounts Committee of the Legislative Assembly to investigate this matter and to report its findings to the House at the earliest possible date.

HON. V. G. JOHNSON (CONTINUING): I don't see really that there is a need to appoint a special committee to do this particular investigation, and I would like to move this amendment to the motion, to say that the Public Accounts Committee of the Legislative Assembly be requested to investigate this matter and to report its findings to the House at the earliest possible time.

HON. G.H. FOSTER: I would second that amendment, Mr.

HON. JAMES M. BODDEN: Mr. President, being the Minister responsible for this Department I would very much like to see the committee be established to check into it, because there has been, Mr.President, from our own Departments, no support from within and I think that this matter should be brought out once and for all and I think it should be done by a committee of this House who should check into it.

There is a lot of support probably being given to people on the outside from within the Departments to remain unable and I think that once and for all we should put it out in the open where the actual problem laid.

There has been much skepticism that gave us to why certain changes were made and much crying and gnashing of teeth because certain people were fired by myself, and I think that if it has got to be this way, I did not want it this way, but if it has to be this way that it should come out as to what my actions reasons and findings were for making the decision, rather than to have it hang as a cloud any longer, Sir. It would have, this committee, would have much more and wider powers to deal with it than if it was done into a Finance Committee and I feel that the Committee should be established and I feel that I should not be a member of that committee being that I am the one that has the information that would be relevant to this, and I would suggest that the Honourable Third Elected Official Member be appointed as Chairman of that Committee.

MR. PRESIDENT: Does anybody wish to speak either on the original motion or the amendment to the motion?

As there are no further speakers, I better put the question that the motion be amended as proposed by the Third Official Member of Executive Council. The effect of the amendment would be to refer the substance of the motion to the Public Accounts Committee. The amendment was moved in the following terms, that the Public Accounts Committee be requested to investigate the cost, payment and other matters to consultants and similar companies or persons and works done by them and report back to this Honourable House at the earliest opportunity. So I will put the question that the motion be amended, will those in favour please say Aye?

SOME MEMBERS: Aye.

MR. PRESIDENT: Those against, no.

SOME MEMBERS: No.

MISS ANNIE M. BODDEN: I abstain to vote, Sir, I am the Chairman of the Public Accounts Committee - I refuse to vote.

MR. PRESIDENT: I think the vote have it.

THE AMENDMENT TO THE MOTION FELL AWAY.

MR.PRESIDENT: I will now put the question on the original motion. It reads -

> That a committee of seven (7) members of this Honourable House be appointed with a quorum of three to investigate cost, payments and other matters re the media and similar organization re persons and work done by them and to report back to this Honourable House.

Will those in favour of the motion please say Aye?

MEMBERS: AYE.

MR.PRESIDENT: Those against, No.

MEMBERS: No.

MISS ANNIE E.BODDEN: I refuse to vote, Sir.

MR.PRESIDENT: Again, I think the Ayes have it.

GOVERNMENT MOTION NO.3 WAS PASSED

MR.PRESIDENT: It now falls to appoint seven Members of the House to form the committee. Can I have nominations, please?

HON.JAMES M.BODDEN: Mr.President, I nominate the First Elected Member to Executive Council as Chairman of the Committee.

MR.GEORGE SMITH: I second the motion. Mr.President, I wish to nominate the Member for East End.

HON. TRUMAN BODDEN: I second that, Sir.

MR. CAMERON SMITH: Mr.President, I would like to nominate the Second Elected Member from George Town to serve on this committee.

MR. DALMAIN EBANKS: I second that, Sir.

HON.JAMES BODDEN: Mr.President, I would like to move that the Second Elected Member from West Bay serve on this Committee.

MR. CAMERON SMITH: Mr.President, being a member of the Public Accounts Committee I don't think I should serve on this.

MR.PRESIDENT: We are looking for four more Members.

LT.COL.CRADDOCK EBANKS: Mr.President, I move that Capt. Keith be nominated to the Committee.

HON. JAMES M.BODDEN: I second, Sir.

HON. TRUMAN BODDEN: Mr.President, I move that the Third Elected Lady Member from West Bay be nominated.

MR. JOHN McLEAN: I second that, Mr.President.

HON. TRUMAN BODDEN: Mr. President, I move that the Second Elected Member from Ea. Co., Mr. Bodden, be nominated.

MR. GEORGE SMITH: I second that motion, Sir.

HON. JAMES M. BODDEN: I move that the First Elected Member from West Bay be a member of the Committee.

MRS. ATHWAN FRANKS: I second that.

MR. PRESIDENT: That gives us seven nominations - are there any other nominations?

HON. D.A. FOSTER: That is excluding the Chairman?

MR. PRESIDENT: Excluding the Chairman, so there is one more to come.

HON. D.A. FOSTER: I make it seven members with the Chairman, Sir.

HON. JAMES M. BODDEN: I thought it was seven with the Chairman.

MR. PRESIDENT: If it is the Chairman plus 6 - we have enough nominations. The nominations are as follows -

The Honourable Chief Secretary...

HON. D.A. FOSTER: No, no, Sir.

MISS ANNIE H. BODDEN: No, Sir, Truman!

HON. D.A. FOSTER: Truman Bodden, First Elected Member..

MR. PRESIDENT: First Elected - sorry.

MISS ANNIE H. BODDEN: My God.

MR. PRESIDENT: First Elected Member of Executive Council, MR. TRUMAN BODDEN as Chairman., the Honourable Member for East End , a Member, the Second Elected Member for George Town, Mr. George Smith, Member, Members for Cayman Brac and Little Cayman, Capt. Tibbetts, Member, The Third Elected Lady Member for West Bay, Member, the Second Elected Member of Executive Council, the Honourable Holy Bodden, Member, and the First Elected Member for West Bay, also a Member.

Well, I will put the question that the Chairman should be the First Elected Member of Executive Council and that the six other members should be as read out. Will those in favour please say Aye?

MEMBERS: Ayes.

MR. PRESIDENT: Those against No. The ayes have it. I think that technically there is a slight inconsistency and that the appointment of a Chairman, under Standing Orders is a matter for the President, Chairman of a Select Committee but I am pleased to appoint the First Elected Member of Executive Council as Chairman of the Committee.

MR.PRESIDENT: Is there any other business before this Assembly at this meeting?

HON.G.MAIG BODDEN: Mr.President, I think there was a motion in the name of the General Elected Member from West Bay which I think should be withdrawn, since the motion we dealt with was technically brought under that funny section there, 6(1) of (2) and (2) of something.

MR.PRESIDENT: Well, the motion has not yet been placed on the Orders of the Day because insufficient notice had been given, so I think technically it lapses.

HON.JAMES M.BODDEN: Mr.President, I think we have two more questions to deal with, Sir.

MR.PRESIDENT: I think that this means that if these should not appear on the Order Paper and we have completed our main business the Lady Member would get, if the House adjourned today, she would get written replies to these questions, instead of an oral reply.

MISS ANNIE H.BODDEN: Mr.President, anything will satisfy me now, Sir.

ADJOURNMENT

HON. D.F.FOSTER: Mr.President, I move that this House be adjourned sine die.

HON.V.G.JOHNSON: I beg to second the motion.

Before the motion is taken, Mr.President, could I invite all elected Members of the Legislative Assembly to join me in the Committee Room for a Meeting of the Finance Committee, immediately following the adjournment here?

QUESTION PUT: AGREED.

MR.PRESIDENT: The Assembly consequently stands adjourned sine die, and unless matters of importance arose between now and November, it is unlikely that the next meeting of the Assembly will be the Budget Meeting towards the end of the year.

AT 3.30 P.M. THE HOUSE ADJOURNED SINE DIE.

FOURTH MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY
THURSDAY, 10TH NOVEMBER, 1977

PRESENT WERE:-

HIS EXCELLENCY THE ACTING GOVERNOR, MR. D.O. FOSTER, MBE., JP. PRESIDING

GOVERNMENT MEMBERS

HON. T.N. McCOY, MBE., MHA., JP.	FIRST OFFICIAL MEMBER
HON. DAVID R. BARWICK, CBE.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, MHA.	THIRD OFFICIAL MEMBER
HON THOMAS M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. HODDER	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. DALMAIN D. 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 L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE R. HUBER, OBE.	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, JP.	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN H. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

O R D E R S

OF THE DAY

FOURTH MEETING AND BUDGET OF THE LEGISLATIVE ASSEMBLY

COMMENCING TUESDAY, 15th NOVEMBER, 1977 AT 10 A.M.

1. PRAYERS - REV. DR. NEIL BATES.

2. THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1978 TO BE LAID ON THE TABLE BY THE HONOURABLE V. G. JOHNSON, O.B.E. FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER OF THE LEGISLATURE.

3. THE APPROPRIATION BILL, 1978 - FIRST AND SECOND READINGS FINANCIAL STATEMENT BY THE MEMBER IN CHARGE OF THE BILL THE FINANCIAL SECRETARY.

4. GOVERNMENT BUSINESS:-

BILLS:-

(a) The Customs (Amendment)(No. 3) Law, 1977 - 1st and 2nd readings (SUSPENSION OF STANDING ORDER 47 FOR THIRD READING.

(b) The Companies (Amendment) Law, 1977 - 1st and 2nd readings (SUSPENSION OF STANDING ORDER 47 FOR THIRD READING.)

(c) The Tax Collection (Amendment) Law, 1977 - 1st and 2nd readings (SUSPENSION OF STANDING ORDER 47 FOR THIRD READING)

(d) The Stamp Duty (Amendment) Law, 1977 - 1st and 2nd readings (SUSPENSION OF STANDING ORDER 47 FOR THIRD READING).

(e) The Companies Protection (Amendment) (No. 3) Law, 1977 1st and 2nd readings (SUSPENSION OF STANDING ORDER 47 FOR THIRD READING)

GOVERNMENT MOTION NO. 11 - CINEMATOGRAPH FEES TO BE MOVED BY THE FINANCIAL SECRETARY.

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BUDGET AND FOURTH MEETING OF THE LEGISLATIVE ASSEMBLY
THURSDAY, 10TH NOVEMBER, 1977.
10.00 A.M.

MR. PRESIDENT: The Assembly is now in Session, and I invite the Reverend Neil Banks to say prayers.

REVEREND NEIL BANKS: Let us pray.

Almighty and everlasting God, our Heavenly Father, the opening of this Session of the Legislative Assembly we ask our special prayers for Thy guidance and Thy help for them. In the midst of the changing time in which we live with all the tension all the problems, that they may be so guided as to keep these Islands a place of peace, a place of quiet.

We pray Heavenly Father for all who have ruled over these Islands, for Her Majesty the Queen, the Members of the Royal Family, for the Acting Governor of these Islands, the Executive Council, and again, especially for the Members of this Assembly here gathered. Bless and guide them in this Session, in Jesus name we ask it, Amen.

MR. PRESIDENT: Please be seated.

The first item on the agenda is the Draft Estimates of Revenue and Expenditure for 1978 to be laid on the Table by the Honourable V.G. Johnson.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE TO BE LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay the Draft Estimates of Revenue and Expenditure for the year 1978 on the Table of this Honourable House.

MR. PRESIDENT: So ordered.

The next item on the agenda is the Appropriation Bill, 1978, First and Second Readings.

THE APPROPRIATION (1978) BILL, 1977

FIRST READING

CLERK: The Appropriation (1978) Law, 1977.

MR. PRESIDENT: The Bill is deemed to have been read a First time.

SECOND READING

CLERK: The Appropriation (1978) Law, 1977, Second Reading.

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the Second Reading of a Bill entitled "The Appropriation (1978) Law, 1977".

BUDGET ADDRESS

DELIVERED BY

THE HONOURABLE V. G. JOHNSON, O.B.E.

FINANCIAL SECRETARY

TO

THE LEGISLATIVE ASSEMBLY

AT THE

BUDGET SESSION FOR THE YEAR 1978

HELD ON THE 10th NOVEMBER, 1977

Mr. President,

It is now my pleasure to present the 1978 budget. This address will take the usual pattern of brief comments on the economy followed by the financial statement.

The Year 1977

The Economy

It is said that the Cayman Islands has achieved one of the highest rates of growth in the Caribbean in terms of economic prosperity. Proof of this lies in the country's physical make-up which developed so rapidly in recent years. The unparalleled period of financial growth and commercial prosperity slowed down tremendously in 1975, the year of the recession, and these Islands are still experiencing lagging economic recovery, the same as most of the industrialized world where optimistic forecast of recovery resulted in disappointment, and where events are now leading to a more cautious and realistic attitude in projecting the future course of the economy. Nineteen Seventy-seven is the third year of the recession and it is encouraging to state that in the course of the past eight months since the last Budget Session there have been continuing signs of improvement in economic activities here in the Cayman Islands.

One of the continuing highlights of the economy is tourism. After a slow start in January 1977 the months before the close of the season in April proved to be the best of any year. Hotel occupancies, however, with the exception of August were lower during the summer of 1977 than the corresponding period of the previous year. The first nine months of this year indicated a 5.4% gain in stay-over arrivals, and 4.5% increase in cruise ship passengers.

Another bright spot of the economy is the financial industry. In the past twelve months there has been a steady growth in the number of banks and trust companies engaged in the offshore business: the total licences issued have increased by approximately 10% over 1976. New licencees include some of the world's leading banks from Germany, Japan and Brazil. It is interesting to note that banks based in over twenty countries have established branches or subsidiaries in the Cayman Islands. Confidence in Government is still strong and the Cayman Islands continues to be regarded as a leading financial centre.

The estimated revenue this year from licence fees from banks and trust companies is 1.5 Million. It is seen that this year's growth rate in new licences will continue in 1978 and thereby increase income from this source. Licence fees were increased this year, therefore it is not likely that these fees will be reviewed again for a couple of years. From information provided by those banks and trust companies with offices in the Cayman Islands, we estimate that they spent approximately CI$7.4 Million locally in 1976 on staff remuneration, work permits and overheads. This is considered quite a sizeable contribution to the economy.

The construction sector of the economy has not been particularly active. Recently, however, some of the slack has been taken up by an increase in housing starts and in a few projects in the fossil industry. Even early 1978 Government had been encouraging a new large hotel. Such a project would alleviate some of the downturn in construction although it is not expected to exceed the activity of a few years ago.

The reduction in the rate of inflation that began in 1977 continued through 1978 and it is expected that the 1977 rate will be much the same unless any unforeseen price increases arise. In both 1976 and 1977 the rate was approximately 7.4%.

During 1976 and the first half of 1977 the major public projects undertaken were completed. These projects were mainly financed by loans and therefore, their completion has not reduced spending as new recurrent expenditure has been created in the form of loan servicing charges and greater maintenance and operation costs. As the vast majority of Government expenditure is comprised of essential items and in most cases a carry-over from 1976, the lack of buoyant revenue coupled with the effect of the economic activities has resulted in a budgetary deficit in 1977 of slightly under one million dollars.

On the brighter side, the smaller Islands of Cayman Brac and Little Cayman have been enjoying a period of increased economic activity due in the shape of ship to shore transfer off Little Cayman. At this point there is every indication that the pace of activity will increase.

The main aim of Government now is to improve the economy so as to achieve a safe and steady growth rate thereby improving living standards and avoiding unemployment problems. The unemployment situation at present is tolerable but it could become a problem area in the near future if preventative measures are not adopted early.

it is expected that there a marked recovery in business activities take place thus the Cayman Islands will reap some of the benefits and this will serve as a stimulant to growth. However, if there is not an upswing in the near future and the economic pattern remains unchanged, then we propose to capitalize on what we would have to rely heavily on old form and industries, ship registration and the oil transfer operation. Brief comments on these three areas of activities follow.

New Industries

The suspension of waiving customs import duty as an incentive to the establishment of new industries in the Cayman Islands has created to five applications during the first eight months of this year. Since then a number of other applications have been received and are being examined. These new industries are involved in the production of airpark (corrugated) roofs of trade, building material, paint and cosmetics. These forms of activity can serve the country well; they broaden the base of the economy by providing job opportunities as well as indirect contributions and benefits.

Ship Registration

A comprehensive study on the proposal to establish a port of registry in the Cayman Islands is now underway by two consultancies in the United Kingdom: one is provided by the local private sector and the other by the British Government. The completion date of the studies is not yet known, however, 1978 is seen as a year of much accomplishment in this respect. The registry is now very much improved and competently handled, and is ready to undertake any increase in the volume of business.

Oil Transfer

The ship to ship oil transfer operation at Little Cayman began in full scale in August 1977 and by the end of September 4,010,464 barrels of oil had been transferred from super-tankers to shuttle-tankers. The volume is expected to increase.

The proposed shore storage terminal development in connection with this operation is now under discussion with Government and prospects of an agreement and implementation of the project are quite good. The advantages of an oil storage and transfer terminal operation at Little Cayman in relation to its economic viability and need are being generally acknowledged.

Government receives a royalty payment per barrel of oil transferred to shuttle tankers or a monthly minimum payment whichever is greater. The operation also creates job opportunities and other direct and indirect benefits to the smaller islands. It is therefore, a welcome activity and one which, if developed as the promoters have planned it, could solve the economic difficulties experienced in the two smaller Islands over the past years.

Revenue

1976 ended in a better position than had been expected, and instead of a deficit of $417,116, the end of year deficit was only $73,108.

At the beginning of this year, it was estimated the 1977 deficit would be $761,260 but supplementary expenditure approved during the year would have produced an overall deficit of $1,225,473 at the end of the year. However, the revised figures indicated that the deficit will only be $958,424, a difference of $267,249 which resulted from improvements in revenue collections and the reduction in the previous year's estimated deficit.

The ordinary revenue for 1977 estimated at $12,591,864 is now revised at $12,758,669;an increase of $166,805. The 1977 revenue was fairly well estimated even if distributions were not exactly as projected. The revised revenue shows increases in the following areas. Customs $35,000, Harbour Dues (Warehousage) $22,500, Judicial $8,000, Postal $100,200 and Contributions 43,500.

Expenditure

Recurrent and capital expenditure for 1977 charged to ordinary revenue was estimated at $13,166,109 but during the year supplementary expenditure amounting to $474,112 was approved which increased total expenditure to $13,640,221. The revised figure is $13,645,805 a difference of only $3,662. The estimating was either very accurate or the spending very well controlled.

The following is a summary of the financial position for 1977 as stated above:

Balance on 1st January, 1977	-	($ 74,108) Deficit
Revised Revenue for 1977	-	12,758,667
Revised Expenditure for 1977 (Recurrent and Capital)	-	13,013,863
Balance at 1st January, 1978	-	(958,374) Deficit

Capital Expenditure

Capital expenditure for 1977 estimated at $2,956,418 was revised to $2,622,333. Capital expenditure is financed from three sources, local revenue, British Government aid loans and loans from commercial banks including Caribbean Development Bank.

Expenditure financed from local revenue was estimated at $1,401,870 and revised to $1,027,122. The increase is due to supplementary expenditure to the sum of $474,112 approved during the year. The main projects were the Port $606,000, Roads $218,000, Education $194,000, Medical $160,000 which included the cost of new x-ray equipment, and renovation of the Airport terminal building $110,000. The balance is made up of small items of expenditure.

Expenditure financed by British Aid Loans was estimated at $935,618 and revised downward to $815,621. Fall in expenditure is due to delay in projects approval some of which have been outstanding for two years and caught in the web of aid rules formality and procedure

Projects implemented or completed during 1977 are the Building Programme at the Cayman High School $77,000, Cayman Brac Airport $132,000, Public Works Stores, Boat Ramp and Security Fencing $66,000, and Land Registry Printing Equipment $13,500. It should be noted that the Cayman Brac Airport Project was implemented three years ago and because of delay in securing the required material and equipment the job is just nearing completion. We are most grateful to the British Government for this aid in the form of interest free loans.

Expenditure financed from interest bearing loans was estimated at $524,137 and revised downward to $381,590. This was mainly in connection with an additional loan from Caribbean Development Bank of $500,000 to assist the Port Project. The Bank approved a sum of $473,333.

Education

The Education Department continues to expand in staff and pupil population whilst enrolment increases sparkling. Expenditure under this head is now averaging 15% of Government's total revenue.

The 1977/78 academic year began with an enrolment of 2,545 pupils in all public schools of whom 1,215 are in secondary schools. While there have been considerable efforts in promoting education over the past seven years, there is still much room for improvement. This of course can be supported by the results of recent examinations. It is understood that action has been taken at the High School to institute improved measures of discipline in an effort to upgrade standards. Another area which bears looking at is the frequent change of staff, including the principal, at the school in the past. This can only result in variation of direction, attitude and approach, with bewilderment and frustration on the part of staff and particularly the students.

The Secondary School building programme continues with the addition of an Administration Block and three classrooms financed by British Aid funds. A walkway is now under construction to alleviate difficult conditions for movement of persons within the High School compound after heavy rains. The project is being financed from local revenue. A Science Laboratory was also added to the Cayman Brac Campus of the Cayman High School. The building programme will continue in 1978 with funds from local revenue and British Aid to improve accommodation in both the primary and secondary schools.

The year 1977 was designated by His Excellency the Governor as "Education and Training Year". Fifteen new students were awarded scholarships bringing to 41 the total number of Caymanians enrolled in institutions of higher education abroad. Of the 15 new students, nine are pursuing courses in teacher education. Government is sponsoring by special effort the upgrading of Caymanian teachers. The financial provision for scholarships in 1978 is $140,000.

Both education and preservation of school children are provided free by Government, but increasing financial demands have brought heavy pressure on the current revenue system, so that the stage is reached where all essentials for the schools cannot be provided, the education system will weaken and standards fall. This is why it might be appropriate at this time to re-examine Government's educational policy.

Health

Health services have progressed satisfactorily but there is yet the need for improvement in certain areas, in accordance with the development programme for the Department, if the service is to be upgraded to the desired level.

Medical fees are below the estimated figures for 1977, a similar pattern to that of 1976. The present level of fees represents only 10% of ordinary expenditure under the Department. This means that Government is subsidizing medical services to the tune of 90% barring capital expenditure. The improvement of Medical Services has been given top priority by Government, but as 10% of the cost cannot be met by the public through medical fees, continued improvement of the service will become difficult for Government to finance. However, assurance has been given by the Department that strict attention will now be paid to all areas of operation including fees collection.

Capital improvements consisting of a number of small projects were carried out at the Hospital in 1977 at a cost of approximately $150,000. This included new x-ray equipment and extension of the x-ray block. Many new capital expenditure proposals were put forward for 1978 but because of limitation of funds all could not go forward It is hoped that acceptance of capital development proposals will not affect the smooth operation of the Department; an issue improvement in staff number are being considered. The Department is now headed by a very qualified and professional doctor who was Head of the Department sixteen years ago and is well known in the Cayman Islands. He returned here this year after pension and is regarded as the leading Surgeon Specialist in the Caribbean. We are very fortunate to have such a person heading the medical services of these Islands There are other professionals attached to the Department, and the improved medical services in the Cayman Islands should greatly reduce the need for overseas medical care.

Social Services

A new head of this Department of Social Services was appointed in the latter part of 1977. Under his guidance the Department should operate effectively and efficiently.

Many activities are carried out under this Section of the Portfolio, too numerous to mention. They include care for all sorts and conditions of people, from prisoners to the handicapped.

One activity worthy of mention is Serenventure Home for boys built by Rotary Club of Grand Cayman at a cost of approximately $45,000. The Home which can accomodate up to 15 boys was donated to Government in June 1977. The Juvenile Court has already approved the admission of a number of boys. The expenditure provided for 1978 to operate the Home is $75,035. Contributions is also expected from parents for the maintenance of their boys in the Home if they can afford it.

Agriculture and Natural Resources

This Portfolio has responsibility for the Departments of Cadastral Survey, Lands and Surveys, Mosquito Research and Control, Agriculture and Planning. The Portfolio and all its departments functioned smoothly and efficiently over the past year.

Cadastral Survey

This section of the Portfolio closed down its operation on the 8th September, 1977, on which date an important landmark was reached in final adjudication covering four registration sections, as 1,070 parcels in Eastern Grand Cayman were released to the Department of Lands and Survey. By the end of this year all lands in the Cayman Islands, approximately 13,400 parcels, will have registered ownership.

Lands and Survey

The workload in this Department has increased as a result of the completion of land adjudication and the closing down of Cadastral Survey. All aspects of surveys will now fall from Cadastral Survey to Lands and Surveys. In order to provide Cayman Brac and Little Cayman with on-the-spot land registration facilities a small Land Registry Sub-Office was opened in Cayman Brac during 1977 with a limited service of two hours daily. The service will be expanded in 1978. This will cause transactions in those Islands to move more rapidly and avoid the delays experienced in the past when documents had to be processed through Grand Cayman. The Sub-Registry transactions will eventually be forwarded to the Central Registry for incorporation in the general records.

Mosquito Research and Control

Unusually high rainfall in May followed by a year drought in July made 1977 an ideal year for mosquitoes. However, because of the high degree of control mosquitoes did not become a nuisance beyond their habitat. Physical control, although hampered by frequent breakdowns due to the age of the heavy equipment, progressed well in dyke and canal construction in the Salt Creek and Batabano areas.

During the year studies on alternative insecticides and formulations were conducted with much success. A spray capable of killing sandflies was also produced. Aedes Aegypti mosquitoes completely eradicated thus freeing the Cayman Islands of the danger created by the presence of dengue epidemic in the area. Material and scientific aid was supplied by the Department through Pan American Health Organization to Jamaica and other Caribbean territories to combat the disease.

Agriculture

The Department continues to offer advisory and demonstration services to the farming public. Research was conducted during 1977 to determine the best variety of vegetables and the fertilizer needed for adequate off-season production. In the animal health section, research was also conducted on the seasonality of helminth parasites which is one of the major causes of sudden animal deaths in the Islands. The return of a member of staff from training in Guyana as an Animal Health Assistant should increase the Department's capability to cope with minor ailments of animals.

Planning Department

The main event of the year was the passing of a Development Plan and amendments to the Development and Planning Law and Regulations. On the administrative side, the Department approved 202 applications over the first nine months of 1977 for development projects valued at approximately $12 million. The value of development over the same period of 1976 was $6.5 Million.

Three major projects were completed in 1977 - Cocoplum Apartments, Turquin Manor Apartments and Silver Sands Apartments. A fourth, Galleon Beach Apartments, will be completed in early 1978. Another project by Grands Iles, was given planning approval in September but it is not likely that construction will begin before the end of the year. Approval in principle has also been granted for a hotel project at Barkers. It is the view that construction will continue next year at a pace similar to that of 1977.

The Year 1978

Revenue

The estimated ordinary revenue for 1978 is $16,703,902 that represents a 9.1% growth over the 1977 estimates. The main areas of increase are, Customs $426,000, Post Office $385,000 which includes sale of revenue stamps in connection with stamp duty on land transactions to the Office of Registrar of Lands, Departmental Revenue which consists largely of Companies Fees $297,000 and an estimated sum of $246,000 from a number of heads including Royalty from Oil Trading and contributions from Hotels to a Training Programme organised by the Ministry for Tourism, Aviation and Trade.

The revenue of $15,762,902 will be supplemented by new measures to be introduced early in 1978 to produce a total ordinary revenue in 1978 of $16,700,152. The new measures will be dealt with shortly.

There is capital revenue as well estimated at $2,205,473. This comprises British Aid Loan $801,200, European Development Fund $304,166 and local loans $100,000. The expenditure estimated for 1978 is therefore ordinary revenue $16,700,152 plus capital revenue $2,205,473 a total of $18,905,625

Expenditure

The total estimated expenditure for 1978 is $18,899,421 which is $6,204 less than the total estimated income for the year.

The expenditure is made up of recurrent $12,975,434, New Services $164,949 and Capital $7,759,437. Capital expenditure is further broken down into the following modes of financing, (i) local revenue $1,554,013, (ii) British Aid loans $801,258, (iii) European Development Fund $304,166 and (iv) commercial loans $100,000.

No comments need to be made on recurrent expenditure. The 1978 estimates exceeded the 1977 provisions by approximately 10% or $1,158,674 which has been the normal growth rate in past years.

In the case of New Services only absolutely important and urgent cases are recommended. Many more were requested but shortage of funds made it necessary to restrict some of the proposals.

Capital expenditure financed from local revenue was also trimmed by nearly 50% to $1,554,013 because of shortage of funds. The most important projects under this head are:

(i) Mosquito Research and Control $184,650 for a replacement spray aircraft and other equipment;

(ii) Medical Facilities $120,000 for certain improvement of facilities: this is just approximately half the amount requested;

(iii) Cayman Brac $100,000 for a Civic Centre requested from three years ago;

(iv) School Buildings $120,000 for improvement;

(v) Road Construction $342,000 to continue the reconstruction programme on Grand Cayman and Cayman Brac;

(vi) Lands $222,000 to provide for play fields in East End and Savannah, a site for the proposed new prison, airport lands in Cayman Brac and Grand Cayman and other purposes, and;

(vii) Government Vehicle $123,000 for various needs in Grand Cayman and Cayman Brac.

The balance under this section of capital expenditure comprises many small items.

The provision under British Aid Loans allocation is distributed to a number of projects including:

(i) Grand Cayman and Cayman Brac Airport Equipment $254,000;

(ii) Cayman High School building programme $140,000;

(iii) New Prison (phase 1) $170,000;

(iv) Sub Police Stations - a new Station for North Side and Extension to the West Bay Station $37,000;

(v) Vehicles for Public Works $95,906;

(vi) Work Shop Equipment $32,218, and

(vii) Radio Beacon $33,342.

The balance of the funds, $40,780 is to complete three projects approved prior to 1974.

The allocation under European Development Fund is a new item in the estimates. As an Associate Member of the European Economic Community the Cayman Islands represented by the United Kingdom, became entitled to development aid for local projects. The aid is administered through E.E.C.'s financial organization, European Development Fund. This Government was notified recently that E.E.C.'s authorities in Brussells had approved a sum of US$365,000 as the level of aid to the Cayman Islands over a three year period. The Cayman Islands is very grateful for the consideration and will apply the funds to a Cayman Brac Airport Runway project to increase the length of the field to accommodate larger aircraft. The cost of the project will require supplementation from local revenue.

The provision of $100,000 under local loan funds is to meet final payments on the Port Project.

The following is a summary of the financial position for 1974 as briefly outlined above:

Balance at 1st January, 1970		($ 50,324) Deficit
Estimated Revenue:		
Ordinary	$15,747,092	
New Measures	937,250	
Capital	4,295,621	20,979,963
Estimated Expenditure:		
Recurrent	14,979,435	
New Services	164,549	
Capital	2,750,437	17,894,421
	Deficit Balance	($ 52,560)

It should be noted that the deficit at the 1st January, 1970 is reduced by $1,755 at the end of the year.

New Revenue Proposals

The exercise over the past two months leading to the preparation of the budget, included a review of fiscal policies in conjunction with financial and economic considerations. It was clearly the view that a conservative, fire fiscal policy based on the present form of indirect taxation should continue.

The current revenue structure includes very few measures that are substantial in revenue production and these must in the interest of preservation of confidence in the country's tax laws operation, be restricted to review at well spaced intervals. It is felt that the future financing of Government expenditure in the short term, under the present revenue system may not present difficulties if there is effective control over spending together with a well organised system of revenue collection. This of course must be supported by a reasonable growth of the economy with greater input from areas such as ship registration and the oil transfer operation.

Nobody is enthused over new tax measures unless the proposals are to cut taxes. However, it is inevitable that while there is the willingness to restrict expenditure in areas of low priorities and where there would be little resistance, there must arise real urgent demands if Government is to support and upgrade its many services to the public. The expenditure proposals for 1977 far exceeded estimated revenue. It was therefore a matter that if a balanced budget was desirable, then sufficient new revenues to meet the shortfall would have to be raised; this was seen from a practical point of view as a physical impossibility and besides dangerous and harmful effects could result from such a course. On the other hand curtailing expenditures to the extent of presenting a balanced budget would also have been undesirable and produced equally harmful effects. It was therefore, decided to strike a happy medium by introducing new revenues to the extent possible, and trimming capital and new services expenditure to the required level.

The new taxation proposals will produce in 1978 $957,650. They will be brought into effect at the earliest possible date but not later than 1st January, 1978. It is hoped that all concerned and especially the local financial community will support these tax measures fully. The measures largely affect the off-shore financial industry and while there is no intention to shift the burden of tax responsibility to this area, the Cayman Islands does provide a really attractive base for international business operation for which a reasonable contribution is expected. Government has always had the fullest co-operation from the financial community and there is every confidence that it will continue. The following are the recommendations:

1. Companies Fees

A large source of revenue is companies fees. The estimated collections for 1977 and 1978 are $1.75 million and $2 million respectively. It was felt that increases in this area over the next few years, and well merited and since it was the only big item that could rank for review at this time, a modest increase in the categories would be recommended. Even with this increase, companies fees in the Cayman Islands would still be attractive in comparison with other tax havens. The following is proposed:

Ordinary Companies

(a) Incorporation Fees. This will continue to be 1/20 of 1% of the authorised capital but with a new minimum of $150 for a resident company (it is now $100), and $400 for a non-resident company (it is now $300), and a maximum of $1,200 for both categories (it is now $1,000).

(b) Annual Fees: To remain $150 or 1% of the authorised capital but with a new minimum of $75 for a resident company (it is now $50), and $250 for a non-resident company (it is now $150), and a maximum of $500 for both categories (it is now $500).

Exempt Companies

(a) Incorporation Fees: Will remain 1/10 of 1% of the authorised capital but with a new minimum of $750 (it is now $600), and a maximum of $1,600 (it is now $1,400)

(b) Annual Fees. To remain 1/20 of 1% of the authorised capital but with a new minimum of $475 (it is now $300), and a maximum of $1,700 (it is now $1,400).

Foreign Companies

A new fee of $600 on registration (it is now $500), and an annual fee of $200 (it is now $150).

The above adjustments are estimated to produce $630,000 per annum, and will become effective on the 1st January, 1978 by amendment to the Companies Law.

2. Petrol

It has been quite a long time since import duty on petrol was reviewed. All increases in price of fuel in recent years stemmed from producers and consequent escalation in price was so rapid that Government had no opportunity to consider tax increase on this item even if there was the desire to do so. Apart from the time factor since the last review, Government's claim at this time for an increase seems justifiable on two grounds. Quite large sums of money have been spent on roads improvement in recent years which has afforded motorists the advantages of longer vehicle life and savings on petrol in travelling on better roads. Secondly, from an equitable point of view this is a tax that spreads broadly across the local population and does not affect the tax haven operation as most other tax measures

It is proposed to increase the import duty on gasoline and diesel from 5 cents to 7 cents per gallon.

This measure will produce an additional estimated revenue in 1978 of $80,000 and will come into effect on the 11th November, 1977.

3. Gainful Occupation Licence

Gainful occupation licence under the Cayman Protection Law was reviewed and it was felt that the present fees could be increased and new categories of licence introduced.

It was also decided to recommend that all approvals embracing the top category (a) be granted for a maximum period of three years although the fee would continue to be paid annually. The following are the recommendations:

(a) Company directors (including Managing Directors and Assistant Managing Directors), Managers, Assistant Managers and other managerial personnel, the Senior partner of a partnership, doctors, lawyers, Accountants, Engineers, Architects and Professional Personnel.....$750

(b) Skilled tradesmen, technical secretarial and administrative workers..... .....$500

(c) Domestic, manual and unskilled workers.....$100

The category without a charge remains unchanged.

The new fees will produce additional estimated revenue of $75,000 in 1978 and will become effective on the 10th November, 1977.

4. Corporate Management

Corporate Management Fees will be a new item added to the schedule of the Trade and Business Licensing Law. The purpose is to tap revenue from a new source and at the same time satisfy the views that firms other than trust companies are involved in corporate management which is closely allied to trust work which requires a trust licence.

The fees payable under this item will not apply to licencees under the Banks and Trust Companies Regulation Law.

The following is the recommendation:

Any person, firm or company (other than the holder of a valid licence to carry on banking or trust business granted under the Banks and Trust Companies Regulation Law, 1966) providing corporate management services for 10 or more companies (other than itself or its subsidiaries) will be subject to the following fees:

(i) Where the services are provided for ten or more companies but comprise only the maintaining of a registered office, the conducting of Annual General Meetings (including the preparation and recording of resolutions at, and the minutes of, such Meetings) and filing statutory returns a fee of $2.50 for each such company;

Provided however that a fee of $50 shall be the minimum fee payable under this subparagraph; and

Provided further that no fee payable under this subparagraph shall exceed $2,000.

(ii) Where services more extensive than those referred to in subparagraph (i) are provided for five or more companies -

(a) a fee of $200; or

(b) a fee equivalent to $10 for each company for which such more extensive services are provided plus $2 for each company for which services of the kind referred to in subparagraph (i) are provided, whichever fee be the greater:

Provided however that no fee payable under this subparagraph shall exceed $7,500.

This measure will produce approximately $30,000 per annum and will come into effect on the 1st January, 1978.

5. Personal Tax

Originally this tax was $1 and about ten years ago it was increased to $2. The purpose for its introduction in the first instance is not known but it serves little purpose at the present level because administratively it cost more to collect.

It is recommended that the tax be revised upwards to $10.

6. Small Boats

It is the view that the tax on small boats should be revised and placed in categories according to size. The following is the recommendation:

On each vessel not chargeable under sub-paragraph (i) or forming part of the complement of such vessels:

(A) Mechanically propelled by motive means the total horsepower of which exceeds thirty horsepower.....$20

(B) Mechanically propelled by motive means the total horsepower of which does not exceed thirty horsepower.....$10

(C) Propelled by means of sail if such boat measures more than twelve feet from stem to stern.....$20

The above recommendations do not include small boats used exclusively for commercial fishing but includes those used for hire, charter or tourism.

It is anticipated that these last two measures (Personal Tax and Small Duty) will produce $20,000 additional revenue in 1977 and they will both come into effect on the 1st January, 1978 by amendment to the Tax Reform Act.

7 Postal Rates

Cabinet found that certain rates within the local postal services required adjustment. The increase is in accordance with rates guidelines laid down by the Universal Postal Union to all member countries; the Cayman Islands is a member. The following are the recommendations contained in the new Post Office Law now before this Assembly:

Post Cards

Group "A" Rise 8¢ to 10¢

Group "B" From 10¢ to 15¢

Air Letters

Group "A" Rise 20 to 30¢

Group "B" From 15¢ to 30¢

Air Parcel Rate

U.S.A. From $1.40 for every 2 lbs to $2.00

U.K. From $1.20 for every 2 lbs to $4.50.

Postage Meter Machine

A new fee of $75 per annum on each unit

This measure will raise $9,750 additional revenue in 1978 under a new Post Office Law being introduced at this Meeting to be effective on 1st January, 1978.

8 Apostille Stamp and Authentication of Documents

At present much time is spent by officials of Government, mainly in the Governor's Office, authenticating and signing documents from the private sector. As these documents are largely in connection with Air Law business it was thought that a charge should be imposed for the service. This is presently the case in other countries.

The recommendation is to amend the Schedule to the Stamp Duty Law 1973 and insert a new item "Authentications" with a charge of $2 for each signature. This will produce $2,500 revenue in 1978 and become effective on the 11th November, 1977.

9. Cinemas

The Annual licence fee for Cinemas is presently a very nominal sum and a review at this time is seen to be justified. The following is the recommendation:

If the charge for admission of any person:

(i) does not exceed $1.50	$ 100 fee
(ii) exceeds $1.50 but does not exceed $2.00	250
(iii) exceeds $2.00 but does not exceed $2.50	750
(iv) exceeds $2.50	1,000

This measure will earn an estimated $3,000 and be effective on 1st January, 1978.

10. Registered Land Rules

In reviewing the charge for filing an instrument involving a land transaction and an application for a search in the Office of the Registrar of Lands, it was the view that there is room for adjustment of these fees especially from the fact that processing of all land transactions under the present improved system has been simplified and the service rendered is at such a reduced cost to the public as compared to the former system. This is all to the advantage of the public and therefore an increase of fees now should not be objectionable.

The following is the recommendation:

(a) On application for the registration or filing of any instrument ---------- $10.00

(b) On application for an official search ---------- $10.00

At present the charge is $5.

This measure will produce $17,000 and become effective today by amendment to the Registered Land Rules.

11. Navigational Charge

The Government has arranged to purchase certain equipment from International Aeradio (Caribbean) Ltd. which includes navigational instruments such as the beacon. All airlines operating in the Cayman Islands paid a fee for the use of navigational aid provided by I.A.(C)L. and now the fees will be paid to Government instead. The estimate for 1973 is $27,000.

Exchange Control

Three years ago in an attempt to determine the future of Exchange Control in the Cayman Islands a study on the subject was undertaken with the assistance of the Bank of England. Prior to the 23rd June, 1972 most Commonwealth countries, including the Cayman Islands, administered Exchange Control on behalf of the British Government and the group of Countries was known as the Scheduled Territories. All Scheduled Territories whose currencies were directly associated on a parity basis with Sterling were referred to as the "Sterling Area". On that date, 23rd June, 1972, Britain dishanded the Sterling Area and with very few exceptions, each territory was left on its own to deal with Exchange Control in its own wisdom. It was a matter then of controlling the local currency and with no further responsibility for Sterling.

The Cayman Islands continued administering Exchange Control but in a very liberal manner. In fact it was always the view that very little restriction should be put on the movement of an individual's money. In the Cayman Islands a very large portion of the income is generated abroad and most consumer items are imported, so the movement in foreign currency, largely U.S. dollars, is quite strong and rapid. Also the wealth of the Cayman Islands in terms of cash is not very large and the normal tendency of Caymanians is to take very special care of what little they have.

In other words, nobody would want to move their money out of the Islands with no intention of repatriation of the funds back into the country, and neither would they want to make risky investments abroad, in fact most of the risky investments are done right at home.

On the basis of this argument a question came clearly to mind. What purpose does Exchange Control serve in the Cayman Islands? It was firmly the opinion of the Controller of Exchange that Exchange Control could safely be suspended locally with much accruing benefits. On the grounds of the foregoing Government examined this question at great length with very able advice from the British Government. London agreed with the concept of suspending Exchange Control and declaring the Cayman Islands a "Free Port" for currency. Apart from the psychological effects, it was the view that the absence of Exchange Control would afford free movement of currency in and out of the Cayman Islands which would have quite an impact on traffic associated with the off-shore business

Control of the local currency would automatically shift from Government to the individual who should at all times ensure that the popularity and national prestige of the local currency is maintained. Spending abroad or maintaining accounts abroad would be entirely under the control of the individual. However, it would be understood that Exchange Control could be reintroduced immediately if abuse of the privilege required this action.

The matter of suspension of Exchange Control will be further pursued during 1978. There is also the question of what will be the position of ordinary non-resident companies for Exchange Control purposes that are now paying a special companies fee under this category. It appears that before suspension of Exchange Control takes place there should be an amendment to the Companies Law to introduce a category of company of equal status to an ordinary non resident company thereby providing a medium priced company as a vehicle through which non-residents may continue conducting off-shore business.

Currency

Quite recently there was a wild rumour that the Cayman dollar would be devalued. I would like on behalf of the Legislative Assembly to assure the public of the Cayman Islands that there is absolutely no intention on the part of Government of embark on such a situation. Apparently members of the financial community had discussed with some members of Government the possibility of realigning the exchange rate of the Cayman dollar on par with the U.S. dollar. This proposition was apparently misunderstood by someone without proper explanation of what is meant. The value of the present currency could not be adjusted to an equivalent value of the U.S. dollar without a devaluation of about 17%.

To go on a par value with the U.S. dollar without devaluation the Cayman Islands would need to introduce a new currency with a new value. This is expensive and because the technical details and implications have not yet been examined.

It was the intention to introduce in May 1972 a Cayman dollar on equivalent exchange value with the U.S. dollar even though the Cayman dollar would have been on parity with the pound sterling. However, in February 1972 just three months before the issue of the Cayman currency the U.S. dollar devalued leaving Government no other choice than to adopt a dollar equivalent to the former ten shillings sterling and equivalent too in value to the Jamaican dollar which was in use here at the time. The Cayman currency went with no problems other than a few complaints from tourists and boatmen regarding the rate. There were many good points supporting the Cayman currency with the exchange rate with which it was introduced. First, there was no need to adjust or change prices. Secondly, residents were accustomed to a currency of equivalent value, having up to that time used the Jamaican dollar with which the Cayman dollar had a par value. Thirdly, there was no need for an elaborate and long period of preparation, the currency change-over as is usually the case if the new currency is introduced with a new value

Fourthly, depreciation was avoided in all areas of trading because there was no need to change prices as there was no change in the value of the currency. All these points are very valid and must be borne in mind if there is ever the intention to introduce a new currency with a new value.

Conclusions

I said at the beginning of this address that there were continuing signs of improvement in the economy and that confidence in Government was still strong. Complacency over such a statement should be avoided, because in order for the Cayman Islands to continue competing with other tax havens, it is necessary to ensure that the attractions for doing business here are maintained, and not marred in any way. By attractions I mean the security and guarantee to international business which have been created through confidence in Government. And I also mean important support services such as telecommunications, electricity and air services. To achieve success, we must pool our efforts and adopt the right attitude and approach to the many problems with which we are confronted from time to time.

Mr. President, I recommend the Appropriation (1978) Bill 1977 seeking authority to spend in the financial year 1978 a sum of $4,794,800. This sum, however, does not include an amount of $1,115,748 already approved by other Laws, which brings the total budgetary expenditure for 1978 to $15,800,371.

SECONDED BY HON. H.M. McKAY

QUESTION PUT:

MR. PRESIDENT: However, in accordance with the past procedure the debate on the Second Reading is usually deferred for a day or two to give Members time to study the document, and therefore to make a better contribution to the debate.

If it is the pleasure of the House I would propose that the debate on the Second Reading be resumed on Tuesday morning, unless Members feel like they would like to start the debate tomorrow.

I would therefore put the question that the Appropriation Bill, 1978 be given a Second Reading and the debate on it be resumed on Tuesday morning.

QUESTION PUT: AGREED.

MR. PRESIDENT: The next item on the agenda is the Customs (Amendment) (No.3) Law, 1977.

THE CUSTOMS (AMENDMENT) (NO.3) LAW, 1977
FIRST READING

CLERK: The Customs (Amendment) (No.3) Law, 1977

MR. PRESIDENT: The Bill is deemed to have been read a First time and is ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Customs (Amendment) (No.3) Law, 1977 - Second Reading

HON. V.G. JOHNSON: Mr. President, I beg to move the Second Reading of a Bill entitled "The Customs (Amendment) (No.3) Law, 1977".

Mr. President, the Memorandum of Objects and Reasons for this Bill was just summed in the Budget Address which was delivered a while ago. It is a recommendation to increase the import duty on motor gasoline and diesel oil from a ninety per gallon to 8 cents per gallon. The recommendations stemmed from examination of fiscal measures, and this a recommendation that this item could be put forward for the recommendation which is proposed, that is for an increase in import duty.

Mr. President, without any further comments I would ask Honourable Members of this House to give their due consideration to this Bill on the merits which have been stressed in the Budget Address and to support it through the First, Second and Third Readings.

SECONDED BY HON. H.M. McKAY

MR. PRESIDENT: The question is, that the Customs (Amendment) (No.3) Law, 1977 be now given a Second Reading. The motion is open for debate.

The Member doesn't wish to reply because nobody has commented, I presume. If that is the case I'll put the question that a Bill entitled "The Customs (Amendment)(No.3) Law, 1977" be read a Second time.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

MR. PRESIDENT: The House is now in Committee.

COMMITTEE THEREON

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

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

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

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

QUESTION PUT: AGREED. TITLE PASSED.

MR. PRESIDENT: That concludes the Bill in Committee and we'll now resume.

HOUSE RESUMED
REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a bill entitled "The Customs (Amendment) (No.3) Law, 1977" was considered clause by clause by a Committee of the whole House and passed without amendment.

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

THIRD READING

SUSPENSION OF STANDING ORDER 47

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the suspension of Standing Order 47 to permit a Bill entitled "The Customs (Amendment)(No.3) Law, 1977" to be taken through the remaining stages at this sitting.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

CLERK: The Customs(Amendment) (No.3) Law, 1977 - Third Reading

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, that a Bill entitled "The Customs (Amendment) (No.3) Law, 1977" be given a Third Reading and passed.

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

MR. PRESIDENT: The next item on the agenda is the Companies (Amendment) Law, 1977.

THE COMPANIES (AMENDMENT) LAW, 1977

FIRST READING

CLERK: The Companies (Amendment) Law, 1977.

MR. PRESIDENT: The Bill is deemed to have been read a First time and is ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Companies (Amendment) Law, 1977 - Second Reading.

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the Second Reading of a Bill entitled "The Companies (Amendment) Law, 1977.

The Memorandum of Objects and Reasons. It is desired to vary the rates of fees chargeable under sections 12, 38, 183, 187 and

HON. V.C. JOHNSON CONTINUING: 195 of the Law.

And, Mr. President, details of the reason for these amendments were given in the Budget Address. And having elaborated on the reasons there, I would ask Honourable Members of this House to support the recommendations contained in this Bill.

MR. PRESIDENT: The Question is, that the Bill entitled "The Companies (Amendment) Law, 1977" be now read a second time. The motion is open for debate.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

MR. CHAIRMAN: The House is now in Committee.

COMMITTEE THEREON

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 25 OF THE COMPANIES LAW. (CAP. 22).

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 AMENDMENT TO SECTION 38 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 REPEAL AND REPLACEMENT OF SECTION 193 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5: REPEAL AND REPLACEMENT OF SECTION 197 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 AMENDMENT OF SECTION 195 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: A LAW TO AMEND THE COMPANIES LAW (CAP. 22).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. PRESIDENT: The House resumes.

HOUSE RESUMED

REPORT THEREON

HON. V.C. JOHNSON: Mr. President, I have to report that a Bill entitled "The Companies (Amendment) Law, 1977" was considered clause by clause by a Committee of the Whole House and passed without amendment.

SUSPENSION OF STANDING ORDER 47

HON. V.C. JOHNSON: Mr. President, I beg to move Sir, the suspension of Standing Order 47 to permit a Bill entitled "The Companies (Amendment) Law, 1977" to be taken through the remaining stages at this sitting.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

CLERK: The Companies (Amendment) Law, 1977 - Third Reading.

MOVED BY HON. V.G. JOHNSON:

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

MR. PRESIDENT: The next item on the agenda is the Tax Collection (Amendment) Law, 1977.

THE TAX COLLECTION (AMENDMENT) LAW, 1977

FIRST READING

CLERK: The Tax Collection (Amendment) Law, 1977

MR. PRESIDENT: The Bill is deemed to have been read a First time and is ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Tax Collection (Amendment) Law, 1977 - Second Reading.

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the Second Reading of a Bill entitled "The Tax Collection (Amendment) Law, 1977".

The Memorandum of Objects and Reasons. It is desired to adjust the description of property and rates of duty under section 6 of the Tax Collection Law, to increase the duties chargable under sections 5 and 7;

Now, Mr. President, again, the detail of the reasons for these amendments or memorandations were put forward in the Budget Address, and I would therefore ask the Honourable Members here to give their due consideration to the Bill which is now being considered.

MR. PRESIDENT: The question is, that the Tax Collection (Amendment) Law, 1977 be now read a Second Time. The motion is open for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. CHAIRMAN: The House is now in Committee.

COMMITTEE THEREON

CLERK: CLAUSE 1 SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 5 OF CAP. 163.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 AMENDMENT OF SECTION 7 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 AMENDMENT OF SECTION 8 OF THE PRINCIPAL LAW.

QUESTION PROPOSED:

HON. DAVID R. BARWICK: Mr. Chairman, Sir, a minor misprint appears to have crept into the second to last line of this Clause, and I would formally move Sir, that the word "never" where it appears in phrase "and never used for hire" be amended to "not" so that the phrase would read "and not used for hire". It's the penultimate line.

MR. PRESIDENT: The Second Official Member has suggested an amendment on page two of the Bill, where it reads "for commercial fishing... and never used for hire", a change from "never" to "not".

QUESTION PUT: AGREED. CLAUSE 4 PASSED AS AMENDED.

CLERK: A LAW TO AMEND THE TAX COLLECTION LAW (CAP. 193).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. PRESIDENT: The House resumes.

HOUSE RESUMED

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a Bill entitled "The Tax Collection (Amendment) Law, 1977" was considered clause by clause by a committee of the whole House and passed with a very minor amendment at the end of the last section 4. In the last line the word "never" was replaced with the word "not", and the Exception section would then read "Vessels used exclusively for commercial fishing and not used for hire, charter or tourism".

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

SUSPENSION OF STANDING ORDER 47

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the suspension of Standing Order 47 to permit a Bill entitled "The Tax Collection (Amendment) Law, 1977" to be taken through the remaining stages at this sitting.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

CLERK: The Tax Collection (Amendment) Law, 1977 - Third Reading.

MOVED BY HON. V.G. JOHNSON

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

MR. PRESIDENT: The next item on the agenda is the Stamp Duty (Amendment) Law, 1977.

THE STAMP DUTY (AMENDMENT) LAW, 1977

FIRST READING

CLERK: The Stamp Duty (Amendment) Law, 1977

MR. PRESIDENT: The Bill is deemed to have been read a First time and is ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Stamp Duty (Amendment) Law, 1977 - Second Reading.

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the Second Reading of a Bill entitled "The Stamp Duty (Amendment) Law, 1977".

The Memorandum of Objects and Reasons states:-

"The purpose of this Law is to increase the stamp duty payable on "Attested Copies, Countersigning and Duplication" from $0 cents to $ dollars and to introduce

HON. V.G. JOHNSON (MINISTER): ... a read of duty entitled "Authentications." Now, Mr. President, I have just circulated a proposed amendment to this Bill and when we move into the committee stage I will be moving an amendment to section 2 as set out in the proposed which circulated just a while ago.

The reasons for the introduction of this Bill, Mr. President, are like the reasons for the other bills which have just been introduced, they were all stated in the tex of the Budget Address. And having done so I would just at this stage request Members to support the bill before us.

SECONDED BY HON. H.M. McCOY

MR. PRESIDENT: The question is, that the Stamp Duty (Amendment) Law, 1977 be now read a Second time. The motion is open for debate.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

MR. CHAIRMAN: The house is now in Committee.

COMMITTEE THEREIN

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF THE SCHEDULE TO LAW NO. 5 OF 1975.

QUESTION PROPOSED:

HON. V.G. JOHNSON: Mr. Chairman, before you get to that, I circulated an amendment to this Bill and I would like with the consent of this Committee to replace section 2, the whole of section 2 with the proposed section 2 in the paper just circulated.

MR. PRESIDENT: The question is, that clause 2 amended as circulated stand a part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED AS AMENDED.

CLERK: A Law to amend the Stamp Duty Law, 1975, (Law No. 5 of 1975).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. PRESIDENT: The House resumes.

HOUSE RESUMED

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I beg to report that a Bill entitled "The Stamp Duty (Amendment) Law, 1977" was considered clause by clause by a committee of the whole House and passed with the following amendment. Section 2 of the Bill was replaced with the following new section:-

2. The Schedule to the Stamp Duty Law, 1975 is hereby amended -

(a) by the insertion of a new head of charge to stamp duty between the heads "NEWS" and "CHARTER" as follows -

"CERTIFICATIONS given under the hand of the Governor or any other public officer not holding a post in the judicature certifying or confirming the

HON. V.G. JOHNSON (CONTINUING):

authenticity, or correctness or accuracy of any duplicate or copy, of any instrument which certificate are not otherwise chargeable to duty or attract any official fee or payment under this or any other Law. $3.00"

(b) by deleting the figures and words "50 cents." appearing on the head of change "AFFIXING STAMPS, CANCELLED STAMPS, COUNTERPARTS AND DUPLICATES" at the end thereof and substituting the symbol and figure "$3.00".

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

SUSPENSION OF STANDING ORDER 47

HON. V.G. JOHNSON: Mr. President, I beg to move Sir, the suspension of Standing Order 47 to permit a Bill entitled "The Stamp Duty (Amendment) Law, 1977" to be taken through the remaining stages at this sitting.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

CLERK: The Stamp Duty (Amendment) Law, 1977 - Third Reading.

MOVED BY HON. V.G. JOHNSON

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

MR. PRESIDENT: I am not sure what Members would prefer to do, whether adjourn now and come back for the other two items or would they like to finish it off and adjourn for the rest of the day?

HON. V.G. JOHNSON: Mr. President, these are two very short items and I think we can dispense with them this morning.

MR. PRESIDENT: Ok. Thank you. The next item is the Caymanian Protection (Amendment) (No.2) Law, 1977.

THE CAYMANIAN PROTECTION (AMENDMENT) (NO.2) LAW, 1977

FIRST READING

CLERK: The Caymanian Protection (Amendment)(No.2) Law, 1977

MR. PRESIDENT: The Bill is deemed to have been read a First time and is ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Caymanian Protection (Amendment) (No.2) Law, 1977 - Second Reading.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled "The Caymanian Protection (Amendment) (No.2) Law, 1977". The Memorandum of Objects and Reasons states that:- "It is desired to extend the allowable period of a grateful exemption license from two to three years". I did state, Mr. President, in the Budget Address that in the Amendment to the grateful exemption license fee under the Caymanian Protection Law that recommendation was being made to increase the period from two to three years when a license in category (a) would be granted. At the

HON. V.G. JOHNSON CONTINUING: present time the Law states that the issue of a licence can be given for a period up to two years, but it is desired now that this period be extended to three years, and that's the reason for the Amendment of section 22 sub-section (2); to substitute the word "two" for "three".

I accordingly recommend the Amendment Bill and request the Honourable Members to support it.

SECONDED BY HON. H.M. McCOY

H.E. PRESIDENT: The question is, that the Caymanian Protection (Amendment) (No.2) Law, 1977 be now read a Second time. The Motion is open for debate.

QUESTION PROPOSED:

MR. CHADDOCK EBANKS: Mr. President, while I don't see anything for a major debate/the two points that came to my mind. I wonder at this stage when those that have a work permit for two years if the amendment is passed will they then be automatically given another year? I am wondering then on the expiration of the three years permit, will the applicant be allowed to reapply remaining in the Island or will they have to go back to their home land and reapply again, and if so desire or what might be done along these two lines?

HON. H.M. McCOY: Mr. President, it is assumed that this Amendment will only affect new applications coming in, it will not affect those that are already in force. And secondly, this procedure as far as our renewal of permits is concerned will follow the line that have been in the past whereby the application is made for renewal while the person, the holder of the permit is still in the Island. It is only in the case of new applications that it is necessary for the person to be out of the Island, so it is not proposed that there would be a change to that policy.

MR. PRESIDENT: Would the mover care to rise and debate any further explanation?

HON. V.G. JOHNSON: No, Mr. President, I am glad that the First Official Member cleared it up, because in fact this is his subject. So what he has stated there is exactly what I was informed when the Amendment was proposed in the Fiscal Committee, that the recommendation here would apply only to new applications not to existing permits or to permits at the date of expiration.

MR. PRESIDENT: The question is, that a Bill entitled "The Caymanian Protection (Amendment) (No.2) Law, 1977" be read a Second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. SPEAKER: The House is now in committee.

COMMITTEE THEREIN

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 22 OF THE CAYMANIAN PROTECTION LAW (REVISED).

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A Law to amend the Caymanian Protection Law (Revised).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. PRESIDENT: The House will resume.

HOUSE RESUMED

THIRD READING

HON. V.G. JOHNSON: Mr. President, I beg to report that a Bill entitled "The Caymanian Protection (Amendment) (No.2) Law, 1977" was considered clause by clause by a committee of the whole House and passed without amendments.

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

SUSPENSION OF STANDING ORDER 47

HON. V.G. JOHNSON: Mr. President, I beg to move the suspension of Standing Order 47 to permit a Bill entitled "The Caymanian Protection (Amendment) (No.2) Law, 1977" to be taken through the remaining stages of this sitting.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

CLERK: The Caymanian Protection (Amendment) (No.2) Law, 1977.

MOVED BY HON. V.G. JOHNSON

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

MR. PRESIDENT: The last item on the agenda "Government Motion No. 77" The Cinematograph Rules.

GOVERNMENT MOTION NO. 77 - CINEMATOGRAPH RULES

HON. V.G. JOHNSON: Mr. President, I beg to move Government Motion No.77 which reads:-

"WHEREAS the Cinematograph Authority has recommended the motion set forth for annual licenses under the Cinematograph Law 1957 (Cap. 10) as set out hereunder:

If the charge for admission of any person:		
(i) does not exceed $1.50	$	100 Fee
(ii) exceeds $1.50 but does not exceed $3.00		250 "
(iii) exceeds $3.00 but does not exceed $3.50		750 "
(iv) exceeds $3.50		1000 "

AND WHEREAS before any new rules are made under the provisions of Section 6 of the Cinematograph Law which rules would include the provision of license fees, the advice and consent of the Legislative Assembly must be sought.
NOW THEREFORE BE IT RESOLVED that this Honourable Legislative Assembly grants its consent to the amendment of the license fees under the Cinematograph Rules as recommended above".

SECONDED BY HON. H.M. McCOY

HON. V.G. JOHNSON: Mr. President, this is another in the package of the new tax recommendation and details of this were already given in the

HON. V.G. JOHNSON CONTINUING: Budget Address. And without any further comments I would like to ask Honourable Members to give their consideration to the recommendations herein. It has gone from the Cinematograph Authority, through the Fiscal Committee and Executive Council and all have recommended the proposed amendment of the fees..

MR. SPEAKER: The motion has been moved and seconded and is now open for debate.

MR. CRADDOCK EBANKS: Mr. President, the only comments that I could make on this are, in my opinion, the damnifying things that have been offered to the public by most of these Departments these fees should be doubled. Because I imagine over the week end part they probably haven't finished counting their profits from the shows that went on. And I don't see that my opinion or somebody should be over what is proposed here, and that is the only thing that I could offer on it is my way of thinking that the fees should be doubled.

MR. SPEAKER: If there is no further debate I'll put the question that Government Motion No. 11 be passed.

QUESTION PUT: AGREED. GOVERNMENT MOTION PASSED.

MR. SPEAKER: That concludes our business on the agenda for today and I'd ask the adjournment 'til 10:00 A.M. tomorrow morning if possible.

ADJOURNMENT:

MOVED BY HON. H.M. McNIC

SECONDED BY HON. V.G. JOHNSON

QUESTION PUT: AGREED. THE HOUSE ADJOURNED UNTIL 10:00A.M. ON FRIDAY, 11TH NOVEMBER, 1977.

MORNING MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY
FRIDAY, 11TH NOVEMBER, 1977

PRESENT WERE:-

HIS EXCELLENCY THE ACTING GOVERNOR, MR. A. H. POWER, MBE., J.P. PRESIDING

GOVERNMENT MEMBERS

HON. N.M.McKEEVA,JNR., M.B.E.,J.P.	FIRST OFFICIAL MEMBER
HON. DAVID F. DALWICH,OBE.	SECOND OFFICIAL MEMBER
HON.T.S.JOHNSON,OBE.,JP	THIRD OFFICIAL MEMBER
HON.TRUMAN M.BODDEN	MEMBER FOR HEALTH, HOUSING AND SOCIAL SERVICES
HON.G.HAIG BODDEN	MEMBER FOR AGRICULTURE AND NATURAL RESOURCES
HON. CHARLES L.KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M.RANKIN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. TRUMAN G. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
Mr. JOHN CANNON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS.KATHERLEEN L.EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE H.BODDEN, OBE.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT.KEITH P.TIBBETTS , J.P.	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS.
MR. JOHN D. McLEAN	MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF EAST END.

ABSENT: MR. CHAUNCEY BANKS WITH PERMISSION OF THE ISLAND

ORDERS OF THE DAY

FOURTH AND FINAL MEETING OF THE LEGISLATIVE ASSEMBLY

SECOND SITTING

FRIDAY, THE 11TH OF NOVEMBER, 1977

1. REPORTS -

(a) REPORT OF THE FINANCE COMMITTEE HELD ON 28TH OCTOBER, 1977 - BY HON. V. G. JOHNSON, OBE. FINANCIAL SECRETARY AND CHAIRMAN - LAID ON THE TABLE.

(b) MINUTES OF FINANCE COMMITTEE MEETING HELD ON 28th OCTOBER 1977 BY HON V. G. JOHNSON, OBE. FINANCIAL SECRETARY AND CHAIRMAN LAID ON THE TABLE.

(c) REPORT OF SELECT COMMITTEE ON ACT OF MAJORITY - BY HON. C. M. HAWICK, O.B.E., CHAIRMAN. LAID ON THE TABLE

2. QUESTIONS -

HON ARNOLD U. BODDEN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

(1) What amount of revenue has been collected by the hospital for services rendered and medication supplied from the 1st January, 1977 to 31st January, 1977 and whether there is any amount outstanding and due to Government in this connection?

(2) Will Government consider collecting a portion of the School Examination fees (where parents involved in the school, parents and scholars) who are financially able to pay, to ease this burden on Government?

(3) Will Government consider the renovation of the old building known as the "Nursing" Quarters" at the hospital compound to be used as an "Old Peoples' Home", until such time as a suitable site is available and funds have been allocated to build this place which is so very necessary, But in the mean-time this place could be utilised even if on a small scale?

3. GOVERNMENT BUSINESS:

BILLS: -

(a) The Development and Planning (Amendment) (No.2) Law, 1977 First and Second Readings

(b) The Postal Law, 1977 First and Second Readings.

(c) The Local Companies (Control) Law - First reading.

GOVERNMENT MOTIONS -

(a) No.6 - Alteration to the Development Plan, 1977 To be moved by the Hon. G. Haig Bodden

(b) No.7 - The Draft Development and Planning (Amendment) Regulations, 1977 - To be moved by Hon. G. Haig Bodden

(c) No.8 - Assessment Committee - To be moved by Hon. G. Haig Bodden

(d) No.9 - Additional Boat Loan - to be moved by the Financial Secretary

(e) No.10 - Cayman Airways, Limited - to be moved by the Honourable James M. Bodden

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FRIDAY, 11TH NOVEMBER, 1977

10.00 A.M.

MR. PRESIDENT: The Honourable Member for Finance and Economics will be seated. Please be seated. The first item on the agenda this morning is the laying on the Table of Reports.

REPORT OF FINANCE COMMITTEE HELD ON 24TH OCTOBER, 1977 TO BE LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of Finance Committee held on 24th October, 1977. The Finance Committee met, Mr. President, to deal with a matter pertaining to Cayman Airways Limited, the result of the meeting, Mr. President, was that a motion was submitted to the Legislative Assembly to be dealt with at this Session. The motion will be dealt with later this morning.

MR. PRESIDENT: So ordered.

MINUTES OF FINANCE COMMITTEE LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Legislative Assembly the Minutes of Finance Committee held on the 28th of October, 1977.

The meeting of Finance Committee on that occasion, Mr. President, was again, to deal with a matter pertaining to Cayman Airways Limited, and also to deal with a few supplementary expenditure applications. As a result of the meeting a motion was prepared for submission to the Legislative Assembly to be dealt with at this Session. The motion will be dealt with later this morning.

MR. PRESIDENT: So ordered.

REPORT OF SELECT COMMITTEE ON AGE OF MAJORITY LAID ON THE TABLE

HON. DAVID E. HOWELL: Mr. President, Sir, I rise to lay on the Table of this Honourable House the Report of the Select Committee on the Age of Majority.

In doing so, Sir, I would like to avail myself of the privilege conferred by Standing Order 18 and make a very short explanation of the contents of the Report. You will recall, Sir, that at the sittings of this Honourable House in July this year a motion appointing a Select Committee comprising all Members was constituted for the purpose of reviewing the present Law of these Islands relating to the Age of Majority and recommending what changes, if any, should be made in that law. The Committee Sir, duly met on the 8th of September and the 11th of October, 1977, and as a result of its deliberations the Report now being laid has issued.

The Report makes certain unanimous recommendations, Sir, as to changes in the Law relating to the age of Majority which are deemed desirable and the steps that are built for that purpose to be brought before this Honourable House. Such a Bill has been prepared, and I am hopeful that it may be dealt with later in these sittings. The various recommendations in the Report will also be dealt with in full detail, and it is probably enough for me to say at this stage, Sir, that the Report recommends that as a matter of general law the age of majority be reduced from twenty-one to eighteen. Adoption of this recommendation would mean, Sir, that on attaining the age of eighteen persons would have full legal capacity for all purposes including the making of contracts, entering into hire purchase and loan arrangements and so on. The Report, Sir, contains specific recommendations where some relaxation are recommended.

I think I am correct in saying, Sir, that particular interests will be protected in the recommendations of having persons, liquor

HON. DAVID H. DAMWICK CONTINUING: Licensing and the Traffic Laws. The Report recommends that in future the minimum age for the position of a shotgun or air powered weapon be eighteen, but persons aged eighteen be permitted to consume liquor in licensed premises and that beer and bitters licences may be obtained by persons at eighteen provided they satisfy the other usual conditions laid down for the issue of those licences.

With those few words of explanation, Sir, I beg to lay on the Table of this honourable House the paper entitled "The Report of the Select Committee on the Age of Majority".

MR. PRESIDENT: So ordered.

HON. DAVID H. DAMWICK: Mr. President, Sir, may I crave your indulgence I would like to move under Standing Order 72 (5) (f) that this honourable House that the recommendations contained in the Report be laid be adopted.

SECONDED BY HON. H.M. MOSES

MR. PRESIDENT: Standing Order 72(5) provides for the recommendations contained in a paper to be adopted, modified or rejected, and if the motion is seconded and unopposed without debate.

The question therefore is that the recommendations contained in the document laid on the Table be adopted.

QUESTION PUT: AGREED. REPORT ON AGE OF MAJORITY ADOPTED.

MR. PRESIDENT: The next item on the agenda is questions. The first question being in the name of the Member from George Town.

QUESTIONS

MISS ANNIE E. DORSETT TO ASK THE HONOURABLE MINISTER FOR HEALTH, EDUCATION AND SOCIAL SERVICES

(1) What amount of revenue has been collected by the hospital for services rendered and medication supplied from the 1st January, 1977 to 31st January, 1977 and whether there is any amount outstanding and due to Government in this Department?

MISS ANNIE E. DORSETT: There is an error, Sir, in the question. It should read "31st October" which should be corrected.

HON. TRUMAN M. BODDEN: Mr. President, that error has just been brought to my attention and the answer which I prepared was naturally prepared on this. However, I would naturally undertake to have this amended and submitted to the Member in the course, but I can't do it now - which is obvious, so if I could just give the answer to .....

MISS ANNIE E. DORSETT: Mr. President, I should like to state that the question I gave certainly had the 31st of October.

HON. TRUMAN M. BODDEN: With respect to the Lady Member, what was submitted to me was the 31st of January, and if I could give the answer to that then I would naturally undertake as soon as I could get this to give it to her.

MISS ANNIE E. DORSETT: I am prepared to accept that Sir.

ANSWER TO QUESTION ASKED

Amount of Revenue collected from 1st to 31st January, 1977.

In-Patient Fees	- $ 5,850.05
Out-Patient Fees	4,732.00
Sub-Total	$10,310.05

ANSWER TO QUESTION CONTINUED:

Amount subscquently collected for January, 1977	- $ 3,736.00
TOTAL	- $15,043.00
Amount outstanding (for Jan) as at 31st January, 1977	-$10,935.00
Less amount collected since January, 1977	- $3,736.00
TOTAL amount outstanding to date (for January 77)	- $7,910.00

HON. TRUMAN M. BODDEN: I would undertake, as soon as I can Sir, to have the answers passed up and I write it to Mesdames Annie - the Lady Member ....

MR. PRESIDENT: I think the Member accepts that.

MISS ANNIE H. BODDEN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR EDUCATION, EDUCATION AND SOCIAL SERVICES

(a) Will Government consider subsidizing a portion of the School Transportation from persons involved in the school (parents and scholars) who are financially able to pay, to ease this burden on Government?

ANSWER:

Government is looking into all aspects of the school system but has not fully considered this aspect which the Lady Member proposes, as a means of easing Government's financial burden.

(b) Will Government consider the renovation of the old building known as the "Doctors' Headquarters" on the Hospital Compound to be used as an "Old Peoples' Home", until such time as a suitable site is available and funds have been collected to build this place which is so very necessary, but in the meantime this place could be utilised even if on a small scale?

ANSWER:

Renovation of the old Chief Medical Officer's Residence is now nearing completion, for use as the new Dental Clinic, with funds voted by this Legislative Assembly this year. Serious consideration is however being given to establishing such a home.

SUPPLEMENTARIES

MISS ANNIE H. BODDEN: Mr. President, when I ask questions I have no support, so I suppose I'll have to accept what has been said. But I am wondering how early will this renovation be completed?

HON. TRUMAN M. BODDEN: Mr. President, I think that it's in the final program now, and it's only a matter of probably a few weeks, but it has been substantially divided up into surgery, dental surgery, suites and it's well advanced, it's nearly finished at this stage.

MISS ANNIE H. BODDEN: Could I ask Sir, what has happened to the building which was originally used as a dental clinic?

HON. TRUMAN M. BODDEN: Mr. President, that is going to be used as a storage for medical supplies so that we can eventually get some control over

HON. THOMAS M. DODDS CONTINUING: the drugs themselves by moving certain supplies of the supplies out of the area of the drugs and into this building. I may mention, it's very small as the Lady Member knows, I doubt if it could be suitable as a home.

MR. PRESIDENT: That ends the questions, we'll now proceed with Government Business "Bills" first being the Development and Planning (Amendment) (No.2) Law, 1977.

THE DEVELOPMENT AND PLANNING (AMENDMENT) (No.2) Law, 1977

FIRST READING

CLERK: The Development and Planning (Amendment) (No.2) Law, 1977

MR. PRESIDENT: The Bill be deemed to have been read a first time and to ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Development and Planning (Amendment) (No.2) Law, 1977 -Second Reading.

HON. G. HAIG DODDEN: Mr. President, I beg to move the Second Reading of a Bill entitled "The Development and Planning (Amendment) (No.2) Law, 1977".

Mr. President, this Amendment contains very simple changes in the Law. The most substantial change is contained in Clause 4 of the Amendment Bill. Under the Law as it stands at the present time when a person applies for planning permission it is necessary for that person to serve notice of his application upon all adjacent owners and also to enclose copies of the relevant application to the Authority. The Amendment proposed here would preclude those applying to build dwelling house or buildings for residential use, as it will mean if this Amendment is carried today in the future it will not be necessary for people applying to build a detached house or duplex, it will not be necessary for those people to serve notice upon the adjacent owners, it will however continue as in the past for people to serve notice if they are putting up other buildings in a residential area.

One of the other amendments is just a matter of tidying up the language of the Law. Throughout the Law the word "residential" is used with the exception of in sub-section 6 of section 10 the words "for residential use" have been used and it is to just a matter of changing the words "for residential use" into a single word "residential" to make it confirm with the wording throughout the Law. And the third amendment would be merely to define detached house and duplex, so this is a very simple Amendment Bill and I ask for the support of the Members.

SECONDED BY HON. THOMAS M. DODDEN

MR. PRESIDENT: The question is, that the Development and Planning (Amendment) (No.2) Law, 1977 be now read a Second Time. The motion is open for debate.

QUESTION PUT: AGREED. AYES: NONE / NAYS: NONE.

MR. SPEAKER: Does the Member wish to put it through its Committee stages this morning or you would like to leave that part of the Second Reading to come up later?

HON. G. HAIG DODDEN: Mr. President, I think it would save time if we did all the Committee stages of the three Bills at one time.

MR. PRESIDENT: At one time? Ok. Do you mean at one time later on when we finish these Bills or on Tuesday?

HON. G. HAIG BODDEN: No, Judge, Mr. President. I think you would do the first and second readings on the Postal Law and the Penal Consonlee Law and then go into Committee to do the committal stage on the three Bills rather than going into committee three different times.

MR. PRESIDENT: Alright. In which case we will now move on to the Postal Law, 1977.

THE POSTAL LAW, 1977

FIRST READING

CLERK: The Postal Law, 1977

MR. PRESIDENT: The Bill is deemed to have been read a First time and is ordered to be put down for a Second Reading.

SECOND READING

CLERK: The Postal Law, 1977 - Second Reading.

HON. CHARLES L. KIRKCONNELL: Mr. President, I move the Second Reading of a Bill entitled "The Postal Law, 1977".

The Post Office Law dates from 1901 and has become so outmoded that it is considered better to repeal and re-enact it rather than attempt to bring it up to date by amendment. There has been tremendous changes in all areas of postal services over the past seventy years. The original Law was geared to the then relationship with Jamaica which ended in 1962. This relationship placed the Cayman Islands Post Office subordinate to the Post Office of Jamaica, and even though this is no longer the position this is what is recognized by the rest of the world.

A new Law will leave nothing in doubt that the postal administration of the Cayman Islands stands on its own, same as so far as the operation comes under the pre-view of the general post office, London. Through Great Britain the Cayman Islands are signatories to the Geneva Congress which is the Executive arm of the Universal Postal Union. Being a member of the Universal Postal Union we gratuitously enjoy the world wide, requires that all member countries are guided by Universal Postal Union regulations in their international operations; this has innumerable benefits which are especially prevalent to small administration such as the Cayman Islands.

The new Postal Law was drafted between the Legal Draftsmen and the Union of the Universal Postal Union. In September 1977 Mr. Foster from the Universal Postal Union visited us and reviewed the new Law and effected the necessary amendments to bring it in line with the recent comprehensive amendments to the Geneva Congress Regulations which were approved by all member countries and came into effect on the 1st of January, 1978. There is nothing controversial in the new Law, in the main it comprises provisions of the Geneva Congress which have been adopted by all member countries of which the United Kingdom is one, and which automatically brings in the Cayman Islands.

Our economy is reliant on efficient communication. The Postal Service is the third largest source of revenue for the Government and a substantial portion of new revenue is dependant on this Bill becoming Law.

Mr. President, I present the Postal Bill to this Honourable House and ask all Members to support it.

MR. PRESIDENT: The question is, that a Bill entitled "The Postal Law, 1977" be now read a Second time. The motion is open for debate.

HON. G. HAIG BODDEN: Mr. President, I second.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: We will leave the committee stage 'till a little later on.

THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1977

FIRST READING

CLERK: The Local Companies (Control) (Amendment) Law, 1977

MR. PRESIDENT: The Bill is deemed to have been read a first time and is ordered to be put down for a Second Reading.

HON. TRUMAN M. HOLDEN: Mr. President, I move the Second Reading of a Bill entitled "The Local Companies (Control) (Amendment) Law, 1977".

MR. PRESIDENT: I think that's not down just for a First Reading.

HON. TRUMAN M. HOLDEN: Well, I'll very quickly attempt to move it if you so wish. It's subject fully to whatever - if you so wish. I think a suspension of the Standing Order relating thereto.

MR. PRESIDENT: I think that's Standing Order 47.

HON. TRUMAN M. BODDEN: That's right. Yes.

MR. PRESIDENT: Well, if you would like to move .....

SUSPENSION OF STANDING ORDER 47

HON. TRUMAN M. HOLDEN: Well, I move that Standing Order 47 be suspended to allow this to be read a second time.

MR. PRESIDENT: The question is that Standing Order 47 be suspended to enable the Local Companies (Control) (Amendment) Law, 1977 to be read a Second time.

HON. G. HAIG BODDEN: Mr. President, I second that motion.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

SECOND READING

CLERK: The Local Companies (Control)(Amendment) Law, 1977 - Second Reading.

HON. TRUMAN M. HOLDEN: Mr. President, this law is one dealing mainly with several aspects. The first one, in section 2 of this Law defines "Strata Title Corporation" and it defines the "Controlling Holder of a Strata Lot". This has arisen because under the Strata Titles Law the structure of a strata corporation is somewhat different from that of an ordinary corporation, and what we seek to do here is to clear this so that when a person is the proprietor of a strata lot for their personal residence that that would be exempted from having a licence. However, where we do have a strata corporation and it is being developed, then they must get a licence under this Law.

The (b) part of section 2 goes on to begin to deal with what has been an area that we did not amend when the first set of amendments to the Protection Laws came through; and it deals with making a statement in the return of shareholdings under section 5, that the Company is Caymanian controlled within meaning of section 2 sub-section 2. This has been put in so that someone signing that return will have to state that the effective control is in accordance with sub-section 2 of section 2, and I'd just like to read this. It says, "Where the response of this is that the Company shall be deemed to be Caymanian controlled, if the Board is satisfied with effective control is not either directly or indirectly or by reason of any arrangement artifice or device would be permitted to pass to persons who are not Caymanians". So what we are asking there is that persons signing

HON. TRUMAN M. POLLOCK (CONTINUING): that return actually demonstrates that the effective control is as set out in that return of shareholding, and all local companies will have to comply with it.

Sub-section (e) deals with amateur sightseeing in relation to fronting which does arise from time to time, that goes on to repeal re-enactment and 5, and it then states that instead of merely filing the return as at January of each year, that as soon as there has been an alteration in the particulars of the return it will be forwarded to the Board or a new return will be forwarded to the Board, which is basically to avoid where shareholdings or shareholdings in companies could be in a certain way during the year and transferred back again so as to avoid the return of shareholdings in January. Any change will have to be filed within twenty-one days.

MR. PRESIDENT: Hon. T. Burnett-Smith the Member?

HON. THOMAS M. BURNETT: Yes Sir.

MR. PRESIDENT: Looking over the Monday Orders here I think we should've probably ask for the suspension of Standing Order 48 as well. I don't think this Bill was circulated the full length of time, so just to make the records, would the Second Official Member move with that? Just to make the records straight, if we'd just ask for the suspension of that and let's put it, and then you can continue.

SUSPENSION OF STANDING ORDER 48

HON. TRUMAN M. POLLOCK: Mr. President, I move the suspension of Standing Order 48 in relation to this Bill.

SECONDED BY HON. JAMES M. BODDEN

QUESTION PUT: AGREED. STANDING ORDER 48 SUSPENDED.

MR. PRESIDENT: Will you please continue now, Sir.

HON. TRUMAN M. BODDEN: Mr. President, thank you very much for pointing out that to me.

The sub-paragraph (a) of section 6 also increases the fines from two hundred dollars in relation to an offence in a Court of Summary Jurisdiction, and two thousand dollars in relation to a conviction on indictment.

Now, the substance of where I would have liked could be put into this Law comes in the new sub-section 6, in which in the event that a person is convicted of having an indictment then the charge can be forfeited to the Crown to deal with as the Governor may direct. I know that it is very difficult to deal with the question of fronting, but I believe that this Law will go a long way towards putting in some sort of penal provisions to perhaps curtail that.

Mr. President, I'd like to go on to the amendment to section 7 of the original Law. The position on this was that whenever there was an allotment or an issue of shares all that was necessary was, if the company was not Caymanian controlled, that is, if it was more than forty percent non-Caymanian owned, then all was necessary was to transfer the shares and merely give notice to the Cayman Protection Board. In effect what really happened was that where a Caymanian owned company if he decided to transfer those shares to a non-Caymanian and the structure went where that non-Caymanian would have more than forty percent of the shares, then he had to apply for the grant by the Board, in other words for a new license whereas if a non-Caymanian owned shares in a company and the shareholdings were more than forty percent non-Caymanian owned he merely gave notice to the Board. To put it simply, what this really meant is that a person could form a company with very good reference, get a local exempting control license and thereafter he could transfer that to persons whom the Board may not,

HON. TRUMAN K. DODDEN CONTINUING: If they were entitled to look at those shareholders, grant approval no. So really it was stacked largely against the Caymanian community of whom and it really left a completely free trading in shares between non-Caymanians. So, this amendment to section 7 will now alter this so that the Board must give consent to the specific transfer or allotment of shares. And I think this is only good common sense, because a good person could form a company, get a license and really transfer it into the hands of somebody who may not be desirable.

Sub-paragraph (4) of the amending Law adds to sub-section 10, "a power for the Board at its discretion to revoke a license if fees are not paid". I may just mention that the Board will I believe, and if necessary we could give directives to ensure that it did give notices and followed the procedures very similar to that set up under the Companies Law in relation to defunct companies at present so that a notice would go out before warning the person that he should pay up the fee, failing that then it would be a ground for revoking it.

The last part of this Law gives the Governor in Council a discretion to give directions to the Board which brings it in line with the other two Laws. I may mention that when the amendments went through to the Caymanian Protection Law and to the Trade and Business Licensing Law in this respect at that time time did not permit us to deal fully with this Law; and this would allow in the event that it was necessary to give any directives that it could be done expeditiously and in a quasi administrative manner.

Mr. President, I am sorry for my slightly disjointed presentation of that, but I realised that we would have sufficient time today to deal with it I attempted as far as possible to properly put it before you.

Thank you.

SECONDED BY HON. C. RAIG BODDEN

MR. PRESIDENT: The question is, that a Bill entitled the Local Companies (Control) (Amendment) Law, 1977 be given a Second Reading. The motion is open for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Now, we have three Laws, would the members in turn move to the committee stage and then we'll go into committee, one after the other and then we'll go on it.

HON. C. CRAIG BODDEN: Mr. President, I think under Standing Order 40 it is no longer necessary to make motions to go into committee, but will automatically stands committed. In the old Standing Orders it was necessary to have individual motions to move into committee, as I believe you can just put the House in committee and we deal with it without the motions.

MR. PRESIDENT: Yes, you're quite right. The House is in Committee.

THE DEVELOPMENT AND PLANNING (AMENDMENT) (NO.2) LAW, 1977

CONSIDERATION THEREOF

CLERK: CLAUSE 1 SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 2 OF THE DEVELOPMENT AND PLANNING LAW, 1971 (Law 20 of 1971).

QUESTION PROPOSED: CAPTAIN ENSOR.

CAPT. KEITH P. TIBBETTS: Mr. Chairman, I believe that there is an error here in the date, the Law of 1971. I think this applies to Law of 1977 which has just been amended recently; detached houses and duplex were very clear in the 1977 Law.

HON. C. MAIC MUNUEN: No, Mr. Chairman, in the Amendment earlier on in the year we amended the principal Law of 1971,we didn't actually write a new Law, so this amendment is an amendment to the amendment that was made to the 71 Law, the 1971 Law is still the main Law.

MR. CHAIRMAN: Yes, the 1971 Law is the principal Law so all amendments must refer to that one.

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

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 AMENDMENT OF SECTION 10 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 AMENDMENT OF SECTION 12 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: A LAW TO AMEND THE DEVELOPMENT AND PLANNING LAW, 1971.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That completes the committee stage on the Development and Planning (Amendment)(No. 2) Law, 1977, and the Third Reading will go down at a later date.

We'll now go on to the Postal Law.

THE POSTAL LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. ESTABLISHMENT OF THE POST OFFICE CAP. 128.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. APPOINTMENT OF THE POSTMASTER.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. DUTIES OF THE POSTMASTER.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. OFFICERS.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. DUTIES OF OFFICERS.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. THE MISTRESS OF THE POST OFFICE.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. EXCLUSIVE PRIVILEGE OF THE POST OFFICE.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. POWER OF THE GOVERNOR TO ENTER INTO ARRANGEMENTS.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. CLERKS AT THE POST OFFICE.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. PROVISIONS, CUSTODY AND ISSUE OF POSTAGE AND REVENUE STAMPS.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. POST OFFICE FRANKING MACHINES.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14. SAVING PROVISIONS.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. EXEMPTION OF GOVERNMENT FROM CERTAIN POSTAL CHARGES.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16. PAYMENT FOR PACKAGES DELIVERED FOR TRANSMISSION.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17. CUSTOMS INSPECTION.

QUESTION PUT: AGREED. CLAUSE 17 PASSED.

CLERK: CLAUSE 18. OFFICERS MAY OPEN CERTAIN POSTED PACKAGES.

QUESTION PROPOUNDED: CLAUSE AGREED.

MR. GEORGE C. SMITH: Mr. Chairman, before proceeding, Sir, I think the word "Addressee" should be added after "in the presence of customs". I don't think it's fair to an individual to open his package for inspection without that individual being present.

MR. CHAIRMAN: Would the Second Official Member care to help clarify that? Section 18 where it says, "Officers shall, if so requested by customs, open and search, in the presence of customs, postal packages subject to customs inspection". What the Member is saying is, that in the presence of the "Addressee".

HON. DAVID H. BARRICK: No, no, the addressee may not be in attendance. I think the customs - it's not my authority, but I think it's quite a normal and usual power for customs officers to be able to open parcels if they suspect contraband or what goods are to be contained.

MR. GEORGE C. SMITH: Well, I think if the addressee is available I think he should be present when the package is open.

HON. V.G. JOHNSON: Mr. Chairman, this is the usual proviso which is given in all legislation to post offices throughout the world, they have this authority to open packages. And as the Second Official Member said, some of these addressees are sometimes not available. There are cases when it is necessary for the customs and post office authorities to inspect packages, and you know it's quite difficult in some cases to have the addressees there, but

HON. V.C. JOHNSON CONTINUING: for security and other reasons there are times when it is necessary to inspect some packages too regardless to whether addressee consents or not.

MISS GRACE M. HAMANA: Mr. Chairman, as I understand this to mean that if I have a package come from a mail order house and it is listed so many pairs of shoes, dresses and so on etc., that that must be opened.

MR. CHAIRMAN: No mam, no, no. I think what happens, when it comes like from a reputable mail order firm there's no need to really open it because there are restrictions, you know, what proper value and so on and so forth. But when you have a person, you know, say a distance relation or a friend sending you something they can put on it low dresses and in truth and in fact it might be two dresses and a pair shoes it as well or something else that's not mentioned the declaration form, if customs is suspicious they open it and see that it is a false declaration on the package, and then they can assess it and put for duty purposes.

HON. V.C. JOHNSON: Mr. Chairman, also you know there are quite a lot of obscene literature passing through the country these days, and also there is a problem of drug traffic, and there are cases where these authorities must have the privilege or the authority as the case may be to be able to deal with packages, open, inspect and all those things. I don't think that there is any business or post office authorities who would want to open a normal package coming from a reputable order house or coming from relatives or any individual properly addressed, labelled and declared. There is no intention to open those packages.

MR. GEORGE C. SMITH: This may be so, that there is no intention, but I think it's quite fair to say that it has happened and it will happen again. I don't see where any given officer should be given the right - as a matter of just to simply this point, in this it states- "if so requested by customs", it doesn't give a postal officer the right to open a package.

HON. V.C. JOHNSON: The reason for that, Mr. Chairman, is that these packages are parcels that are passed over to customs by the post offices department to be processed and delivered. And the customs would therefore request the post office authorities to open certain packages if they wished packages to be opened.

HON. D.H. McCOY: Mr. Chairman, you could well have a situation, and this has happened here where you have illegal items coming in such as drugs. The addressee may be known but he refuses to come and accept this, so what would you do in that case? And I would like to confirm the point made by the Second Official Member and the point which was made by the mover of the Bill, that this is a provision under International Regulations, it is a requirement under the Universal Postal Union that this be done.

MR. CHAIRMAN: I wouldn't be surprised that is you a provision in the original Law as well, because I have seen customs have to open ....

MR. GEORGE C. SMITH: I'm not prepared to argue it any further. However, I think I must state that I feel it's really imposing on the persons rights.

MR. CHAIRMAN: I think when they're in doubt it will be to make acknowledge of the addressee is there, because if there is a chance of something what shouldn't be there better there they would make the addressee there. So, probably most of the time it will work that way.

If there is no further debate on that one, I will put the question that Clause 78 do stand a part of the Bill.

QUESTION PUT: AGREED. CLAUSE 78 AS DRAWN. (AGAINST: MR. GEORGE C. SMITH)

CLERK: CLAUSE 29. RATES OF CHARGES.

QUESTION PUT: AGREED. CLAUSE 29 PASSED.

CLERK: CLAUSE 30. EXEMPTION OF POSTAL PACKAGES BY MASTERS OF VESSELS FOR DELIVERY AT DESTINATION.

QUESTION PUT: AGREED. CLAUSE 30 PASSED.

CLERK: CLAUSE 31. DELIVERY OF POSTAL PACKAGES BY MASTERS.

QUESTION PUT: AGREED. CLAUSE 31 PASSED.

CLERK: CLAUSE 32. PROCEDURE IN THE EVENT OF QUARANTINE.

QUESTION PUT: AGREED. CLAUSE 32 PASSED.

CLERK: CLAUSE 33. PAYMENT TO MASTERS, ETC. OF VESSELS DELIVERING POSTAL PACKAGES.

QUESTION PUT: AGREED. CLAUSE 33 PASSED.

CLERK: CLAUSE 34. EXCEPTIONS.

QUESTION PUT: AGREED. CLAUSE 34 PASSED.

CLERK: CLAUSE 35. OFFENCES.

QUESTION PUT: AGREED. CLAUSE 35 PASSED.

CLERK: CLAUSE 36. PROV..

QUESTION PUT: AGREED. CLAUSE 36 PASSED.

CLERK: CLAUSE 37. SPECIAL PROVISIONS AS TO EVIDENCE.

QUESTION PUT: AGREED. CLAUSE 37 PASSED.

CLERK: CLAUSE 38. PUBLICATION ON NOTICE BOARD IN POST OFFICE TO BE NOTICE TO THE PUBLIC.

QUESTION PUT: AGREED. CLAUSE 38 PASSED.

CLERK: CLAUSE 39. CONDITIONS OF DELIVERY OF POSTAL PACKAGES TO THE POST OFFICE.

QUESTION PUT: AGREED. CLAUSE 39 PASSED.

CLERK: CLAUSE 40. EXEMPTION AS TO INDEMNITIES TO THE POST OFFICE.

QUESTION PUT: AGREED. CLAUSE 40 PASSED.

CLERK: CLAUSE 41. LAW NOT TO DEROGATE FROM LAW 14 of 1971.

QUESTION PUT: AGREED. CLAUSE 41 PASSED.

CLERK: CLAUSE 42. ACCOUNTING FOR POST OFFICE MONEYS.

QUESTION PUT: AGREED. CLAUSE 42 PASSED.

CLERK: CLAUSE 43. REPEAL OF CAPS. 138 and 269.

QUESTION PUT: AGREED. CLAUSE 43 PASSED.

CLERK: A LAW TO REPEAL AND RE-ENACT IN ABRIDGED FORM THE POST OFFICE LAW (CAP. 138).

QUESTION PUT: AGREED. BILL PASSED.

MR. CHAIRMAN: That ends the committee stage for the Postal Law, we'll move on to the Local Companies Law.

THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. LOCAL COMPANIES (CONTROL) LAW (REVISED) AMENDED.

HON. TRUMAN M. BODDEN: Mr. Chairman, I ask before you put the question that on the third page capital (E) the little sub-paragraph (a) which begins right up top "By deleting the full stop at the end of paragraph (bb) of subsection (3) thereof and substituting the following words therefor". I would like Sir, just to amend that to clarify it rather than using just a reference to. I would ask that it be amended as follows, Sir:- "; and

(b) A STATEMENT THAT ....

This is just - I could perhaps ask for this to be just quickly typed out if you so wish.

MR. CHAIRMAN: No, if I can just get the place. What part of page two?

HON. TRUMAN M. BODDEN: Large alphabet (B) right at the top of the page, Mr. Chairman.

MR. CHAIRMAN: The Memorandum of Objects you mean.

HON. TRUMAN M. BODDEN: No, I'm sorry, it's in the Bill itself.

MR. CHAIRMAN: Ok, I think I have that - a capital (B).

HON. TRUMAN M. BODDEN: A capital (B) where it begins "By deleting". What I would like to do, after the word "therefor" right on the fourth line I would then put in "; and

(b) A STATEMENT THAT THE EFFECTIVE CONTROL OF THE COMPANY IS NOT, NEITHER DIRECTLY OR INDIRECTLY OR BY REASON OF ANY ARTIFICE OR DEVICE VESTED IN OR PERMITTED TO PASS TO PERSONS OTHER THAN AS SPECIFICALLY SHOWN IN THE RETURN OF SHAREHOLDINGS".

Mr. Chairman, if I could now read that back, the sub-section (a) would now read :- "A statement that the effective control of the Company is not either directly or indirectly or by reason of any artifice or device vested in or permitted to pass to persons other than as specifically shown in the return of shareholdings".

MR. CHAIRMAN: Yes.

MISS ANNIE R. BODDEN: Mr. Chairman, if I may be permitted to ask, where does that go to?

MR. CHAIRMAN: Well, it's on . page two the roman figure (b) "A statement that the effective", so everything after "the" starting with "Company" right down to "way but" all taken out. Is that correct, Mr.

HON. TRUMAN M. BODDEN: That's correct, Mr. Chairman.

MR. CHAIRMAN: Is the Second Official Member happy with that?

HON. DAVID R. BARWICK: Quite happy, Sir, yes.

MR. CHAIRMAN: Let's check with him and see how he ..... but, yes, is this the right way but it should go?

HON. TRUMAN M. DODDEN: I'm sorry about that Sir.

MR. CHAIRMAN: I'll put the question that Clause 5 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED AS AMENDED.

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

QUESTION PUT: AGREED. LAW TITLE PASSED.

MR. CHAIRMAN: That ends the committee part of the Local Companies (Control) Law. The following Bills, the Development and Planning (Amendment) (No.2) Law, 1977, The Postal Law, 1977 and The Local Companies (Control) (Amendment) Law, 1977 will require a Third Reading at a later date.

The next item on the agenda is Government Motions. The first one is No. 6 - Alteration to the Development Plan, 1977.

GOVERNMENT MOTION NO. 6 - ALTERATION TO THE DEVELOPMENT PLAN, 1977.

HON. T. ULIC DODDEN: Mr. President, I move Government Motion No. 6 - Alteration to the Development Plan, 1977.

WHEREAS it has become necessary to make an alteration to the Development Plan, 1977,

AND WHEREAS the Development and Planning Law, 1971 requires that such alteration be submitted to the Legislative Assembly for approval,

BE IT RESOLVED that the Development Plan, 1977 be amended for the purpose of re-locating the proposed road between Water and Bodden Town as indicated on the plan. The proposed re-alignment of the road is shown on the attached plan.

Members will see from looking at the map the alignment of the new proposal. In the original Plan the road ran along the coastline right on the edge of the bluff. This change would put the road back approximately four hundred feet from the waters' edge and would now allow the construction of buildings between the road and the edge of the water. The new alignment would start from Pedro Castle on the west and run along the coastline about four hundred feet inland to the Manse in Bodden Town. In other words the new alignment shares from the existing road at Point Monta rather than Spotts as shown on the first map.

This proposed road realignment so as to make way for building purposes of valuable coastline all other restrictions regarding this area will remain unchanged. And, Mr. President, I beg for the support of the Members in allowing this change in the alignment of this proposed road.

SECONDED BY HON. TRUMAN M. DODDEN.

MR. PRESIDENT: I notice on the paper that it's seconded by Mr. James M. Bodden, does that make any difference?

Ok, Government Motion No.6 has been moved and seconded and is now open for debate.

MISS ANNIE H. DONOVAN: Mr. President, while I do not understand the ramifications of the change in this road I'm sure that leaving a space on this waters' edge where houses and other buildings can be erected would be more suitable than having a road so close to the sea with the water washing up.

MISS ANNIE E. BODDEN CONTINUING: Nevertheless, another change had been suggested whereby the low density area could be put on the Plan, there is a break between upper Bodden Town and lower East End, and I have had representations from members of the public who request that this space in between lower East End and upper Bodden Town that that low density area should continue right through.

I have spoken to the Honourable Member concerning this, and I am wondering, Sir, if this change could also be inserted so as to make definitely sure if the Plan that when it is amended it low density area. I see no objection to this road, I would say, it is a well thought out item on the Plan. Persons of one goes to the eastern districts and have to pass the East End road, where I wonder whoever designed that road to have it in relation to the workers' edge? How many people are not killed on that road is a mystery because in some places it is just a few feet, and the curves, and anybody drunk driving, unless the hand of God is guiding him on how they would naturally go over and be killed instantly. So, I feel that roads in our process they should not be designed too close to the workers' edge. Although I am quite aware of the fact that around Bodden the formations is quite high, nevertheless, I feel that it's in the best interest of this Plan that roads should be at such a minimum from the workers' edge as an alien building.

And I would ask, Sir, if this low density area could be also inserted in this resolution? And I am not moving any counter resolution to it, I'm just asking if the Honourable Member would have that inserted also.

HON. TRUMAN M. BODDEN: Mr. President, the - I would also like to mention that there seems to have been some confusion between the members on the Committee to Review the resolution as an area in the Western area off the Walkers Road which has been inadvertently put in as medium density, but is just as high density. And I understand that in my absence representations was made to the Honourable Minister Bodden on this, and I would just like for it to be noted that if there is this inadvertance as it then I would be asking that it be corrected in due course. Like the lady Member, I would not be attempting to move an amendment to this resolution, but I would hope that in due course this can be corrected. And I can see the sense in making this road look, because if one knows the area, Mr. President, one knows quite well that it's an impossibility to put that one hundred feet from the sea.

Thank you.

MR. PRESIDENT: Any other comments on this motion? Would the Member like to wind up now?

HON. G.HAIG BODDEN: Yes, Mr. President.

While we're on the question of the Plan I would like to say that the formal Plan has been completed and is now on sale, and if Members have not yet received their copies few copies will be sent to them shortly.

The Lady Member from Bodden Town made reference to a change in the Frank Sound area to make what is now an agricultural area into a low density residential area. The same thing as was already will take care of that in that we will be dealing with a change in the Regulations, and while I don't want to contaminate something that is coming I would just like to say in reply that all the agricultural/residential areas will be changed so that the density can be increased, as it stands now in the agricultural/residential areas only two houses per area would be built, but in special circumstances where the land is not suitable and where the land is not good a little lower the Central Planning Authority may permit up to three houses per acre on such land. And this particular area that she is referring to the land that is not suitable for agriculture and would therefore come into low density residential use and three houses per acre would be permitted.

I would also like to say that in the Plan where there is a low density area only three houses per acre would be permitted. So, although the designation is not changed from agriculture/residential to low density residential in effect the buildings on an acre will be three houses

HON. G. RAIG BODDEN CONTINUING: instead of one.

With regard to the comments on the road, I would say that it is my recollection that the Select Committee which dealt with the Plan felt that this road should have been four hundred feet back from the waters' edge. Although the District Committee which studied it had recommended it should be on the waters' edge, the Committee did not accept that recommendation and this road should have appeared as four hundred feet back, because it does make good sense for it to be set back so that it would not be damaged by the weather.

With regard to the change in the Boilers area from the existing medium to high density. I did have numerous views to me about it, I have no strong feelings if it is the will of the House to change that particular medium to high density. I understand that in the interim plan a part of that area which is now medium was at one time high density, so if it is the will of the House to make that change I would have no strong objections. Unfortunately we do not have here a detailed map of the area, but I know the area in detail, and if the Members of the House so wish to put this we can do it. I imagine the Lady Member will be satisfied with the change in Frank Sound which will be taken care of by the Regulations when we come to that as the item on the agenda. So, I'm prepared to amend this motion so as to change the Boilers area to a high density, which I believe is the case at present, to a high density rather than a medium density, and if the Members agree I would formally move the motion now that the area referred to as Boilers be changed to high density residential. And if that be accepted, I would ask Mr. President, that you put the question that the motion be accepted to alter the realignment of the road as well as the density.

HON. TRUMAN M. BODDEN: Mr. President, I second that amendment.

MR. PRESIDENT: I'll put the question then. The question is, that the motion be accepted as amended to include the change in the Boilers area.

QUESTION PUT: AGREED. (GOVERNMENT MOTION NO.6 AS AMENDED)

MR. PRESIDENT: The next motion is No. 7, and perhaps I should remind Members that under Standing Order 37 (10) (a) when a motion is put by Government they don't need a seconder.

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

GOVERNMENT MOTION NO. 7 - THE DRAFT DEVELOPMENT & PLANNING (AMENDMENT) REGULATIONS, 1977.

HON. G. HAIG BODDEN: Mr. President, I move Government Motion No.7 - The Draft Development & Planning (Amendment) Regulations, 1977.

WHEREAS it has become necessary to make amendments to the Development and Planning regulations, 1977,

AND WHEREAS the Development and Planning Law, 1977 requires that any amendments to the Regulations be laid before the Legislative Assembly for approval,

BE IT RESOLVED that the draft Development and Planning (Amendment) Regulations 1977 be approved by the Legislative Assembly.

Perhaps, Mr. President, it is best if I deal with the amendment which I referred to during the previous motion. On the map which have been prepared large areas of the Island particularly in the Eastern and Middle Districts are marked as agricultural/residential, and in the plan on these areas only one house per acre could be built. However, some of these lands are not suitable for agriculture at all, like the area mentioned by the Lady Member on the East End road from Frank Sound to Cottage, this area is mostly cliff lands, some of it is swamp and it would be very poor indeed for agricultural use. It has been decided that in these areas as many

SEN. C. W. G. MORGAN CONTINUED: ... so three houses per acre may be permitted providing it is not directly over the pool water level as it is in areas where the rich agricultural soils are found. This seems to be a sensible amendment and will now permit the same amount of buildings as would be found in a low density area.

The second substantial amendment is to permit building on a lot even if the lot is below the prescribed minimum size, if the lot existed as a lot on the day before the plan came into operation, that is the 30th day of August, 1977. Members will recall that this point was raised in the committee and something of a similar nature appears in the plan as it was in, but you know, a similar word and the same word in the difference between lightening and the lightening bolt. In the plan as it stands a person can build on a residential area if his lot is below the prescribed minimum once the lot existed before the plan came into operation. This amendment will allow the building on a lot in any area once the lot existed as a lot before the coming into operation of the plan.

It has been suggested that we could refine this amendment by saying, that building of dwelling houses only would be permitted in any area, and if the Members so feel we could make that amendment.

The Plan made provisions for beach resorts to be in residential zones, and the amendment here is to keep them in low density areas. An omission in the Regulations when they were made was that of qualification for cottage colonies. The Plan, the law and the Regulations made provision for cottage colonies, but did not set a maximum number of cottages per acre and did not set the number of bedrooms per unit and did not set a minimum size cottage, that was a complete omission. Now the Regulations and the amendment will provide for qualifications to be set for a cottage colony development.

There is a slight alteration in the definition of "agricultural residential land" and the definition now reads that it means "land the primary use of which is both agricultural and residential". So, Mr. President, these regulations or these amendments will make in one or two instances substantial changes to the old regulations, but I feel that in every instance the changes are justified, and I would seek the support of the House in making these amendments.

MR. PRESIDENT: The motion is open for debate.

HON. THOMAS M. HOGEN: Mr. President, I would just like to mention one thing on this which, perhaps, could've been dealt with. In Regulation 8 which alters the old regulation 12, the third line from the last, I think for clarity's sake and subject to the Attorney-General's ruling, where it has "it may permit three houses" I think if we put "may permit not more than" so that they could allow two houses as well. While I think it is fairly clear, I think that would spell it out a little bit more.

HON. DAVID A. DARRICK: I've got no objection to that.

HON. THOMAS M. HOGEN: Thank you. The other thing I'd mentioned, was it for, while I had not mentioned that ... or had not thought about this prior to this, I think it would perhaps be good if the intent of building on these small lots which were really intended for - I think for residential homes - where we gave this concession, if perhaps that could be followed to "may permit building or may permit dwelling houses to be built" or words to that effect put in on it. I don't think the intention - and I'm subject to correction of the House - I don't think the intention was ever that this was meant to be unfettered wide that nobody could build anything on any lot once it existed before. I think it was really to ensure that residences could be put there, and if so I would ask for that to be amended accordingly. Or, it may read subject to whatever the Hon. Member, "where circumstances so justify, the Authority may permit dwelling houses to be built" and take out the word "building" or perhaps the Attorney-General .....

HON. DAVID P. DARWICK: Could I suggest for the consideration of the House, Sir, that the phrase "the building of dwelling units".

HON. TRUMAN M. HODDEN: That is much better amendment, Sir.

MR. PRESIDENT: Just where would that come now Sir. "Where circumstances so justify, the Authority may permit".....

HON. DAVID P. DARWICK: "the building of dwelling units on a lot".

MR. PRESIDENT: Now the Member finished?

HON. TRUMAN M. HODDEN: Yes, Sir. Thank you.

MR. PRESIDENT: Would anyone else like to speak on this? If nobody else wants to speak I'd put the question that Government Motion No.7 be accepted with the two minor amendments to the regulations which are attached.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 7 PASSED AS AMENDED.

GOVERNMENT MOTION NO. 8 ASSESSMENT COMMITTEE

HON. G. M.IO HODDEN: Mr. President, I beg to move Government Motion No. 8.

WHEREAS Section 7 of the Town Law (Law 10 of 1974) makes provision for two persons to be nominated by the Legislative Assembly to serve as Members of the Assessment Committee.

BE IT RESOLVED that the following Members be nominated by the Legislative Assembly:-

Mr. Cruickshank Eccles

Mr. Dalmain L. Gordon

Mr. Cruickshank Eccles is not here today, but he is at present a Member of the Assessment Committee and has been since 1972. I was also a Member of that Committee and the change here would replace my membership with that of Mr. Dalmain Gordon. I feel that this change is necessary, because I may have a lot to do with transactions that would be handled by the Assessment Committee and it wouldn't be right for me to remain on that Board.

However, I can tell the Member from West Bay that he will not have too much work on it, in the five years I've been on this committee it has only had the occasion to meet one time. The Judge of the Grand Court is the Chairman of this committee and it only meets to assess the valuation of land if land is taken for roads and if agreement cannot be reached with property. So, it is a committee which is very valuable but will not take up a lot of time, and I would ask that the House support the membership of the committee.

MR. PRESIDENT: I don't think there is any debate so I'll put the question. The question is, that Government motion no. 8 be accepted.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 8 PASSED.

MR. PRESIDENT: Would Members like to continue on or ....

HON. JAMES M. MILLER: Please,Sir.

MR. PRESIDENT: Or. Government Motion No. 9.

GOVERNMENT MOTION NO. 3 - ADDITIONAL PORT LOAN

HON. V.G. JOHNSON: Mr. President, I move Government Motion No. 3.

WHEREAS the Legislature recently approved under the current year's Appropriation Law, 1977 a sum of $600,000 for the Grand Cayman Port Project which sum is to be raised in the form of a loan from Caribbean Development Bank, under the provisions of the Loans (Capital Projects) Law, 1976.

AND WHEREAS the Bank has now granted approval of the loan in the sum of $480,000 but it was discovered that The Loans (Caribbean Development Bank) Law, 1977, Law 17 of 1977, came into effect during negotiation of the loan and that under Section 3(1) of the Law the consent of the Legislative Assembly is required if the loan being negotiated exceeds the sum of $250,000.

AND WHEREAS the loan being negotiated with Caribbean Development Bank is $480,000 and exceeds the $250,000 limit thus requiring the consent of the Legislative Assembly,

NOW THEREFORE BE IT RESOLVED that this honourable Legislative Assembly approve that the Government borrow from Caribbean Development Bank a sum not exceeding $600,000 the proceeds of which will be applied to expenditure on the Grand Cayman Port Project as originally approved by the Legislative Assembly.

Mr. President, I would like first of all to remind Members *of this Honourable House that the motion is seeking the authority of the Legislature to raise a sum of money which in fact is not a new loan, but is to comply with a new Law which was introduced and passed by this Assembly just a short while ago. The loan was approved in the current year's Estimates and you will recall that in March this year in the Budget Session a proposal was put forward for this Government to raise a sum of five hundred thousand dollars from Caribbean Development Bank. The purpose for this was because the cost of the Port had exceeded the original estimate by nearly one million dollars, and it was thought that if Government could arrange a loan from the Bank this would assist the financial position of Government and allow it to concentrate its efforts in other areas of need, and so the proposal was put forward in the 1977 Budget to raise this sum of money from the Bank. Of course you know, it takes quite some time to negotiate a loan because many times these things are caught up in the web of administrative rules and procedure and dragged out for a long time. And from the beginning of the year we had been negotiating this loan and it is just now that the Bank has given approval to it and is about ready to release the funds. But we discovered that although the loan was raised under the provisions of the Loans (Capital Projects) Law, 1976, which Law specified that one of the projects to have been financed under the provisions of that Law was the Port Project, we could not obtain release of the funds from the bank until we had also conformed with the requirements of the late Law, The Loans Caribbean Development Bank Law, 1977, which states that any sum amounting or exceeding two hundred and fifty thousand dollars should have the consent of the Legislative Assembly before the Governor can negotiate with any financial institution to borrow this sort of money.*

And so, Mr. President, this motion here is really more or less a formality to ask the Legislative Assembly's consent to raise this loan from Caribbean Development Bank. So as need the funds, the Bank is ready to release it, the fact is, Government has already advanced this money to the Port Project, however now that the Port is completed and in operation and of course somebody had to find the money. well, the Government have advanced this money and it's only a matter now of recouping the funds from Caribbean Development Bank and returning the advance account and I therefore ask Members of this House to give their favourable consideration to this motion.

MR. PRESIDENT: The motion is open for debate.

MISS ANNIE E. EDDEN: Mr. President, having heard the explanation from the Financial Secretary what the money is for the purpose of the Grand Cayman Port Project. Although no I understand from him the money has been advanced by this Government, this is to will be a replacement to Government for the money already spent.

Now, that is not the talk that is circulated, the talk is this, that this money will be used for another project, I don't know which other project, and it is a cover up. Well, I take it that the Honourable Financial Secretary is a man of honour and I accept his explanation. If this loan was to be used for any other purpose, I would not support it, because I am a person who happens to be afraid of debts. I do without a lot of things to save myself embarrassment if it mean to a shop down there I had to pay and didn't have the money. Our Government has in the past grown from strength to strength, we have had to borrow some money, and when it comes on that Port, although I suppose I am a unique Member of this Assembly who supports that wonderful deal I must say, that we have there. I will agree to this loan on the understanding that the Honourable Financial Secretary stated.

Now, I have heard it time and time again that this deal is not worth the money. Well, I feel that it is worth the money, if nothing else, the beauty of it much less the use, and I support this wholeheartedly with the definite understanding that it is for a replacement of an advance by our Government on this Port facility. Thank you, Sir.

HON. G. HALL EDDING: Mr. President, I perhaps, am the reason why rumours have started about this particular Bill as this particular loan; a . . . letter which contained quite a dozen different lies was published in the Compass, written by one James Lawrence of Bodden Town, and one of the many untrue statements in it was his paragraph on this particular loan. And in that letter he says, there will not be such a loan for the Port when the Port has been completed long ago on words to that effect, and this has started the rumour, and I have no hesitation in saying that this rumour started by him with his unfair letter misleading not only me, but the entire people of the Cayman Islands whom he referred to as a mere minority to a disgrace. The truth is that this Bill was very necessary, since this Legislative Assembly agreed in 1973, I believe it was, to build the Port and to borrow the money. Everybody knows that the Port, because of rising costs cost much more than the original estimates, but nevertheless Government is still obligated to pay whatever the Port costs, and Government can do it only by bringing a Law.

An earlier letter of his had indicated that this Executive Council could go to Caribbean Development Bank and borrow two hundred and fifty thousand dollars as many times as they like, everybody knows that is unfair and unless or we would go now and get it we wouldn't have to bring a Law here or a motion to get the approval of the House. I am saying this, Mr. President, because I am certain we have as the one will rise tomorrow unless they rewrite the article for the next issue of the Northwester that one will try to give some credibility to his unfounded letter, they seem to work in conjunction, when one spreads the rumour about this Government the other brings out a letter and if the letter comes first the article follows it, and I'm wondering how long this is going to continue. This is a very serious situation, when articles are written which concentrate on something discreditable which might have happened long ago, and when it have reference to that important aspects of Government business are deliberately misrepresented and exaggerated with the obvious aim of undermining public confidence in this House and especially the elected members of Executive Council.

I commend the Financial Secretary for giving a true explanation of this Bill and for making it clear that this is not a cover up Bill, this is for the purpose to pay the cost of the Port. I have no criticism of the criticism made on the Port. It's a known fact that it costed more than the estimate but as does everything else. I hope Members will support this motion and will see fit to pass it.

MR. PRESIDENT: Would the mover like to say anything more on it?

HON. V.G. JOURDON: Mr. President, not really, but I would just like to remind the Honourable Members again that there is no cover up here at all. My years in this Legislative Assembly taught me that I must always be honest

HON. V.G. JOHNSON CONTINUING: with Legislation, the fact is, that it was always my philosophy in the House and that is what I am accustom to. Whatever I put forward here is done in honesty and there is certainly no reason up. Another thing I would like to say is, that rumours are unavoidable in any community, you'll always hear that, the thing for us to do is to convince the Legislative Assembly and to convince the public and to gain their confidence in what we do, and once we can do that then the battle is won. I recommend the motion, Mr. President.

MR. PRESIDENT: I'll put the question then, Government Motion No.9 be adopted.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 9 PASSED.

MR. PRESIDENT: Government Motion No. 10.

GOVERNMENT MOTION NO. 10 - CAYMAN AIRWAYS LIMITED

HON. V.G JOHNSON: Mr. President, I beg to move Government Motion No. 10.

WHEREAS it has become necessary for the Government the majority shareholder in Cayman Airways Limited, to take certain steps to maintain the value of its investment in that Company and to ensure the uninterrupted continuance of the services it provides;

AND WHEREAS to facilitate these steps a new Company wholly owned by the Government has been formed under the name of CAYMAN AIR HOLDINGS LIMITED

AND WHEREAS that Company may, if the Government deem it necessary or expedient, acquire either by way of lease or purchase aircraft to be made available for such services and may raise money on commercial terms for such purposes and other with, if necessary, the assistance of a Government guarantee;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS -

(a) that the new Company be authorised to lease purchase or on option to purchase one or more suitable aircraft;

(b) that the Company be authorised to raise sufficient funds, not exceeding US$1,500,000 for the said acquisition and for such other and related purposes as appear necessary or expedient for any of the purposes aforesaid upon such terms and conditions as the Executive Council may approve;

(c) that the Governor be empowered to guarantee in the name of the Government and people of the Cayman Islands any amount not exceeding US$1,500,000 as the Company may borrow on terms and conditions approved by the Executive Council;

(d) that the Governor be authorised forthwith to approve an advance of CI$100,000 to the Company to enable it to take such measures as are now necessary to secure the aircraft pending the final completion of the transactions involved;

(e) that on the 1st December, 1979 the whole future of the national airline be reviewed and consideration given to offering shares in it to the local public if it is so desirable.

Mr. President, this morning two sets of minutes were laid on the Table of this Honourable House from the Finance Committee, one dated the 24th of October and the other the 30th of October, 1979. This motion is extracted from both of those meetings which deals with the affairs of Cayman Airways.

HON. V.C. JOHNSON CONTINUING: At the first meeting, Mr. President, the proposal was made to acquire an aircraft but this proposition was later not pursued because of certain internal matters. The meeting on the 28th of October therefore recommended certain other proposals, and this was to use one for the purchase of an aircraft but to lease, lease purchase or on option to purchase an aircraft or aircrafts as may be required.

The proposition was dissed thoroughly at Finance Committee meeting, and I should say that the Finance Committee is made up of all Elected Members with the Financial Secretary as Chairman. So, only the Official Members were absent from that meeting. The Finance Committee examined in detail and both occasion the proposals were submitted and they were approved, and on the last occasion the amended version of the proposal was also accepted, except that on that occasion a request was made by the Committee and which is embodied in the last paragraph of the resolved portion of the motion which says, "that on the 1st December, 1970 the whole future of the national airline be reviewed and consideration given to offering shares in it to the local public if the airline is in a position to operate". I think Members had a fairly strong view on that aspect of the proposal as they viewed that the whole matter be reviewed in a year's time. Other than that the Committee was unanimous in recommending the proposal to the Legislative Assembly, one because they felt that the national airline should continue in operation and secondly, they thought that the employment in the airline at the present time should not be disrupted because there are probably about forty people employed, in other words if the airline folded there would be forty people out of a job and with the economic situation not they yet as we would like to see it, we wouldn't like to see added burden to it, and for this reason they thought it was wise to go along with the proposal in effort to save the national airline and to see that on the 1st of December it will continue in operation.

I think the Honourable Member whose portfolio the subject falls and she might want to add to this will tell you that they have succeeded in achieving that, that on the 1st of December the airline will continue on its normal schedule operation.

Mr. President, I don't think I will have to go into too much detail in presenting this motion because Members are already aware and acquainted with the details involved and it is now just for me in presenting the motion to ask Members to give it their support, and the support which they gave to the proposition in Finance Committee. Thank you, Sir.

MISS ANNIE H. BODDEN: Mr. President, there is one impression that the Honourable Financial Secretary has made and that is that Annie Huldah Bodden did not agree with this proposition. I objected to it unfortunately under my view I still have to object to our Government involving itself in this debt to raise money to have another airplane available for this service as we have had in the past. I am not a lover of airplanes by any means and the only way that I will ever go on one again is if necessity arises, and I hope it never. My experience on the inaugural flight of the original Cayman Airlines has dampened my ambition to fly, but I feel that an airline is a necessity, and I was very proud of the airline that we as legislators nine years ago fought and had put into operation, at an initial cost, as I recall, of one hundred and twenty thousand dollars.

There are two reasons why this service was disrupted. I'm not saying which is true and which is not true, I know what I believe and I know what I can prove if it comes to a show down. I say then that if we had listened to people ... would not have been any national airline, even legislators said we were crazy in pursuing such a thing but it was the life line we had to do it or otherwise remain bank as my colleague from George Town said, to the chicken days which are not good enough.

I will say this, that I would like to see an airline in operation under the auspices of our Government, but I do not feel that we should have to go to this extreme to get an airline. I have heard it said in this Chamber and abroad that you can't believe anything the Northwester writes on the Compass, but in this instance one day you read one thing the next day something else. I don't know what the position is, but I feel that we have wasted quite a lot of money in running this plane and at a later stage

MISS ANNIE R. BODDEN CONTINUING: I would really like to know how much money has actually been spent. Regardless how I've been crying in the wilderness will have no effect, but I say here and now I have opposed this borrowing of money to purchase any airplane, and I stand by my decision.

Thank you, Sir.

HON. TRUMAN M. BODDEN. Mr. President, I'd just like to briefly note a few points which I think are important to this motion. Firstly, as the Lady Member quite rightly said, a sentimental attachment to what is here country, it's vital to its economy and it is vital to the continuity of the way of life that we have been used to. With that one is left with what is the billion dollar question that good. I believe that is to be vital that this airline retains with effective control by this Government because the bilateral agreement between the U.S. and the U.K. or who ever - how unfortunately should that in due course they appear that to be implemented, and also if we allow this airline to continue to be controlled, and I'm not hesitate when I say the word "terminated", then one good day on my mind will there be a stable or there are problems in the country where that control lies, and I'm not just referring to the present country, I mean this is a dangerous dimension there is a world based situation and we may well find our whole air - slipping.

Nobody likes to spend money, only in this day and age if we want to get anything you have to pay for it. And I would hope that Members would agree with me that this aggregates to by no means a big price to pay for the continuing of the airlines. I would ask support for it, and I think that the Members have quite rightly, put in a section in that motion that they will review this as time goes on and I would ask for its support.

Thank you.

MR. BENJAMIN O. HARRIS: Mr. President, I rise to support this motion. I did it in the Finance Committee as I'll do it here again today. I really can't see why it's not being supported, because if we have a plane I couldn't see anywhere else that we could get one. I am not all for Government owning an airplane, but until this time and it's going to be maintained later on and stance will be given to the public as I feel that we have made a good step, and I am proud to be one of them that has supported it, and I pray to God that this area will be a success for the sister Islands.

CAPT KEITH P. TIBBETTS: Mr. President, I know this may not be the proper time to ask a couple of questions, reservations, I think in all fairness these answers are due to this Honourable Assembly. It is quite true that in the motion that is stated, we have formed a corporate company which is leasing an aircraft, and then if I understand rightly it's being leased back to Cayman Airways to operate as a national carrier of the Cayman Islands. In that respect I feel that this Assembly is due to be told what is the situation between Cayman Airways and Lacsa. As far as to have up until the present time Cayman Airways owns sixty percent of this operation and seems fairly pursuant, what is going to be the situation on and after the 1st December? Is Lacsa still going to be a forty percent shareholder in Cayman Airways for this operation or is it going to be Cayman Airways, fully and solely? This to me is the most important thing that we have to face in this whole issue. I have no disrespect for Lacsa, but the thing is this, now that we are embarking or planning ourselves from Lacsa it must be made clear the situation in which we stand.

Also too, I want the assurance of this Honourable Assembly today that the services between Cayman Brac and Grand Cayman or the Inter Islands service or whatever you may choose to call it will not be disrupted as of December, 1st. We all know the story of why this has come about, primarily because the Government of Costa Rica has seen it fit and proper that they will give Caymanian Pilots a license anymore to fly Costa Rican registered planes. But I want the assurance of this Assembly to take back to my people that the services between Grand Cayman and Cayman Brac will not be disrupted as of 1st December. I cannot go back home and tell my people that I don't have that assurance, because that is not fair to be asking fury to the fire that is ready to break in Cayman Brac if services are discontinued or removed even for one week. So, I'd like those answers if that is appropriate at this

CAPT. KEITH F. TIBBETTS COMMISSIONER: ... your hon. Honourable Assembly.

MR. GEORGE C. SMITH: Mr. President, the paper presented to us comes under Government Motion No. 10 - Cayman Airways Limited. I wish to say that it appears to me that as a Member of the Assembly a politician has no right to question this particular document, and in so doing we would be violating primarily a matter of Company Law. It would seem to me more appropriate that we should not discuss Cayman Airways but the future of Cayman Air Holdings Limited, and furthermore I think it would be a waste of time to even attempt to discuss the Company Cayman Airways Limited. I would say, and I openly say, that any Company that the owners do not have the right to dismiss one of his employees without the written formal consent of the Board of Directors isn't much of a Company at all.

I will say here, Sir, that the Members of the Executive Council should be commended for the foresight used in forming or creating the second Company Cayman Air Holdings Limited for the sole purpose of insuring one or the necessary steps to maintain a service to the Cayman Islands.

Mr. President, I will say here that I am not solely for Cayman Islands Government completely itself in the Airline Business. As I see it an airline could only be a [illegible] to the Cayman Islands Government. However, since I have placed myself in the position where should I not support this particular motion that it would possibly cause unforeseen problems in the near future. I will state that I am very happy to see that the Member pointing this motion out which is to examine the situation again within a one year period so that it may effectively or have the proper and true ring of this motion the Company Limited is to a viable proposition or not. However, I feel that a [illegible] point of this exercise to the public over here will be that if [illegible] this exercise that one not saying alone on this, I should say the Executive Council and the Members of the Assembly here for diversity discussions from hence will be given the chance of putting some body at rest that we are not sure, the Government should maintain a National Airline, we should be able to have a national airline without it [illegible] the opportunity of contributing favourably to the proper operation of such an airline.

Mr. President, I thank you.

HON. G. HAIG BODDEN: Mr. President, I feel that we need to support this motion because being as island as Cayman Islands it is very necessary that we have fast and reliable communications with the outside world. Our economy depends upon the existence of a good communication system. Tourism, banking business, people needing medical facilities, air freight, most of our goods are imported these things cannot continue without proper communication system.

There are a few points which seem to have been missed by the critics of Government's recent actions, and one of them is that in the recent bilateral between the United States and the United Kingdom it was indicated that the United States Government would prefer to see the British Caribbean Islands having effective control over any aircraft which was intended for use between the Caribbean and the United States. So, the time has come when this Government, if it is to continue operating a service into the United States would have to look at a type very much change to any airline which performed the service. And it is my understanding that when the United States Government initially spoke control they meant that we should own a minimum of ninety percent of the shares in the Company or held on having the interest on our register so that it could be under our effective control. So, the motion of bringing the only two [illegible] Cayman Islands and our own airline has been brought upon us by circumstances over which we have no control, whether we want to or not [illegible] effective control or we must get out of the business.

Another fact that seems to have been overlooked by our friends on this [illegible] has said that the particular aircraft on this route would be used by them for the movement of their routes. A third fact which seem to have been overlooked is one also which

HON. J. MARK MCKEEVA CULVERT: this Government has no control, and that is a decision taken by the Civil Aviation Authorities in Costa Rica that after the end of this year no foreign pilots would be able to fly on any aircraft registered in Costa Rica. So we are faced with the dilemma of putting our Companies out of jobs if we do not seek an alternative to an aircraft registered in Costa Rica.

And the fourth point that seems to have been missed by the critics is that a change of aircraft, whether to remain with Lacsa or not a change of aircraft was necessary. Cayman Airways as a Company is planning the expansion of its routes, and I understand they have been given permission to fly into Honduras the aircraft, as our lady would not handle this route. Furthermore, because of the rising cost in fuel the aircraft which runs did the job has become not absolute but less of a profitable function, so the airline has reached a stage in its development that if it is to continue to grow it will have to find an aircraft which is more suitable to its needs today. The aircraft which we own is a fine aircraft and has done an excellent job and perhaps was the ideal craft when it was first leased, but we live in a world of change and if a business is to prosper that business and the people who run it must also change to suit the requirements of the present time.

I believe that the motion has a lot of merit, the motion has been supported by nearly all of the Members and I trust that it will have sufficient support to be passed.

HON. JAMES M. RONEY: Mr. President, the mother country has had three great Queens, Elizabeth I, Victoria and Elizabeth II. From childhood I have heard and it has been preached into my ears of the victorian loyalty won to wife, but since dealing with the Lacsa/Cay - Airways Limited problem I have come to find out that there is even a greater loyalty than the victorian loyalty that united man to wife. We now have the Cotton Green Elizabethan loyalty combined with reason and there has been no greater love than that, it has been like the Bible saying, "greater love hath no man than he lay down his life".

I would like to answer the questions in regards to the Company. Most Members are aware that Cayman Airways is only owned sixty percent by the Cayman Islands government. I am sure that by this time most Members are also aware of the two little cycles that exist in the articles of agreement under which the Company operates, and that is, although the Cayman Islands Government is a majority shareholder it cannot exercise the prerogative of a controlling partner because under the articles of agreement to hold a meeting you have to have a Lacsa director present to form a motion before the Board you have to have the consent of at least one Lacsa director. And I am sure that when Lacsa comes to one of our meetings their members come with a mandate from their Board that their members speak as one group, by the same token the majority of the directors of the Cayman Islands Government's portion should be doing the same thing. And because of that we could not allow and we would not make the arrangements for this new aircraft in Cayman Airways therefore it became necessary to form another company, which would be owned by this Government to put us in the same position that Lacsa now stands.

Mr. President, what we have done puts the Cayman Islands Government in the same position that Lacsa was in before, having their Company as an in between the effective control can be handled by that Company, that is the reason and there is nothing more about it, everything pertaining to this deal, everything pertaining to Cayman Airways Limited will be put before you either in a meeting of the Legislative Members at the Administration Building if you so select it or here in the open Chamber. I have no reservations one way or the other. I can see that by this time probably some of the Elected Members of Executive Council have created many a time that we had been like the previous Members and left the Lacsa problem and the Cayman Airways Limited problem to take care of itself, but Mr. President, that would have been the defeatest attitude and we are not prepared to accept that.

I will give the assurance that the Inter Island service will continue with the same manner hopefully, thank God that is an

HON. JAMES M. BODDEN CONTINUING: have been this to give the assurance that the much more vital service on the international route will have no disruption barren at this point, an act of God.

We are hopeful that Lacsa's Directors will agree in the end to stand by their previous commitments and particularly as they mentioned in the Northwester that they were only looking for a par value to their shares. We are hopeful that when the time comes for settlement that they will still stand to that; it is very good to see that out of many ills that certain press media have accomplished in the past, at least they may be good sometime to do one good thing. It is vital to us that the airline business continues for many reasons, tourism for one, the main thing is that the life blood of any economy in a country is the amount of money that stays into that country from what is spent in that country. We are hopeful that with this reorganization we will have much more effective control of the money which is earned by Cayman Airways and that there will be possibly a little bit more of it staying into the country.

It is very difficult to cope with problems like these, when we find that people will immediately listen to rumours and be willing to support individual small interest groups. I think that we have had so much of that in the past that we as a responsible should be getting to the point where we will decide to put that behind us. We are in here to protect the national good we are not in here to support anything that is going to be of a minority nature for the good of Tom, Dick or Harry alone it must be for the majority of the country, we must grow, we must build ourselves to the point where we can ping our ears and stop our tongues in regards to fostering these types of rumours, God knows we have heard enough of it, it even got so far as from the highest of the Civil Servants I understand, and I am not talking about those who are sitting on my left, that it was rumoured that the fifty thousand dollars were spent and given to the wrong man, and I understand it came right out of the fourth floor and this is ridiculous, this Government must continue and this Government must realise that it is no longer a Civil Servant run - Government it's a Government that is moved by twelve Elected people, the people who represent the views of the thirteen, fourteen, fifteen thousand whatever may be people that we have in this country and regardless of what it takes in the next three years if we live, and I'm willing, it must be realised that for once in the history of this Island it is going to be an Elected Government.

Mr. Morales has seen fit to make the opening shot in the Northwester, I am sure that he was prodded quite a bit to do that because they thought it would probably sell the paper a little bit better, and anything that a business man can do to promote his business within reason, I support. But, Mr. President, that was like the first shot that was fired in the American Civil war, the first round has just started. I hope it will not have to fire the second shot, and I do not mean that from a gun.

I am referring, Mr. President, to my reply to Mr. Morales which I had prepared before he came out in the Northwester because I anticipated it, and I have dealt with this from the formation of Cayman Airways and everything to from authenticated documents that were in the file and it covers fifty foolscap pages, when that comes out to the public I do not believe I will leave any stone unturned in showing who has taken place in the Cayman Airways Limited operation over the years. At that point I will like to see the reply that the Northwester will give, and I would like to see the reply that Mr. Morales will give. It is true that in a democracy we all have to have our ideas, what one sees as good the other may view as bad and I hope that that will always continue in the Cayman Islands. But, Mr. President, I am very shocked, when I would hear a Member of this House request that Cayman Airways be liquidated just because another Company owned by Government is asking for Government's guarantee to get the money to keep it going. We have gone into debts into this country that have been much much larger than this and debts that cannot as a business pay off itself, Cayman Airways is a business that generates quite a bit of cash flow and again, barring any foreseen act of God it should be in a position to readily pay off any indebtedness in a very short time.

I know that a lot of people will say, oh, Caymanians

HON. JAMES M. BODDEN CONTINUING: cannot run aeroplanes, I think that is the biggest insult that we can have thrown in our face because I as a Caymanian feel that Caymanians have run and operated nearly every business known to man and in most cases they have done a good job, they have done as good a job as many of the experts who have many college degrees when we do not have any, and specifically, Mr. President, at this point I would refer to your minority because you have occupied the position of Governor of this country which is the highest position in the land for the last two years, and I think I can speak on behalf of the rest of my colleagues and myself with no disrespect to the man who you have succeeded in that position or anyone else, but I think that you have done as good a job as any man could have done. The Colonial has continue to function, we have had no hotches and at least we did have one thing in common that we could present you with a problem and you as one of us could readily understand what caused that problem and see through it.

So when I hear the ridiculous statements that Caymanians cannot run an airline, Caymanians cannot do this, it boils my blood because we are as capable of doing anything in this God's world as any other nationality on the face of the earth. And I would only say in closing up, that should we have taken the course to liquidate Cayman Airways it would have been much more detrimental to this country than the question posed by the lady Member this morning in saying that the people pay transportation for their school children to go to school, it would have been much more detrimental.

MISS ANNIE A. HUDSON: On a point of correction, I did not say that Sir, so please ask him to quote what I've said.

HON. JAMES M. BODDEN: In the last five years the Government of this country has paid for the transportation of school children and it's been only a small amount and I feel we will continue to do that, this present administration is as capable of finding the money as the past administrations have done. And Mr. President, God willing that December, 1st we should see our own airline operating as Cayman Airways, and I hope at this time under the control of the Cayman Islands Government and I will be very proud of it then to stand on the tarmac and wave her on regardless of what figures are painted on her bow.

Thank you.

MISS ANNIE A. HUDSON: Mr. President, I would like it here put on record that the question I asked was this, "Will Government remember those who are financially able to commit to pay". I did not in anyway insinuate that this should be stopped. Now, talking about him, what he did, just a lie.

MR. JOHN B. MCLEAN: Mr. President, I am quite aware that having our own airline is a good way, making certain that our economy continues on the rise, due to the fact it is a sure way of transport for tourists to the Islands. But, Mr. President, for a time I became very much disenchanted as many was and drama, problems with Cayman Airways. At one time I wondered if it was profitable for Government to get into the airline business, and I am still wondering if it is a profitable business.

However, as I have stated, in order to keep our economy on a rise, which was my main thought when I supported this in the Finance stage, so I do hope in God, Mr. President, this will be a success; but there are two questions I would still like to ask, and I know it's not question time but I just wonder if the new Company which is being formed, Cayman Air Holdings Limited, the Directors on this Company are the same as were on Cayman Airways? However as I see it it does not make sense to put the same Directors, we probably will end up the same way as Cayman Airways. And another thing that has me a bit confused was a release on the BAC 1-11 that the cost per month is about twelve hundred dollars and an average of ninety-nine passengers; the BAC 1 is going to cost about fifteen fifty per hour and eighty passengers.

Mr. President, in my view that is about three hundred dollars per hour difference, and I am still wondering if this can work out to be a better deal than what we have had in the past, and I guess the just to wait and see what will be the outcome. While in the Finance stage I also stated that I thought it would be better for Government to encourage other airlines to the Island to provide a service, but at that time I also thought

MR. JOHN B. McLEAN CONTINUING: that may be a plane from the airline would be registered locally. I don make sure that that are not possible, so Mr. President, I do feel that we were faced with a problem and I think we have taken the right step. And again I do trust and hope that it will work out to the best for our island and our people.

HON. CHARLES L. KIRKCONNELL: Mr. President, I know the day is far spent and I have only little to say at this time. However I would like to say that I rise to support this motion and the two main reasons are that the Government with the majority shareholders of Cayman Airways Limited had to maintain the value of their interest in the Company and to ensure the uninterrupted continuance of the service it provides. These are two very valid reasons why the airline should continue after December 1st, and I shall give it my every support and I will do whatever is within my limited knowledge and assistance to try and help them get this airline working where we will all have our national airline and we can feel proud of it.

There are in the memo section of this motion conditions whereby we are not purchasing a plane we are lease purchasing the plane and if it is done the operation proves viable we will have a look at it on the 1st December, 1978. At that time the Committee of the Legislative Assembly will then have to decide after having the figures before them whether to continue or to disband the airline. At this point in my quit, is a defeatist attitude. I would like to say, Mr. President, that each and every one of us when we have our backs against the wall as we now do should give this our support and do whatever we can to see that this is a success; a chain is only as strong as its weakest link. Let us together work hand and heart or put hand and heart together and ensure that this airline or new venture proves a success and that the people of these islands in time to come will look back and say, well done then good and faithful servant.

HON. V.C. JOHNSON: Mr. President, I would like to thank all the Members for their part in the debate and for all those who supported the motion. In reporting the business of Finance Committee, Mr. President, I did not say that the decision of Finance Committee was unanimous because I knew that there was the opposition from the lady Member and I am glad that she spoke out here and made her position quite clear.

However, I deal purely with parliamentary procedure in reporting from Committee back to the Legislative Assembly unless there is a request to report in detail the views of Members. Mr. President, quite a number of questions were asked and they were all answered except a few. The question of the comparison of cost between the Twin Otter 300 C -11 and the new DC 9 is being worked out, but I am not too certain what these differences are, I haven't gone into the figures yet myself but I understand that it is not quite correct the figures that were quoted on the other side by the Honourable Member from East End; however, these costs will all be known in the course because they are figures that must be reported to this House and will become public and we will all know what they are, what they amount to and what they represent.

A question was asked now by the Honourable Member from East End, regarding whether the Directors of Lee and Company will be the same Directors of Cayman Airways, and the answer is no, they will be new Directors. Now, Mr. President, sitting here and being Chairman of Cayman Airways for the last five years and a Director of the Board for nine years, you know it is difficult for me to hear the accusation made against the Board with me there partly as Chairman and partly as a Member to believe that I am not a part of what is being said about the Board of Directors. But, Mr. President, I would only like to say this, that we must not be altogether too optimistic over the airline business. There is quite a lot to be concerned about yet, we are not out of the woods. I believe the arrangements which were enjoyed in the past between Cayman Airways and many have been reasonable. I have no doubt in my mind to believe that there was anything on the part of Lees where dishonesty was concerned.

Mr. President, we have before us a new arrangement with a new Company and I have say that eventually we will see the out-come of it

HON. V.G. JOHNSON (CONTINUING): ... as compared to what we engaged in the past. We hope that this will prove fruitful and successful.

Mention was made that little was thought of the Company, that is Cayman Airways because the Managing Director refused to carry out an order from the Board of Directors to dismiss a staff. I would like to get on the record what is correct. Mr. President, Cayman Airways is a Company and it is operated by rules and regulations, staff matter is a matter for the administration,below the level of managing director it's dealt with by the managing director himself unless he are fit to refer it to the Board of Directors. As Chairman for the Board of Directors of Cayman Airways I have not known a staff matter but one to be presented to it within the last six months and we dealt with that one matter, I don't think it is the one that is being referred to here. I doubt very much, Mr. President that shareholders have the authority to direct any instructions about staff is concerned, it's a matter for the management. So, I would just like to get that quite straight on the records.

Another thing that was mentioned, Mr. President, was that the Company Cayman Airways Board of Directors would not have a meeting with a decision by a Cross member. But, Mr. President, any Company that is forty percent owned by someone should be represented in Company. I mean, how can we expect to come to .....

HON. JAMES M. MILLER: Mr. President, I respectfully beg that this is out of order in regards to this new Bill, because we are dealing with the matter which came from Finance Committee asking for the approval of the expenditure of one and a half million dollars and that is the point that we should be voting on and dealing with in regards to how Laces is carried on, how Cayman Airways is carried on, that is the matter that we should really discuss, otherwise the other Members of the House have already had they say and it is not fair to go back on something else not that the other Members could not refute.

MR. PRESIDENT: I am afraid the Member making the motion has the privilege of winding up. I would however ask him to try and make it as short as possible,because I think everybody is hungry and possibly therefore irritable.

HON. V.G. JOHNSON: Mr. President, I am following parliamentary procedure, I am replying to a debate which was made by the Honourable Member himself. However, if the House prefers I not to say anything in that respect I will confine myself to just purely the financial aspects of the motion.

Mr. President, the motion was very well aired and debated by the majority of Members and the majority signified their support. At this stage I would ask that they give their kind approval to Government Motion No. 10 as set forth in the paper. Thank you.

MR. PRESIDENT: The question is that Government Motion No. 10 be accepted.

QUESTION PUT: AYES. GOVERNMENT MOTION NO. 10 PASSED, (HON. ARNOLD G. HOSKEN AGAINST).

MR. PRESIDENT: We now come to Business on the agenda for today.

ADJOURNMENT

MOVED BY: HON. T.M. McCOY.

SECONDED BY: HON. V.G.JOHNSON.

QUESTION PUT: AYES. HOUSE ADJOURNED AT 7 P.M. UNTIL 10 A.M. TUESDAY 15 TH NOVEMBER, 1977.

FOURTH MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY
TUESDAY, 15th NOVEMBER, 1977
THIRD DAY

PRESENT WERE:-

HIS EXCELLENCY THE ACTING GOVERNOR, MR. D. H. FOSTER, MBE. ,J.P. PRESIDING

OFFICIAL MEMBERS

HON. P. M. McKEOWN, MBE., BEM., J.P.	FIRST OFFICIAL MEMBER
HON. DAVID E.-DARWICK,OBE.	SECOND OFFICIAL MEMBER
HON.V.G.JOHNSON,OBE.,JP	THIRD OFFICIAL MEMBER
HON.TRUMAN M.BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON.G. HAIG HIRSCH	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M.BODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE.

ELECTED MEMBERS

MR.DARMAIN D. ANGLIN	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF EAST END
MR. JOHN CARLTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR.GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE E.BODDEN,OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. KEITH P. TIBBETTS,J.P	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.
MR. CRADDOCK EBANKS, J.P.	MEMBER FOR THE FIRST ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ABSENT: MRS. KATHLEEN E. EBANKS - SICK

ORDERS OF THE DAY

FOURTH MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 15TH NOVEMBER, 1977

THIRD DAY

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1. QUESTIONS:-

MISS ANNIE R. BODDEN OF CAYMAN BRAC, TO ASK THE HONOURABLE CHIEF SECRETARY

1. How many persons have been granted Caymanian Status for the period January, 1977 to 31st of October, 1977 and what were their nationalities?

MISS AGNES R. BODDEN OF CAYMAN BRAC TO ASK THE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE:

2. What amount has been expended on the following heads by the Tourist Board or Department of Tourism from the 1st January, 1977 to 31st October, 1977:-

(i) Advertising
(ii) Passages
(iii) Offices in New Yorkm California and World, etc.
(iv) Establishing News Bureau in Grand Cayman?

3. How many persons are presently employed by the Department of Tourism?

2. DEBATE ON THE FINANCIAL STATEMENT

GOVERNMENT MOTION TO BE MOVED BY HON. V.C. JOHNSON THAT THE FINANCE COMMITTEE BEGIN ITS CONSIDERATION OF THE DRAFT RESOLUTIONS FOR 1978 TOGETHER WITH THE APPROPRIATION (1978) BILL, 1977

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TUESDAY, 15TH NOVEMBER, 1977

10:30 A.M.

MR. PRESIDENT: The Assembly is now in session. Please be seated.

The first item on the Agenda this morning is questions.

QUESTIONS

MISS ANNIE H. HODDAN CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER

1. HOW MANY PERSONS HAVE BEEN GRANTED CAYMANIAN STATUS FOR THE PERIOD JANUARY, 1977 TO 31ST OCTOBER, 1977 AND WHAT WERE THEIR NATIONALITIES?

ANSWER:

ONE PERSON ONLY - NATIONALITY, JAMAICA.

MISS ANNIE H. HODDAN CONSTITUENCY OF GEORGE TOWN TO ASK THE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

* WHAT AMOUNT HAS BEEN EXPENDED ON THE FOLLOWING HEADS BY THE TOURIST BOARD OR DEPARTMENT OF TOURISM, FROM THE 1ST JANUARY, 1977 TO 31ST OCTOBER, 1977.

(i) ADVERTISING

(ii) PASSAGES

(iii) GIFTS TO MISS TEENAGE CALIFORNIA & WORLD, ETC.

(iv) ENTERTAINING MISS HUNNAM TO GRAND CAYMAN

ANSWER:

(i) CI$128,005.25

(ii) CI$3,968.47

(iii) ALL GIFTS TO MISS TEENAGE CALIFORNIA DONATED BY THE PRIVATE SECTOR IN THE NAME OF THE CAYMAN ISLANDS GOVERNMENT. MISS CAYMAN ISLANDS WAS HOWEVER GRANTED CI$250.00 IN CONNECTION WITH THE MISS WORLD CONTEST FOR EXPENSES IN LONDON. ALL OTHER EXPENSES ARE DONE BY THE PRIVATE SECTOR.

(iv) NO PAYMENTS MADE TOWARDS ESTABLISHING THE OFFICE. A PUBLIC RELATIONS FEE OF CI$3,333.00 PER MONTH TOTALING CI$18,881.50 FOR PERIOD JUNE 16TH TO OCTOBER 31ST, 1977 HAS BEEN PAID. CONTRACT TERMS CALL FOR THE PUBLIC RELATIONS FIRM TO ESTABLISH AN OFFICE HERE AND ASSIST IN TOURISM. (NOT AN AGREEMENT BY GOVERNMENT AND THE MONEY SPENT LOCALLY

MR. PRESIDENT: If there are no supplementaries the Member can go ahead with the next question.

MISS ANNIE H. HODDAN CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

How many persons are presently employed by the Department of Tourism?

ANSWER:

There are six employees in the head office and ten employees in overseas offices.

MISS ANNIE M. MUGGAH: Mr. President, I would like to ask the following supplementary question. Could the Member state in what particular places are these non-Canadians employed?

HON. JAMES M. HOUDEN: Two in Chicago, two in Reno, one in New York, five in Miami. I think the Member is well aware of this.

MISS ANNIE M. MUGGAH: I resent all these insinuations. If I were asking if I could not ask, evidently the Member does not care to speak.

HON. JAMES M. HOUDEN: Mr. President, I care to state, Sir, but it is into the budget. The Member knows it.

MISS ANNIE M. MUGGAH: Mr. President, I wonder if I'm not wasting my time to come here to ask questions or to say anything because I certainly do not expect this behaviour.

MR. CRADDOCK EVANS: Mr. President, if I may ask a supplementary to the Member responsible. I wonder if the Member could say how many of these employees have the kind of jobs we mentioned?

HON. JAMES M. HOUDEN: Mr. President, I really have not checked into that because it falls under Public Service , but I think it is only one of them that is not a Canada National.

MR. PRESIDENT: It seems to be no further supplementaries. We'll go on to the debate on the Financial Statement.

FAILURE OF ELECTRIC POWER

MR. CRADDOCK EVANS: Mr. President, it would have to go off many more times than it's been off to discourage me or stop me either.

Mr. President, I am proud to see you as President in your acting capacity as Governor sitting in the Chair of this Sitting of the Assembly. I feel that it's an honour to you as a Newfoundlander and an honour to this House and the Members on a whole to have you here.

Mr. President, I would also like to take this opportunity to thank the Third Official Member for his Role which is not a new one, it's an annual routine, but I must thank him and congratulate him on the magnificent address that he has presented to this Assembly. I am positive that he has spent some long hours dealing with this and to bring to this House what he has brought. I am sure that you [illegible] nothing and to him and I presume we always have expecting some / on his address. So again I will say I compliment the Financial Secretary for his work in presenting this to us today.

Nevertheless, Mr. President, it wouldn't be fair for me to sit down at this time, I feel that there is a bit more of what I should say before returning to my seat.

I had thought previously that as always I might have debated the speech in its full last evening most on all of the Departments, but, Mr. President, the mood that I am in for talking this morning, if I should attempt to discuss all of the departments then I think I would remain in this place holding the floor for the next two days. But I will not go into that full extent this morning, I will make it brief dealing with probably one or two sectors of Government because we're anxious to get into the Finance Committee the crux of what I may stand up here and talk about I can better do it into the Finance Committee. I guess the lights are going to go off more than one time when we get in there too because I got a lot of public interest from questions which I feel are justified for the benefit of the country and the people to deal with while we're in the budget session, and as far as I'm concerned I don't intend to leave any one part untouched without going into it if possible to ascertain some solution.

MR. CHADDOCK BRAINE CONSTITUENCY: Mr. President, after a non-week good holiday weekend I happily am off and I regret I can't present for the sitting on Friday and I had to be off the Island, but I would like at this stage to deal a little bit with the Customs Department. Mr. President, I am aware of the fact that we got to have money to run this country, we must implement taxation at certain times and at certain forms but any implementing of taxation and the collection of it along/ sometimes it seems sort of an unreasonable way that it's done, and it's not unfair it's done to the man on the street. We have just recently made some increase in taxation on the man on the street. I am wondering what we are offering the tax payer as some way, some measure of looking for something else besides looking only by his face to pay a tax. It is somewhat like giving a slice of bread without any butter, he would better eat it if he had a little butter on it but when it's just the bare dry bread it's not just that easy to swallow. Mr. President, if I can recall in browsing the lines of the writing on the wall we're just attempting to burden our people in some way, some how/ some to kill them but now/ there's not saying we some may live that much better and I think it's getting high time for this Government to look into some of these avenues. If we're going to live with the happy people, a good government, a good country, we must always put chain rules according to the possibility of your means.

Mr. President, I know I am the oldest Member on this Assembly, the years put in here and I can say any other elected Member or any other Member of this Assembly that they have not put on the years that I have put in for the cost of nothing except help build a good country and that I am proud of. I have served as an elected Member for eighteen to twenty years that I didn't get one penny, not even to have a meal down and if that is not working a sacrifice to help build a country then tell me. And my remarks apply to every elected Member in this House, I feel that what I am saying, going to say, it will include them. If we have spent twenty-four years they will know how much they have lost in their own private life and probably having mimishing that they may lose from office here. I am nearly on pins as people turkey and I probably could have been better off financially if I hadn't spent all of those years in here, then I could have taken my two sons and probably started a business or do outside and work somebody else help build the country. Nevertheless I am proud that I am one that has brought this country to where it is today.

I am not against paying taxes or collecting of revenue from any source. I'm not a tax evader. My parents taught me to live a clean honest life to look every man and woman in the face and I am still attempting to live up to that. But, Mr. President, I find it's a disgrace and a reproach on the Customs Department of this Government, as me as an elected Member for the past twenty-four years and serving for twenty years without one penny of compensation of carrying a salary or earning a penny in any way from Government. But when I arrived at the Airport on the 7th I brought home a cheap suitcase bought for my home and it was taken from me to pay the duties less than probably five dollars, it made me mad and it's still at the Airport. Sometime ago I approached the Third Official/Member and had a discussion with him along the lines why I feel that our young people particularly that do a bit of travelling, people that are working in the offices, whether it's for Government or whether it's for the Private Sector, they should be given some consideration on their travelling coming back with a few dollars worth of clothes or something that they could get for much less than they can buy here, a exemption on duties on this and not to burden them down. In fact it was in a member of a family that might make and occupy and go overseas because like I pointed out to him I know of a lot of cases where the education was had or abused by people that could better pay, the answer was he had given further instructions regardless, that's good enough, so I suppose that's why he has sought me for less than five dollars duties. It's not the value, it's the principle, it's not the value of the four dollars and a few cents, it's the principle behind it all. When this Government breaks the law and make people break the law to pay fabricated duties it sees thousand of dollars and no duties and I, a man that runs/works for this country and can't even have a cranon wreakingness cheap as you can find brought to my home without I pay a duty on it.

MR. CHADDOCK EBANKS CONTINUING: It's a mismark, it's a reproach on this Government. It's a disgrace.

We got whiskies down the road here that are pressing and crushing the people. The customs distributors cannot have conventions till they get this Government to where they can get what they want out of them, before we can get conventions. I wonder how much longer this Government is going to sit down and make such pepla people the people of this country and they bring in hundreds and hundreds of thousand dollars worth your duty free, and I can't bring anything in here duty free. Half of the customs Law is duty free, so the people get any value of it, any benefit - because you don't know what it cost, you don't know what it's selling for cause what you pay for it - you don't know if it's the true declarative duty free item. Radios are supposed to be duty free in the duty free shops. You can go to Miami and buy a radio off the street in the market as the retail compared to the same identical radio here at the duty free shop, bring it here and pay duties on it, and your freight, and you can come out to be much cheaper than what you buy from the duty free shop. That's why it is, Mr. President, that we are taxing our people to make life easier for some other people. They have a franchise and they're allow and take advantage of our people.

I've said this now, Mr. President, because anything got two sides, front side and a back side. It's a lot of debate going on in certain countries as to which side you should use, whether it is the front side or the back side. I'm not going to attempt to evade no issue on the cultivation of any duties or anything else, but this I know one thing I can do and I am going to do - I've put quite a few hundred dollars into CAL over the last year for eighteen months for freight, quite a few hundred dollars, going into the thousands. I've got one more small shipment coming in pretty soon, it will be on CAL but it won't be any more after that. I don't care how many CAL's we have, it will be some other airline that will collect that freight. I don't travel very much either. I hope to make a few more trips overseas if my life lasts but I won't be flying CAL either, it will be some other airline that will be operating out of here so if Government think that they're going to ride me on my back without a trouble bag like we used to ride on the donkeys one time they got a mistake coming up. I am going to pay my duties; I'm expecting a 1070 car in a few weeks time, I suppose that will be an opportunity for some officer to go and investigate if that's really the true price on it. Our country with some of our people representing our people are unfair, unreasonable to our own people. And I hope that when real converse that are now in the Assembly will make up to the fact that if you're not going to work for the people that put you here you better leave on the end of this sitting and don't have it said that they had to vote you out.

Mr. President, I'm not going to go any further, but just like I said, if anybody wants us to talk I can talk from now till tomorrow but I just felt like dealing only with this one matter of Government. I know the Third Official Member will have some comments on what I said, some matters but he won't have any answer to my decision that I won't be flying CAL anymore nor either using their cargo space. When I come in if I bring a pack of chewing gum, when I get it in my pocket I pay the duties on it. But they won't get any more from me. So, Mr. President, I thank you for bearing with me or listening to me, whether you agree with me or not. If I had thought in the beginning I would have said that I would have preferred the Governor being in the seat this morning than you. For this reason any Bermudian will think that if he had been here I wouldn't have talked the way I talked. But I can assure you, Mr. President, that nobody could have sat in my place this morning and refrain me from saying what I had in my mind to say and how I had to say it. So I don't want you to go away, Mr. President, feeling that I've taken you because being a Bermudian and trying to use it as an argument because you were in the chair. I congratulate you being there and I honour you and I have known you and I will continue to show you my respect in your capacity. I thank you.

CAPT. KEITH P. TIBBETTS: Mr. President, I would first like to say I'm very thankful for the very comprehensive report that the Honourable Financial Secretary has made to this Assembly. I did listen to his reading of it, I read it, I studied it and I must say that this shows us a picture of what things are like in the Cayman Islands and it does look a lot better than it has done in the last few years.

I'd like to make a few remarks on the different subjects on which he has brought to our attention. The first one is on Development. He mentioned the paving and the construction starting of a Kennels Inn on the seven mile beach or the West Bay road, which ever you choose to call it. From the time I saw the plans for this construction I have wondered, and I still wonder why they are being forced to put their campus on two sides of the road adding more hazards to the traffic on and down that seven mile beach road or West Bay road. I feel on all fairness to the people of Grand Cayman particularly, that race should have been diverted & detoured to allow Kennels Inn to put their campus in one complete compound rather than on two sides of the road. I am confident that that is going to be a cause for hazard for the travelling public of Grand Cayman and I'm strong in support of having that road detoured so that it would make things a lot better for the public and for the Kennels Inn which should add a lot to tourism of Grand Cayman and the Cayman Islands in general.

I must go on. I would like very much to congratulate the Honourable Member for going along with the people of Cayman Brac and Little Cayman and not calling us the Sister Islands. I assure in his speech he has not once mentioned Cayman Brac and Little Cayman as being the Lesser Islands anymore and this to me is really a proud moment to see that our Financial Secretary has understood that we are not the Lesser Islands although we are smaller. This is the first time in many years that Cayman Brac and Little Cayman have been referred to as the smaller islands of Cayman Brac and Little Cayman. And this makes everyone in Cayman Brac feel a lot happier to know that we are looked on in that way now and not as the Lesser Islands on a degrading remark as of before.

His address on new industries, this to me is one of the things we actually and urgently need is new industries into the Cayman Islands. I studied one of the new industries in the past week knowing what had taken place; that they had been given incentives to do this or do that or do the other and to my astonishment there was not a Caymanian present working there. This is one aspect of industry we have to look into very carefully to make sure when we grant these franchises to various people that they are going to be obligated. If they cannot find Caymanians capable of doing a job in the line that they must train Caymanians to do the jobs of expatriates rather than have to bring people from another country to do these things when Caymanians are capable of being trained and to able to do them.

The Honourable Third Official Member went on to the Ships Registration, this is a subject I am very much interested in and I can see benefits it can be to the people of the Cayman Islands. But I would like to investigate the thing at this time and I find before we start a ships registration we have to decide which is first, egg or chicken. So I'm saying here today that before a ship registration because a reality we must set up a proper and thorough Marine Board or our registration will not be complied by shipping companies to bring their ships here and register them just as a flag of convenience comparable to other countries that are doing so now. We must have a Marine Board to lay down the regulations, the safety rules etc., that once a ship is registered in the Cayman Islands and put under the Cayman Islands flag must be complied by the rules minimum of the world. So therefore I feel like a Marine Board should be the first item to start on the Ships Registration.

CHIEF SECRETARY: ... know that a lot of our captains, for instance the sailing ships of all nationalities where licenses are convenience, but they have proven extraordinary. Under the Marine Board Law there is a clause or a section that says if a man can prove himself capable whether he stands an exam or not he shall be granted a license to operate as a master or a Chief Engineer of a ship. And it's no reason why since we have no engineering schools in the Cayman Islands that this new section of the law cannot be enforced into a Marine Board Law of the Cayman Islands. This will take care of a lot of our own Caymanians. But when it comes that other people want to come in to get a Caymanian license to mail Caymanian registered ships they must go through some type of examination to hold a license that will be respected and looked up to by the other countries of the world. So I'm saying that a Marine Board is the number one item we should fight for at this time. I know we have an advisor here on the ships registration, I had a few minutes talk with ... and my understanding from him was he felt that this Marine Board should actually be first item on mail no 1 ...

I want to go on to the Oil Transport Facility. I'm sure most of you here in this Assembly recall that I supported this venture and I still support it. I am not an amateur to it, I've had to do this almost forty years ago under very adverse circumstances at that. Today we have plenty of the charter of Cayman Brac and Little Cayman which everyone can walk along the street and see what's going on, I am proud of the fact there are members presently we need to take. I understand that the Cayman Energy Limited will have a discussion with the Government of the Cayman Islands in the next week or so. It's one point I would like to make very clear and that is that this Government must have it's own safety engineer to see that safety precautions are taken, not because Cayman Energy or any other company in their contract guarantees to see that all safety measures are carried out that we must accept it as such, we must be prepared to see that it is carried out and in order to do it we must have a safety engineer appointed to inspect the ships and see that it is done. I have loaded millions of barrels of oil in various ports of the world pumped in mine , I can assure you, Mr. President, each time before that ship starts to pump any oil a safety inspection comes and sees that everything is right before any oil is moved. And it is no reason why we cannot or must not have the same thing in the Cayman Islands and I'm saying that we must have it, not that we should have it, we must have it because all we need is one accident among these ships of the fantastic size they are today and the future of the Cayman Islands is ruined for ever and ever, amen. So that is one of the greatest essentials that we need to discuss and make plans for, is a safety engineer in this Oil Transfer Facility.

The next subject I'd like to go on is Education. Mr. President, we are spending a lot of money on education in the Cayman Islands. I believe I'm safe in saying that when we are of the few countries left in the world that education is absolutely free. As the Honourable Member from George Town mentioned in the last question of last week, transportation for school children. I believe in education a bit better education that we have in the Cayman Islands, although I'm thankful for what we do have, in my days we didn't have the opportunity to get it, but I do not feel like we are justified in taking Caymanians hard earned money and educating children from other countries. I feel like we are duty bound to make an investigation into the education of the Cayman Islands and see how many Caymanian children are here, and how many non-Caymanian children we have and we will be quite justified in charging those children or the parents of those children a small monthly fee, annual fee or whatever that case may be to educate them, this will help the economy of these Islands a certain amount it wouldn't be much but if you got ninety-nine cents one other cent can make you a dollar, but if you can't get another one cent you still don't have a dollar. So I'm saying that we must look into this and get this commenced and it's no reason why we cannot charge those children a small fee.

CAPT. KEITH P. TIBBETTS CONTINUING: If you go to the United States anyone - ~~[illegible]~~ in Florida you can send your children to the States School there free because you pay a certain amount of tax in everything you do to educate your children. But if you want to step over the border into Georgia and put your child in school, if you are living in Florida you have to pay a school fee for that child. I got that on good information from various people, not one but from several different people within the last few months so I know it's correct, and we wouldn't be hurting anyone if we just like brought out, find out who are Caymanian children at the school and who are not, those that are not Caymanians charge them a small fee. Let us get some benefit from those people because a lot of them are brought here and just have to go to school because it's free and they feel that our system is worth getting. I know we have some American people living in Cayman here, while Cayman that they are proud that they can put their children in the Cayman Islands school system, which are thoroughly/[illegible] better than most other parts and they want to find out why they can put their children in school and don't have to pay. So I don't understand we should have any problems if we do charge a fee to educate these non-Caymanian children. While I'm on education I have received a letter from some of the students we have sent overseas to school which appalls us know that we the Government of the Cayman Islands are sending our young people off to schools that are not proper and satisfactory for our children of the nature. I have nothing against any other country but I feel like that now when we send our children off for education we must look for the best, not the second or third best, we must look for the best for them - our people are worth it, we must give it to them, they are due it. I'm asking that we make proper investigations into any of these schools that we send our children to before we send them off. The children I'm referring to have been sent to Jamaica and they're in a starving condition, they cannot get the type of food that they used to eat and they don't get sufficient food apparently and the schools are not up/[illegible] to what the minister they have gone there to study. So this must be investigated and it must be corrected.

The next subject is Health. We are proud of the hospitals we have in the Cayman Islands and you all know that at the hospital in Cayman Brac we only pay a fifty percent of the fee paid in Grand Cayman, the reason for that is that the hospital in Cayman Brac is not owned by the Government, it was built by the people of Cayman Brac and with their friends help, therefore we are only paying half of the fee that the people in Grand Cayman do called upon or the people from Cayman Brac that come to Grand Cayman's hospital is called upon to pay. Now since our Air Transport Facility has become a reality the hospital in Cayman Brac has to handle quite a few seamen, almost every day, two, three, four, five. When they go back to the ship and present the bill to the captain - or let's say for the consultation five dollars plus fifty percent on the registered stamp for a non-resident seaman - fifty, they take that for a joke, they says what do you people think - how can you carry on socialise medicine with a fee of seven dollars and fifty cents for a consultation for a non-Caymanian. The time has come when we have to adjust those rates. I'm suggesting that we adjust the rates for non-Caymanians the same as those in the hospital in Grand Cayman. They have not donated to the hospital in Cayman Brac, they are just the same as a non-Caymanian being treated in Grand Cayman, in other words the hospitalization - if the fee is fifty dollars a day in Grand Cayman plus fifty percent the same thing must be set for the hospital in Cayman Brac for non-residents. The other point I want to another point that I have spent a lot of time on researching and that is those medical benefits from Insurance companies, this is another thing that has to be adjusted. I can assure you out of the population of Cayman there is over five hundred people that/[illegible] Cayman Insurance. When they go to the hospital there is no question about if they have Life Insurance or how their bill is going to be paid when they ask for their bill their bill is rendered to them.

CAPT. KEITH P. TIBBETTS CONTINUING: Some of them has been mean enough to take the bill, collect from the insurance company and still not pay the hospital; we'll be checking up on that, no doubt in a short time that will be adjusted. Anything of what I want to get across to this, that we must check when a person comes to the hospital that they have health insurance and for the hospital to bill the insurance company directly and not the person involved. I'll tell you why I want that done. The two private insurance companies that sell health insurance in Cayman Brac have clauses in their contract that says "if your bill is less than half of the daily allocation for subsistence they will pay you half of it. Now we look at a picture like this - Cayman Brac the hospitalization is twelve fifty a day, maybe your charge can will run another ten fifty, it will bring it to the fifteen dollars. If you file a claim with the insurance company for fifteen dollars a day the normal policy from the insurance is thirty-two dollars a day, they will pay you sixteen instead of the thirty-two that the hospital should be getting. So I am saying that we must have it changed that anyone who goes to the hospital with a health insurance policy that that bill must be sent directly to the insurance company and collect the full and proper amount. It may not seem much but it can be a big hurdle to the hospitals in Cayman Brac and the people will not feel it because they have already paid their premium to the insurance company to get that benefit, so the insurance is not losing and the people are not losing by just making that adjustment whereby that the fees for insured people must be charged at a reasonable rate where the insurance company will pay it and not the person themselves.

The next subject I want to speak on is Agriculture. Mr. President, our visits from the agriculture officers from Grand Cayman/[illegible] and for between Cayman Brac and Little Cayman. At the present time we are plagued with what we will black lice, I think they call it rusty mold or some such thing, I'm not an agriculture chap and I don't know. And we are going to lose the majority of our fruit trees in Cayman Brac if some steps are not being taken to correct it. Local people/[illegible] and different things, it has not been successful enough to stop it. Every agriculture department claims that they can handle it and it's no reason why we cannot have the Agricultural Department Personnel sent over to Cayman Brac and have it corrected. We are paying for it, we are part of the Cayman Islands and them people must be made to make provision while Cayman Brac and do this spraying when it's necessary. No one have to applaud paying for it, we know that you have to pay a certain amount for it and everyone is willing to pay providing they can save their fruit trees and a lot of vegetables goes along with it too.

The next point I will speak on is Exchange Control, this to me is a very great deal. I feel like the sooner the exchange control is lifted from the Cayman Islands the better off we'll be. The average Caymanian is not going to throw his money around just because the exchange control has been lifted, but after all we are living in a big country, why should we have to have this exchange control, get permission to move our money from here to there. A person can have a US dollar account and probably saves a few dollars well by the end of a year through being able to buy their goods or things that they buy in United States by having their dollars over there. This to me is going to mean a saving to the people of the Cayman Islands and who else are we fighting for but the people of the Cayman Islands, we're not fighting for somebody else. Whatever we do do for the people of these three small Islands and exchange control in my mind can be a lot of help to them.

In conclusion, Mr. President, I'd like to congratulate you on being one of us who sit in his Excellency's chair to do the job of his Excellency the Governor of the Cayman Islands. I feel it's an honour to you and to the people of the Cayman Islands that we can have one of our own natives sitting in that dignified chair today and I can assure you that such am I wish to feel the same way over it.

CAPT. KEITH F. HARRIS CONTINUING: And in closing I would just hope and I trust that the remarks I have made will be accepted as constructive, and that we can make a fine benefit for the Cayman Islands by the suggestions I have put forward. I thank you.

HON. TRUMAN M. BODDEN: Mr. President, firstly, Mr. President, I'd like to congratulate you for your statesman-like manner in which you presided over this Assembly. I feel that it is an honour and quite an achievement for a Caymanian to sit in that seat and I feel that you have discharged your duties in a manner becoming of the rights and the honour that goes with that Chair.

Moving on to the budget I'd also like to compliment and congratulate Mr. Johnson on the time and effort and the very able way in which he put together and presented the budget. It's never very easy, Mr. President, for an annual comprehensive policy to be put together, to strike a reasonable/responsible/sensible balance in tailoring it so that it can stand the tempest of the/that area and with all economic or to all accounts evidences it operates with it the hopeful assumption that it's forecasts are subject/other things being equal.

Mr. President, I'd like to deal first with the new revenue and then I will go on to deal specifically with the heads under my portfolio and then with the advantages and the disadvantages with certain revenue or certain principles which relate to the economics of any country.

The new revenue includes the oil transhipment and hopefully very shortly or at least within a reasonable time in the future the phosphate installation; this, Mr. President, carries with it considerable potential and it is an area which this Assembly, I believe the people of these Islands will endeavour to insure that it is put into effect expeditiously, cautiously and with the foresight that would go along with any long term investment of that sort. It will undoubtedly prove a boom to the Islands as a whole and especially to Little Cayman and Cayman Brac who this year or I'm sure the Members from those Islands will agree has had its fair share of the revenues which have come into the coffers of these Islands. However, I believe, Mr. President, that as I said earlier, the approach to it must be a cautious one and it must be one in which we have carried out sufficient feasibility studies into the economic, the terminal and the environmental and other aspects and also its impact naturally on the Islands as a whole and not just on the economy. However, I believe that if it is dealt with in a reasonable manner it will prove a canal both for the Islands in the near future and in the long term.

Another income, Mr. President, is the ship registration, and I too hear the sympathies of the Member from Cayman Brac when/that the registry should be one which is not just a registry for flags of convenience but must bear with it the necessary adherence to the safety and load line and other international conventions. However, it must be tailored in such a way that it carries with it sufficient attractiveness to offset the cost that will be necessary to set up such a facility. This is being dealt with, Mr. President, as you know and every effort is being made to restructure the registry under the very competent hand of our present Registrar of Companies and shipping and I have no doubt that when the new legislation is brought in probably through/under Council that we will have the foundation upon which to build a Registry which will go down in future as another long term investment and one which will be beneficial to the Islands as a whole, not just financially but in relation to pinhoon training and increasing the different incidental matters including/removing of ships under our registry. However, it may well be that the provisions relating to mandatory manning of vessels may have to be/temporarily from the present, not really complex but from the present rules which apply under the Merchant Shipping Act.

HON. TREVOR M. BODDEN CONTINUING: Another area, Mr. President, is the Insurance Law and I would hope that this would be looked at, not only in the light of perhaps attempting/to/captive insurance companies and other large insurance companies which have recently or at least within the past decade sought to use financial centres as a means of providing this specialised type of insurance. But also, Mr. President, as a regulatory legislation to also ensure that persons locally and abroad who pay premiums or pay money towards insurance are not unduly faced with a company that may have gone into liquidation when otherwise prudent .. legislatory Orders or Regulations may have prevented that. Perhaps insurance legislation fairly similar or at least on the principle now of our Banks and Trust Companies Regulations Law of 1966 could be introduced with benefits to the country and if that was specifically geared towards the captive insurance company I believe it would balance the financial requirements/requirements in general.

Industries have been promised especially in the last year and I believe that now the / recent problems have been taken out of at least part of the legislation we can look forward to a spread of the local industries and hopefully with it the necessary benefits which flow in relation to employment and a stability or a stabilising effect to our economic specialisation/economy. I believe, Mr. President, that it is better at times for a Government/Foreign duty, import duty is naturally reasonable/ enough to ensure that persons within this country have the necessary employment which naturally goes with insuring the stability within our Islands. However, it naturally must be weighed but I think much more stress could be put on the employment aspect rather than on the funds which Government gets through the import duty.

There has been considerable progress in the financial centre and it continues to move on and move upwards despite the many doom day articles that appear from time to time. The increase in the corporate fee structure will below those of other competing tax havens and I think probably one half of that in the Caribbean region by our immediate competitor at least in this hemisphere. So as/regards Mr. President, and I would hope that this feeling would be in general and especially to those who have access to foreign investors abroad that stability is very important and in fact is vital I believe to certain aspects of a financial centre and our endeavours should always be towards that.

Mr. President, the new revenue which was imposed has fallen quite rightly on both residents and non-residents, or rather on local and foreign businesses. I believe we should always as far as possible ensure that we do not overburden any specific group of an economy or specific areas within the country and while a large amount of this came from the increase in the corporate fee structure. it is, I believe equitably spread and some has been put locally as well as on non-local interest. The largest of these, Mr. President, was the increase in gasoline and diesel and when one really looks at it it is for a small amount because I believe as I understand that this would have brought in approximately eighty thousand dollars per annum in import duty and if you spread this amongst a population which probably pays those two products of say ten thousand / realistically only looking at an extra eight dollars per annum. So that amount, Mr. President, is small in a country where the per capita income is high and with freedom from just about all other taxes, and especially direct taxes.

Mr. President, within my own portfolio, or perhaps before I go on to that I would like to deal just briefly with principles relating to an economy which I think should be looked at by everybody in this country and by persons abroad. And especially people living in this country I think should be aware of what is harmful to it and what can enhance and increase this economy as a whole and be in the public's interest.

HON. TRUMAN M. BODDEN CONTINUING: Over the past year, Mr. President, we have endeavoured through the different measures to diversify this economy to give the economy a more stable base and to that effect, I believe on the Financial Secretary's own words we have gone a long way towards diversifying it and some of these initiatives have now been put into effect. What enhances this economy and is in the interest of the public, Mr. President, is for persons to give a fair and equitable and a reasonable expression of facts as they are. The economy has moved on and is has progressed, and despite certain elements within this country who have really not helped and have taken, what I would call inequitable and a very damaging approach. Just very recently, Mr. President, we have had what I think is probably one of the most damaging things that this economy or that these islands have had and it is found in the supplement to the Mirrlechaser of November, 1977 and it is these words and the other words that go with it "What all this boilsown to is that Cayman is not the investors paradise of timeless days of holding profit", many people try to believe it is. Mr. President, people who live within a community owe a duty to that community and I feel, and I'm basically challenging these that they cannot state that the words of that sort are either equitable or edibber fair, and especially are not in the interest of the public and of these islands. What seems to me very amazing is that within this supplement people have paid a lot of money for adverts and there are two smiling faces ready to sell land on that same page and right opposite to it, one words really telling the investor almost "do not invest in these islands". I personally think that it is unfair, I think it is a disgrace to have statements of this sort put in when there are the people as a whole trying to promote this country and there is a reasonable destructive approach by this magazine. Also in it, Mr. President, is what is very well established, is that we have attempted to take different investments from other areas of the island in the Caribbean, I would have thought that this would have been obvious at this stage to people living here. To go on with statements such as this under a heading "the dirty movie" so say it must also be remembered that Cayman is a part of the Caribbean and the Caribbean is a dirty word with too many investors. What I find so me very disgusting, Mr. President, is that this approach is a negative, destructive approach, there is nothing constructive in it and I feel that especially the investors, the many smiling faces on this which have paid their money for advertisements to sell their land must surely have been very disappointed when they read this article on page four. Of course this is the north as he had said like them like a sleeping primmae, well I think that will be very obvious. What I'm really calling on is for the constant approach which is given in this is for the people who now that magazine to try to sit down and evaluate and understand that if they constantly try to sniff investments, if they constantly state that this country is not one for investors then surely they must realise they are going to crumble with it. If they force these islands to crumble perhaps, Mr. President, they are more lucky than I am and they hold investorships from other countries where they can flee to when the fall comes. However, I am very happy to say, Mr. President, that this country continues to progress, the economy moves on and appears that the dooms day magazine and the attempts to cripple this economy and to prejudice the public of these islands which these articles have gone on. It is one thing, Mr. President, if the fostered political side of this magazine wishes to attack politicians, it is another thing, Mr. President, when they attack the public, when they attack the economy and when they attempt to damage and destroy what so many culture have spent so many years to build. So I am really saying at this stage, Mr. President, that I'm asking that magazine to take a sensible, a reasonable, an equitable approach to try to help this country to try to turn out articles which are in the interest of this country. Whatever their problems are politically so be it if they have their political problems then they have not try to cripple this country. And that is really what I'm getting at and I would hope that they would understand that and understand it clearly. I know and I will always these naturally such freedom of expression as laid down by the human rights convention to carried out.

HON. TRUMAN M. BODDEN CONTINUING: but I believe that there may be abuse of these freedoms by matters such as this where the press is used only in a detrimental way.

Mr. President, I move on from there to deal with the matters within my own portfolio. I take note of what the Member from Cayman Brac has stated in relation to the undesirability of having our students going to school which sometimes are not appropriate and I assure him that everything will be done to ensure not only that the schools are those of the students choice but are those which are in the interest of that student and where he can get the most benefit from. I've also taken a note of what he has said in relation to school fees and the fees in relation to the hospital and as I answered to the Lady Member from George Town this is now being looked at and in due course I hope to come back on it.

Mr. President, within the Education Department we are hoping to have the Bluemoon Block at the Lopinah Primary School together with a new toilet ' . and certain other facilities such as an electric pump that is necessary for that school. In the George Town schools, the High School, the work has already begun on the walkways and hopefully this together with the sinking of wells and the filling of certain areas will lessen that children do not get as wet as they now do during the rainy season. I will be attempting, Mr. President, depending on the finances, which I'm not sure if I can get it during this year but I will be attempting to have these walkways covered. Also we are hoping to convert some of the temporary classroom there and make the buildings of a more substantial structure. In the George Town Primary School we're also trying to deal with the water problems there, the sinking of wells and the filling in of certain areas and I think also the filling in of a trench which appears not to have done the job with draining off the water. In Cayman Brac at the High School we're hoping to get the Home Economics Room and two other rooms, staffroom and the Library Room and to complete or at least further advance the Creek Primary School. Other matters such as the refurbishing and the repainting of the buildings has gone on during the year and this continues to go on. At present, Mr. President, I am having a detailed look at the school system and also at all aspects of the education system, the structure of it and in due course I hope to be able to come back to Members here and present them with fairly comprehensive study on well as a solution to some of the problems.

On the hospital side I'm dealing only with aspects in the budget. I had hoped and in fact I still hope that there will be money to build the new hospital suite, the pediatrics ward and to purchase other smaller matters including an oxygen bank and a room for mental patients and an emergency power plant. However, Mr. President, I'm always mindful that there is never sufficient money to do everything that we need and we must naturally balance our desires against the necessities within these departments and the necessities to our people as a whole. Mr. President, I am also mindful that these two departments along with the Social Services Department spend a very large part of this Island's budget and I am now going into a fairly computerized study and hopefully I will be able to show the Members that certain aspects of it we can save money and in other ways we may be able to increase the amount which come in either through a tightening the method by which they're collected by which the funds are collected or through saving in areas which perhaps at this stage are not being as tightly controlled. In the Social Services Department, Mr. President, we have continued there to strive towards improving the situation and alleviating the problems especially in the rental side as far as possible, but in all these of these departments I accept that there is a lot left to be done and I ask Members, naturally to bear with me while I attempt to approach this in a systematic and methodical approach.

HON. ERNEST N. BODDEN CONTINUING: ...Mr. President, one other aspect I would like to touch on in that during the course of the year as part of the supplementaries certain improvements did come in in the hospital in relation to the X-Ray and I naturally thank Members for allowing that in midstream so to speak. It was necessary to have a permanent x-ray as well as a mobile x-ray unit and there are still under ... at least the mobile unit has been procured and these are being installed.

The Member from Bodden Town mentioned Exchange Control and I too agree with him that an abolition of Exchange Control at this stage seems to me a sensible approach because as I've heard it cried there is a very doubtful question put as to what are we really controlling in a country where billions of dollars move through it and perhaps many millions per day it's impossible at any one time to find out what the Government's position in any currency is and in any event for a very long time in many areas of the financial centre exchange control was administered in a very low, not a low but I don't/[illegible] the point of view of not being carried out in accordance with the culture but it was made easy especially in relation to the off-shore business.

To sum up, Mr. President, I believe that the diversification of the economy will prove fruitful and will prove to be a benefit to these Islands in the long term. There are many problems that remain and as I have said here at times, Mr. President, any fool can see a problem but it takes a good person to produce the right solution of help which must come from the public as a whole from within the different organisations, the social club, the media, the press. I think the responsibility which lies on the public and which lies especially on those media which are in a monopolistic position to ensure that there are moments and what they say and do are always geared toward/enhancing and helping the community to be critical when they have to be constructively critical, but above all I think the public as a whole should always endeavour to try to advance or try to help the elected Members give advice when necessary and I am aware that Members within this House have worked it and they are, that is perhaps why many of us are in the House at this time. I'm asking for the approach which has been taken from time to time and many times constructively which is really not helpful to the Island, not helpful to the people, that we come to stay a year after the elections when, I believe common sense, which I should mention I think, Paul Tibbetts once said in a very remote island present and that there should be a concertive effort towards trying to help towards understanding, towards solution of problems, towards reduction of the production of problems and a responsible approach to matters which affect a public nature as a whole. And I'm basically sitting on the public as a whole and on especially and I hate to keep going back to this but especially as media which are in a monopolistic position to be very careful, very cautious of their position to try to be as neutral as they can. If they must take out their frustrations politically on politicians then I guess they can do that but in the interest of this country don't take it out on the people because many times a short fuse can be cutting and it can be very damaging in the areas where it may have slightly missed the mark. So, Mr. President, my closing is to really one which I hope will be taken as fair comment as one which is constructive and that in that course there is/will be able to move forward in a more harmonious and beneficial way, and in an orderly manner and, I believe, Mr. President, that this will help us all and I would ask that for these Islands sake and in the name of our people that this approach would be taken and an endeavour to work towards a better country. Thank you.

MR. PRESIDENT: I think this will be an appropriate time to suspend proceedings will be thirty this afternoon.

HOUSE SUSPENDED AT 1.40 P.M.

HOUSE RESUMED AT 2.30 P.M.

THE HOUSE RESUMED AT 2.20 P.M.

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

HON. CHARLES KIRKCONNELL: Mr. President, it is a pleasure and privilege for me to be here today to participate in the debate on the Budget Address.

Mr. President, first of all, I would like to put on record, my pleasure in having you preside as President of this Assembly. I am believe I am correct in saying that this is the first time in the history of these Islands that a Cayman student has acted as Governor of this territory and President of this Assembly.

You are a credit to the Cayman Islands and I am justly proud to see you in the chair. You have performed your duties in a very efficient, proper and dignified manner for which I congratulate you.

The Honourable Financial Secretary has present a balanced and realistic budget to this Honourable House, for which I congratulate him. A balanced budget will build confidence in our country and confidence is the root of success.

Mr. President, unfortunately the information regarding my portfolio did not reach the Financial Secretary in time for him to include it in his Budget Address. I have asked his permission to mention some of the functions which my portfolio was involved in this year.

Two major projects under my portfolio have been successfully completed this year - they are the George Town Port and the asphalt paving of the last five miles of road under the road programme.

The Port was completed on the 16th of July and handed over to the Port Authority, which is a self-sufficient arm of Government. The functions of the Port Authority are many - apart from the every-day running of the Port it has the responsibility for the collection of revenue and payments of all expenditure including the very important item of repayment of the loan and interest which is due to the Caribbean Development Bank. Since the new Port Regulations and tariff have come into effect there has been some dissatisfaction regarding the rates charged for the handling of imported goods. The Government appointed a committee to investigate this matter and report. The findings when steps will be taken to adjust the charges wherever they are justified. It must be appreciated that many improvements made by Government also carried with it a financial obligation which must be honoured and the only way this can be done is to charge for services rendered.

The southern extension of the Port is being carried out by the Public Works Department. They have had to build a reinforced concrete wall to protect and prevent the erosion of this southern extension by of the new dock and have also constructed two new berths for cruise-ship tenders to land passengers arriving by sea.

The building situated in this area is being renovated. The Tourist Board will have an office and rest-room facilities for our visitors are also being provided. A round-about with taxi parking is another feature worth mentioning.

I must, Mr. President, congratulate the Public Works Department for the fine job they are doing and I am sure

HON. CHARLES KIRKCONNELL (CONTINUING): that when this project is finished each and everyone of us will be justly proud of this development.

As mentioned earlier, the road programme which started several years ago to pave the main roads with hot mix asphalt has been completed. In the meantime improvement to roads in the various districts has continued and it is hoped that we will be able to have the roads within each district in 1976. A very necessary improvement to the shoulders of the paved roads commenced and will continue through the coming year. In addition to all the other functions of the Public Works Department it maintains all government buildings and it has built the new X-Ray block at the hospital and is renovating the dental clinic. The new administration block and three new classrooms at the High School were also built by Public Works as well as new walkways which are now under construction.

I am sure that when the whole operation of Public works Department is taken into consideration the people of our islands will realize they are making a worthwhile contribution to our development.

I am very thankful, Mr. President, to know that the ship to ship transfer of crude oil at Cayman Brac and Little Cayman is now a reality. It has been one of the achievements of this government and hopefully we will be able to conclude the second phase of this development which is the onshore installation of tanks to be built on Little Cayman to store the crude oil. An installation of the magnitude anticipated by the proponents will, if successful, provide employment for the people of Cayman Brac and Little Cayman and revenue for our government.

The recent loan made to the Cayman Islands for the extension of the airport runway at Cayman Brac is also a blessing which will bring the communications system of Cayman Brac up to international standards.

The Civic Centre which should have been started some years ago will be built in 1976. This too is a long sought after development which is needed to uplift the people socially and culturally. The people of Cayman Brac and Little Cayman should be pleased to know that they are getting a substantial amount of the recurrent and capital expenditure for 1976.

The Postal Department, as usual, has continued to help to hold its place as the third biggest revenue earner for the Cayman Islands. The passing of the new Postal Law will bring full recognition from the rest of the world to our postal services.

In conclusion I would like to ask each and every Member of this Legislative Assembly to respect the views of their fellowmen even though they might differ from theirs. We have spoken to disagree, but once a decision has been made by the majority we must stand together. Let us humbly serve our country and justify the confidence which has been placed in us. I pray for unity of our Government and people. I thank you.

MISS ANNIE H. BODDEN: Mr. President, first I would like, Sir, to congratulate you on holding the high post which you are now holding. I have always said that I would not like to see a Caymanian permanently at the Head of our Government. My reason for this is that we are too inter-related and we might get in our heads that if the post of Governor is held by a Caymanian that there might be favouritism. Fortunately you are from Cayman Brac and the Cayman Brackers are not here to besiege you like George Town would be if you were a George Town holding the post. I congratulate you and I feel that we are deeply honoured to have a Governor sitting in that seat in which is the highest post, I would say, on the island. I mean it is not anything new to have a Caymanian as a Governor, the first Governor was William Bodden - Bodden the biggest and the best. And I feel that the Boddens who have

MISS ANNIE H. BODDEN (CONTINUED): ...extended how are quite a strong people. Of course, we have weaknesses but never let those weaknesses interfere with our duty to our country.

I must also congratulate the Honourable Financial Secretary on his Budget Address. He has gone a long way to bring to the public's attention exactly the state of our Government. A little later on I shall have to disagree with him in regards to the deficit at the end of this year.

Now to some figures, it is said that the Cayman Islands have achieved one of the highest rates of growth in the Caribbean in terms of economic prosperity. Proof of this lies in the country's physical make-up which changed so rapidly in recent years. I must agree with that, Sir. In the past we have been, I would say, poverty stricken. The budget that I remember mostly which was over half a century ago, all we could realise was five thousand and five pounds as our revenue - five thousand pounds as our expenditure - had one single five pounds to learn on - nevertheless we made it and through the years we have successfully brought this government up to where it is. I do not think that there is one soul in the Cayman Islands that can reasonably take all the credit. It has been through a number of people not educated people but people with good commonsense who have fought and struggled and brought this island up to where it is with the help of God and their dependence on God.

Now what I am afraid of is this. That in this generation while we are so prosperous that we have forgotten that every good and perfect gift cometh from above and people have grown to disregard the God that I worship. The God that is the protector and the caretaker of the Cayman Islands and if we were to go back to the good old days when religion, and not only religion, christianity had its rightful place we would still be better off.

Now on the Remembrance Day Service on Sunday, which, Sir, I am very sorry you did not attend to hear this message. The message was taken from I Kings chapter 12 and the story was that when Rehoboam was the chosen King of Israel to be crowned at Shechem that his opponent Jeroboam came to him with his followers and said, now we want you to state what will you do for us if we stick with you. Rehoboam took the advise first of the older people and they said, make it as easy as possible, try to get a united kingdom and everything will work better. The younger people said oh no that's not the way, you do as you please, oppress them as hard as you like and I am sure that is the right way. Well, they were given three days to decide this King Rehoboam, and after the third day Jeroboam and his crowd came back and requested an answer. They said if you will help us we will help you. But instead Rehoboam took the advice of the younger generation and said no, we are doing as we please. Someone chastised in a way God wasn't right but I am going to even make it harder. And that kingdom was divided and that is what will happen to us unless we in this House stick together in unity.

I was very distressed by some Members of the former House when other Members were attacked most cruelly. Now the picture has reversed and this poor Annie Bodden is attacked on all sides, but it is not going to frighten me because I am here to stay until the good Lord calls me to the better land. Not a soul need think that they are going to intimidate me, nothing doing so they can forget about attacking me - they can forget about it because I am here to stay.

Now the Minister said on to say that because Rehoboam was full of pride and he was full of fear. He was so proud, so stuck up in his own conception that pride possessed him to the extent where he could not see the right of Jeroboam and his crowd. And then his next minute was fear, he was afraid. Now, we do not want that to happen in this island, we do not want pride on the one hand to get us in such an exalted position that everything I think is right. And neither are we to be afraid, if we are standing for what is right we need not be afraid. And I would implore the Members of this House to try to work in better unity than we are working now.

HON. ARNIE H. BODDEN (CONTINUING): Mr. President, I have to mention this but on the 8th of September (which was my sister's birthday and ... I must say on those days and at Christmas I am very glad) I was relaxing first in the morning in my office I was doing my work when I had a telephone call from a woman - a woman's voice who spoke very crudely to me, and she wanted me what I could expect if I did certain things. Well, that wasn't enough, that afternoon she called back again and she said that if I continued talking about certain people she is coming and smash up my face. I said, woman if you think you're smart come and I have a knife machete by my bed, which I keep there, and I will drive it to the handle in you if you come. I bet I didn't hear anymore from her after that. Now that is what I have to put up with being in this House and it is not going to frighten me because when you are right there is a great protector and that is the Almighty God - and if I were a walking I wouldn't ring twenty house by myself - and a walking in this House I would have marched out of the doors of it from the first day I was sworn in as a Nominated Member. I am not a coward, only cowards give up and I am going to stay by my own convictions.

Now, Mr. President, as I said we have come a long way. We have come from nowhere I would say up to where I will our islands the pride of the Caribbean. And I feel it has been accomplished by good common sense, by working together in harmony, by forgetting petty things and looking at the things that are really important and I hope and pray and trust we shall continue in this way.

Now, tourism I would say is a great benefit to the Cayman Islands but it is not the where-with all of everything. We haven't got to demolish our high principles to suit tourism, because I feel that any tourist who comes to the Cayman Islands comes because of the different atmosphere. I don't think they come here just to drink rum - I am sure they do not because anywhere in the world rum seems to be the greatest seller of any product and they haven't got to come here to buy rum. They come here to enjoy our beautiful beaches, our sunshine, the friendliness of the people and all we need to do is just keep up the way that we have been living in the past and tourists will support us.

Now we have gone a long way financially and we have made good when we had nothing. Now that God has prospered us we have tourists coming, we have water alone, we have a lot of things that benefit us financially and I feel it is up to us to hold the reins of government in such a manner that we will not go wild spending sprees and spend more money than we can accomplish or get by means.

Now not one soul I am sure likes the word taxation, but it is a necessity - and we have no direct taxation. The government must find money to provide for the where-with all of all the multitude of things we need. In Grand Cayman today I would say it has turned into a school because everywhere you hear people are not educated, this one wants to go to College, the next one wants to go to University and so on. I will agree that education goes a long way but coupled with education we must have common sense and while I feel that we should do everything possible to promote education among our people we must in turn see that when they return to our Islands that the government who has expended the people's money to educate them get some benefit. They must not be allowed just to come back here and refuse to work. I say these contracts should be so binding that if they will not work just which they pay the bond which has been signed by somebody, and that will teach them a lesson to know that when we start we have to start at the bottom of the ladder and climb up.

When I went to work I swept from the Fort to the Church every Saturday, not that I had to do but I felt it would help to keep George Town clean, but nowadays I only see one Secretary or one Clerk in a store that will sweep out the floors. Nothing wrong, they have to get extra help to sweep the floors. Now work is to me only a disgrace to anybody ... and when people learn to do

MISS ANNIE E. BODDEN (CONTINUED): the little things in a good way they will grow and when more experienced Caymanians are tempted of them they will learn how to do the job.

Our Legislature has caused us a lot of difficulties but nevertheless we have survived, and I would say it is thanks to the good planning and the careful expenditure of our revenue by the Financial Secretary. I am sure that he, like us all, must be afraid of too much debts. While we have had to go in debt to get the facilities which we have I think that we have something to show for what we have gone in debt to get. The dock which most recently was a waste of money - I would it was one of the great facilities which we needed and which we have accomplished and is a place to be proud of.

I remember when I was twelve years old living at Maryland there was a little swamp right where the Key West Hotel was, now the Anchorage Centre I think it is called - and I went there along with Captain John Adams sudden on a Saturday morning, and when I looked across at what we call Mr. Malliee' Bay there was a Schooner there getting ready to go to Mosquito Bay. Now that was some fifty years ago and I am very sure that if that place had not been the proper docking facility from that day onwards they would have found somewhere else. Whitehall use where the vessels docked, but in Mr. Malliee' Bay in George Town was where the people brought their ships to get ready to sail to Mosquito Bay, Jamaica or where else they were going. And I still say that my opposition of who criticised that George Town was the proper place for the dock facilities, unless we had had the money to put it in the Great Sound, which we did not have. We should not just attempt to criticise and find faults. You know any fool can criticise but it takes a sensible person to create and go and build on what is already there. I feel that we will never get anywhere just criticising what has been done in the past.

I am sure the former Legislators from the first to the last have made mistakes, but that is not our jobs just to criticise what they have done. If we know that they have made mistakes we should build and correct those mistakes in an agreeable manner. Not continually wanting and saying this one did something which is wrong and it can't be corrected, it can be corrected and it is our duty to correct it.

Now as has been referred to the smaller Cayman Islands I would say now that they are the bigger Cayman Islands, because they know where what we have not got in George Town, that is five or six super tankers in the harbour and discharging their oil supplies. I am sure that a lot of people now would like that to happen in Grand Cayman. I am very sure about that, but nevertheless it is a privilege that the Little Cayman Islands have got that as haven't you. We should be happy that such a thing has been provided. You know my belief is this that if we did things right and we prayerfully went about our business that God would provide the wherewith all for us to get things - but if we rebel and just go on finding fault, criticising we will never get anywhere. But I am happy for the people of Little Cayman and Cayman Brac in that they have been able to have this facility going and I would ask where every contract that has ever been made in the past, something to some people, was a mistake, was no good that this sentiment which is so very important that it will have proper supervision, proper built in contract that nothing can go wrong. I quite agree with the Honourable Member for Cayman Brac who said we should have a supervising engineer to see that everything is in order. I feel that that will be a great step to help our local situation.

Now new industries - I am very proud that new industries are being undertaken, but what annoys me is this that when some time ago we tried to raise $50,000, not even money, just a waiving of stamp duty and in return we would get back shares in this Turtle Farm and there was so much objection. And my way of looking at it was that we would be finding employment for Caymanians - and only Sunday afternoon I passed there and I see a lot of improvement and I think that $60,000 is well spent.

MISS ANNIE H. BODDEN (CONTINUING): I feel that since it is the only Turtle Farm in the world that we know of that we should do everything we can that it is kept going. And if we get anybody else in return as long as Caymanians get jobs that is a great incentive.

Now I am also glad that we are considering and have considered industries. But what guarantee am I to this that I read in the magazine called the Horizontes that certain developers and investors might have to quit because eggs are imported which can be bought locally. Why should we discourage investors who put in so much money to have this farm going where they sell eggs by inventing - this is dead wrong and I think that the government should endeavour to stop the importation of anything that can be bought locally provided the prices are equal. Not because eggs can be sold five or ten cents cheaper that we should discourage the promoters of this farm - not because it was brought from John S.Hewell that we should be up against it and not buy the eggs. Regardless of who had that farm it is a good thing for the Cayman Islands. A lot of people will get work and we should encourage industry in any form.

I have also seen some very beautiful cattle that are raised in that area - the owners I do not know - but I feel that an industry such as the promotion and growth of cattle for breeding purposes or for meat that we should encourage these people to go on, because we know very well that if all the money that we have here has to be transported to the United States and elsewhere to buy supplies that we really decrease our money active in this Island. If there is no money then what! Let us encourage industries in any way, shape or form to help the economy of this Island.

Now I am very proud to see that at the end of this year the deficit will not be as much as it was anticipated. But I hope to disagree somewhat with the Financial Secretary. I feel that this one and a half million which we have guaranteed that that should also be included and would make our deficit, I would say roughly, two and one half million dollars. I feel that that money will be spent, it will be adding to our deficit. Somehow I am very sure even if this new airline gets on the way that position will not accrue to the extent that it will wipe out that million and a half dollars.

Now, Mr. President, I must tell you that I am not happy about this Cayman Airways situation. I will not go as far as Mr. Chisholm said I won't have anything imported by it, but I will say I won't invest in it because I do not like travelling myself and I feel that we should have retained what we had and carried on until we could really get something that would fit into the planes better than what I understand is being anticipated now.

Now I don't know anything about Air Florida, in fact I know nothing about airlines period. I hate the sight of planes to look at, I have a horror of planes consequently I do not care for any individual airline but I feel, Sir, that unless God opens the windows of heaven and pours down manna on us that in less than no time our government will have to subsidize this new airline.

I feel that we had a good thing going and I do not believe one word of this rumour that is abroad that we were trapped by Lucas. I do not believe that one word, and if we were to be a discredit to our government to think that Lucas, a foreign company, with spanish speaking people could come here and pull it over our government. I am very sure that Lucas pays good salaries. We subsidized as I recall $120,000 and since that time, to my knowledge, nine years ago we haven't put in one cent more, and I feel that they have done a good job. The miracle of miracles to me is this where all the money come from to pay all this expense and still have some assumed profits that could buy shares therein the company. I feel we have made a great mistake in letting Lucas go without having to have a plane right on hand to take over.

MISS ANNIE S. SCOTT (CONTINUING): Now this rumour about this fifty thousand dollars that is on the streets - I don't know if it is true or not I do not know. I know this that more than fifty thousand dollars must have been spent to pay passages up and down trying to secure a new plane.

Now, Mr. President, we have had a good year. Thank God we never even had a good rough sea - the dock has withstood the little hurricanes. I remember the 20th January which is my mother's birthday, I was on my way to East End to attend a local event and there was rejoicing on the bay clapping of hands and hollering I said what is this all about, they said the dock has broken in two - and there were some silly people there clapping their hands and rejoicing. I said if the dock is broken in two it means that we will have to repair it because we certainly cannot move it and we will see that the money is voted to have it repaired. Well, you see how stupid people are rejoicing over a disaster. Well the sea that will carry away that dock I am afraid it will be like the volcano in Martinique, I think it was, where one survivor was left to tell the tale - I don't think it would be wiser we here, so let us pray that God, although we do not deserve much mercy, he will never allow nature to break away that dock.

Now Education. I feel that our government has done its utmost to have education promoted in this country. When I went to school most of the time we had to break off piece off of our slates to write with, to use as a pencil. Now government provides books, you have to pay a small fee, besides everything, and transportation as well - everything is provided and if this young generation does not learn it is not the fault of government, it is their own fault because they haven't got common sense to understand that without an education in these modern days we can get nowhere. And I feel that government has gone marvellous and has helped in every way possible to let education become a necessity.

Now I know that there are young boys and young girls who still do not go near a school and I feel that a Truant Officer should be employed or if the law does not permit it amend the law that a Truant officer each day could go to George Town and round up children who do not go to school. I think it is a disgrace that the government spending all this money and trying to provide the education that the children of ours, I would say, no good parents do not have ambition to see that their children attend school.

I feel today, Sir, that it is future that every human being in the Cayman Islands at least know how to read and write and not that say a one hundredth part of the entire population have college degrees and those whom no knowledge of what to do when it comes on even signing their names. I feel that it is a must that we have a Truant Officer or officers who will go from place to place in George Town and bring the children who refuse to attend school before the school. They must be taken into the convols.

Now, Mr. President, I asked a question if the government could see if the transportation facilities - those who could afford to pay that they contributed. I did it very humbly but it was made a great mountain of, and in fact it was even broadcasted over the air - some people called me and told me to try to diminish Annie Huldah Bodden. Well, they can try as much as they like I have made a name for myself and nobody will destroy it. I will see to that. I will never do anything to let my country down, I have never done it and I do not intend to do it. I am not here for any prestige because if it was prestige that wouldn't feed me or help the country. I was the first lady lawyer in the Cayman Islands, I was the first Nominated Member, I am the only woman in the Cayman Islands who holds an O.B.E. So if I was looking for prestige I could shout from the four winds what I am and what I have done - nothing like that - I am here to serve the people of the Cayman Islands as long as God gives me the ability and the strength.

MISS JOYCE E. BODDEN (CONTINUING): Now the hospital I am very proud of the hospital that we now have. I remember on occasions when a post mortem had to be performed they had to take them down in the bush water mango trees and perform that with the help of Theodore - now look at the improvements since and still people will say our government hasn't gone anywhere. I feel today that they should be ashamed of themselves to disparage what we have accomplished.

Now we have, I understand, good doctors at the hospital and I have heard people who have attended at the hospital give praise to the doctors and nurses for the attention that they have received. Well I think that is a fine moment to know that if you are sick you can go to the hospital and receive good medical aid. I never hear of so many people going aboard these days.

I understand that the hospital is in such a shape that operations can be performed there. I heard not too long ago of a man who had been told if a knife is put on you you will be a dead soul, but an operation was performed and that man is very well today. I think we should give our doctors and nurses credit for the work they perform.

Now the Social Services. I feel that that has gone a good way to help out different things but we should still do more. I feel that this Sanctuaries House has a lot of good to be outcome from it, but I would like also to see that we have a proper prison facilities. A place where people who offend against society can be treated as human beings. Even now I understand that a notable prisoner, I would call him, who is there - what is his supper? One banana and a piece of cake. Is that good enough, would I or any of we here like to be in jail and you one banana and one piece of cake for supper or dinner or whatever you call it. I think that must be looked into regardless of what the expense might be. Because nobody can subsist without food - God not intended us for that. But for the grace of God any of we could be in jail. And I feel that it is our duty to provide proper foods to feed the prisoners.

Now the Industrial Survey has been completed as I understand it. And while I was one of the greatest opponent that survey and the disarmament - I find that it has accomplished a good job. I will say this that a lot of people got land who never had any and those who had were luck. But nevertheless it is completed - a good job. And I feel that we have one Commissioner working in that office of whom we can be justly proud and I mean that other Commissions would take their jobs seriously and do the same as this young man is doing.

Now the mosquito control project. I cannot sing the praises of the men in charge of that loud enough, because I remember as a child, and even up to the year 1951 you could remember mosquitoes bite you in earnest terms and now we have no mosquitoes. I feel that every cent that we have spent on mosquito control project has been rightly and justly spent and we have got results. I even heard sometime ago, because I did not see where we could afford to get a second fly-man, I believe you call it, that they would use their "Miss Annie", which I may say if it is the good Miss Annie is doing it will do a good job.

Now I see here that the Mosquito Research and Control project an amount of $154,650 for a replacement of an aircraft. Well, I will not disagree with anything to keep mosquitoes under control. I find when we neglected this project and mosquitoes took over like they have in the past, that we wouldn't have a tourist here to have them no time, and apart from the mosquitoes, look at the Commissions who would suffer and I just feel this is a worth-while project.

MISS ANNIE H. BODDEN CONTINUING: Now the Medical Facilities with a hundred and twenty thousand is in order, Cayman Brac for a civic centre, afterall they deserve something especially now with all these men there, want dancing and all the rest of it, they should have something.

The road reconstruction, school buildings improvement, land to provide a play field for East End and in Savannah and a site for the proposed prison. I feel that that item is necessary and I hope and pray that not only the site will be purchased but that in a short order we shall have funds that we can erect a proper prison, but also it will be included that those prisoners get proper food.

Now the Government vehicles for various needs in Grand Cayman. I feel Sir, that in most instances those vehicles that we buy especially for the Police Department they're destroyed. I have seen Policemen racing up and down across them a mad man, and I feel that every time a vehicle is destroyed a proper investigation should be made to see who is at fault, and I do not think that we should be continually buying new vehicles and giving to reckless people who know no more about driving than I do.

Now I am glad to hear that we're getting some money from the European Development Development fund, it's a new item and through our association with Britain we're able to get this loan or gift whatever it may be, in any case I'm sure it's acceptable. And while I understand, I do not know now that the airport at Cayman Brac will take a lot more money than that, I feel that this money could very well be right to improve the situation providing we have a plans to run on it.

Now there was numerous mentions. I feel Sir, that we need money and we have no direct taxation and those who can pay should pay, but I think some of these fees are too high. For instance, I have two secretaries, Germans, and I will have to find one thousand dollars this coming year to pay their work permits fee, now I think that particular item is too, too, too high it was originally fifty dollars it went up to a hundred, now now two hundred and fifty dollars which not been bad but five hundred dollars. I wonder if that was not made especially for me, that's what I'm wondering because it's too much. Mind I have heard it in the Bahamas that that was the first move the Bahamas Government made to get rid of what they call the foreigners, put up these work permit fees so high that everybody had to quit, now I hope we're not going to do that. I feel that while we need money we must not squeeze people who really do not have the kind of money to pay these kind of fees.

Now, the Bankers and all their associates they might have two hundred and fifty dollars or seven hundred and fifty dollars as the case may be, but it will mean that I'm going to put up my fees. I do a lot of work that I cannot charge one penny for, I must tell you the truth my neighbors at home and these two girls that work with me they're constantly quarrelling with me and suggesting that I should charge more fees; people will come to my office and sometimes stay there for hours, I try to smooth out their cases for not one cent, now that will have to stop because I will have to get one thousand dollars extra this coming year to pay the fees and somebody will have to help me pay it.

Now I agree that these boats should have to pay some fee, take these diving crafts, these glass bottom boats, I'm sure they make hundreds of dollars per day and it is as little as the Government can get some return; I do not think they would object to that. I understand that a lot of these boys say they're not paying any ten dollars for head tax, well that is also less than one dollar a month. Now, I feel today if they had asked women I would have been prepared to pay ten dollars, I would have done because afterall our Government has to have money to function and everything you know the Government must do this, the Government must do that other thing. Well, the Government is just like any business, if they haven't got the money to do certain things they cannot perform miracles. And I feel that it is not out of order to pay less than one dollar per month for any man, and I would say women too to enjoy the privileges of walking on this beautiful road that we have and enjoying the comforts that we have produced.

Now this cinema fees. I have heard a lot of people say that they should be doubled because of the show pictures that they

MISS ANNIE H. BODDEN CONTINUING: show, I do not know because I do not go to pictures but the picture shows are like the rum houses, the people walk to the cinema or theatre or wherever you feel like walking it just the same as they walk to the rum shops; the cinema does not come to our doors and pictures are shown before our doors, we have to go to that and if people do not appreciate seeing bad pictures they should not go, that's all I can say.

Now this Exchange Control, I do not know too much about that but I feel it has functioned very good the past, but what I was alarmed about was hearing that we were going to have our dollar devalued. Now they can get in the pictures as much as they like that it is only a rumour, that is not correct, it was grounded on fact because people who called at my office they would quote them many figures what was here today about work permits and that this dollar would be devalued. Well, I have known people who have gone to the bank and drawn out every penny they had. Well, when I heard this rumour, I never went on the street to learn that it was telephoned to me at my office, I tried to get in touch with the Financial Secretary, I was unable to, I called the member of the control Board and he said he had heard the rumour also; I then got hold of the Third Elected Member to the Executive Council and I asked him, for God's sake try to get in touch with the Financial Secretary and make a broadcast that this would not happen, and that was all saved the situation because I know there were dozens of people ready to go to the bank, in fact some of them did go and the little savings they had they gave it out and bought American money.

Now, Mr. President, we were instrumental in getting this currency for our own, I had one single objection to it and it is this, it was noised abroad that every Legislator wanted their pictures put on this money I said, only one picture to go on that as far as I'm concerned and that is Her Majesty the Queen. We have gone a long way little Islands as we are to be able to have our own currency, and when the currency board as I understand it is a very profitable concern and we do not want to do anything to change this, we cannot, we must not, talking about putting it equal with the American dollar and making it a smaller currency, smaller currency for what? Anything that's any good must be big, and I am saying, we must keep our currency as we have it. No other country in the world makes Laws to shit the people as good as this one and we must stand up and say, this currency must remain as it is now named.

Now, Mr. President, I could go on for another half an hour at least but I think I have covered the majority of the remarks which I would like to speak on. I should rather be more wise said by Mr. Craddock Bodden, and that is, that we who have served here long we have served for the love of our country. In my time(the Legislative Assembly, sixteen years, I've got three free Law books, now I get the free Gazette and on one occasion I got a set of proof coins I believe they were, and that is what I have gotten as a gift from this Government and I don't want anything for nothing. I feel it's our duty, a privilege and a pleasure to find ourselves able to come here to come and legislate laws and make resolutions will be things for the betterment of the Cayman Islands. I don't expect one thing for nothing, I feel that we who profess to be leaders of the people must possess the qualities that it takes to make us leaders, we must not be petty and stupid and trying to get everything for ourselves and wanting the world to owe, I am Annie Eulah Bodden, that is not the spirit, humility, humility is what will do the job not pride nor pride and fear we must do a job as our conscience dictates of who it hurts providing we are doing something for our country's good. I am beseeching these Legislators who are now here that we forget the past forget about all those who have done wrong, let us go forward and do the things that will make our country grow in the future as it has done in the past.

Thank you.

HON. JAMES M. KIRKCONNELL: Mr. President, I was would like to join in praise to you for occupying the high seat that you do today. I have said it to you privately, I say it to you publicly that in my opinion you have filled that office with the dignity that should be with it. I am sure that the next thing I'm going to say will be very much misconstrued because I will say this, Mr. President, with no disrespect to anyone who held that seat in the past, but

HON. JAMES M. BODDEN CONTINUING: I hope that I will live to see the day when that seat is filled permanently by a Caymanian even if that Caymanian has to be from Bodden Town.

I would also like to extend my praise to the Financial Secretary for his submission of the coming year's budget. It has taken a lot of work and a lot of effort to put forward what he has done here today. It is a great pleasure to me to be able to be a part or to play a part in the shaping in the delivering of the 1978 Budget, and I look forward hopefully to a great year in 1978. The last Budget debate which was held in this Hall was covered with a lot of gloom and that was due to certain rumours from certain sections of the private sector and the press particularly in expressing no faith in this administration. It is time in my opinion that these people realise that this does not really hurt the individual politician it only helps to erode the stability of this country.

We have heard on many occasions of frustrated old maids; I do not believe that in this case it's the case of frustrated old maids but I believe it's the case of frustrated politicians. Some of these have set themselves up to be the loyal opposition as they would like to have themselves called in this House, I put out to them that it is not necessary so to do that because the House as it is constituted now whether they look on it as being an opposition or not was the wish of the people, and the wishes of the people must always be in the forefront of everybody's mind. If it had been the will of the people to have had twelve representatives on here with each of the twelve having a divergent opinion then that is what the House would be constituted of today, but instead of that the group that is represented here shared in many cases common interests and common views and that is the reason that we have a House without too much opposition. The other reason for it, Mr. President, is, as you are familiar with, that namely every matter of importance that happens in this Government today is discussed thoroughly among the twelve elected Members before it comes forward to the House.

I think again, Mr. President, that some of these people should realise that it's a long way off until the next election. The next election is in 1980 and we should try to pull together and bring this country to the position where it can have a good election in 1980 rather than emphasising the election every day. It is natural that when the press which is more or less the guardian of the people's right comes out in the strong opposition tone in which it has been coming out in the past that it is going to be attacked by the politicians also. I quite realise this has to be a two-way street it cannot only be done on one side, criticising a politician is a lot different than criticising the policies of the Government. This also unfortunately was also shared by a lot of the financial community, but I am sure that they along with other people have now seen where they were wrong because the new banks registration I think will go a long way to assist to the faith that the financial centre abroad still have in this administration. But, I would at this point, like to say something that I think would be beneficial to this country and it is something I have spoken on many times in the past, there is very little good in saying that the Cayman Islands has two hundred and twenty banks registered here when there is no money available for the local sector to operate on. If we are going to have the stability that is needed in this country and to build the country for the future then it must be built with co-operation from all sectors of the community, and the financial institutions cannot divorce themselves away from this and have to have stability if they're not going to help generate that stability.

Mr. President, as entered 1977 I was fairly quite well that during the year we would probably have approximately one million dollars surplus, and this was revised in many cases from the every onset from the previous years and it is no use of us trying to hide it today. I am not here to defend the last administration nor neither am I here to defend the administrations before that, I can only deal with what has happened in 1977 and hopefully what will happen in 1978. But we must remember that there is only so much revenue and you can spend a lot of money when you don't have to be worrying about it being paid back, but this year I don't know the exact figures but I know the Bank Loan for instance took approximately seven hundred

HON. JAMES M. BODDEN CONTINUING: thousand dollars out of the general budget. So, when you have to make payments like that it is not too much that you can do with the small amount that remains.

We attempted in 1977 to tackle some of the social problems, and when the Budget was presented in 1977 we referred to it at that time as being a special Budget because of the way of us trying to hide the fact we do have social problems, social problems are inherited in every country, but what we must try to do is to see that these social problems do not become too big that we cannot handle them.

I would like at this point, Mr. President, to deal with some of the things in my portfolio. I would like to deal with the Tourism. We have heard a lot about tourism not operating any longer in the country, we have heard all kinds of gloomy pictures but I can still say that tourism is still a very vital part of the economy of this country and it is still increasing. I am sure by the time the year is out that we will probably find that we've wound up with about eight percent overall increase over 1976. We have geared our approach to tourism for the present time in the advertising field into the higher income sector, this means, for instance, like what one of the hotels has told us, that although his occupancy figure is down a small amount his income is up by about twenty-five, it means that the people will spend more money and that is the policy we're willing that will continue as long as I have anything to do with it.

We have also on you are aware made a change in regards to our public relations, this means that we have control of the public relations of this Government for the first time since a public relations department was started. We know that because the office is located in Grand Cayman with a staff, they are on the scene, they know what is happening and they're able to put the report into the United States so that it can be distributed into the right places. We also have an office in Miami as well as one in New York, but this was attempt to try to try to make the local people completely aware of what tourism means to the country and how the two must work together. I would give you just a little insight into something when we opened the office recently in Houston Texas we were able through the help of our public relations firm to obtain thirty-five minutes of prime television time, that is unbelieving that could you a lot of money when you go out to buy it, but between the cities of Dallas, Fortworth, Houston and New Orleans we received thirty-five minutes free, if we had had to pay that type of publicity it may have cost us in local money-plus Cayman Dollars, that is what a public relations firm can do for you when they are out with you and working together with you. In addition to this, Mr. President, we've also picked up some radio time and we picked up a lot of good newspaper reports, this has been done because there has probably been at least over a hundred news releases go out to the American travel writer in the last six months.

I would like to speak at this point on the work that has been done locally by the Tourism Advisory Council, special praise is due to the members of that council, they have undertaken some tremendous tasks, they've done it in most cases without any remuneration and they've put their own money and effort into this.

The recent Miratee Week which went off very good is an example of what can be accomplished when you get people of different opinions, different nationalities and so forth working together for a common good. Speaking of this I would have to give special praise to Mr. Rudy Seltzer who headed this group up and who was ably assisted by Mr. Colin Ranton. I would also have to give special praise to Mr. Charles Adams who was the man that went out under the historical committee on the flag of the historical committee and was responsible for seeing that all the old beer bottles and stuff around the road was collected, he was the man that was able to get the local sponsor to put up the three thousand dollars which will be used for the prizes in that drive. Also, Capt. Alan Scotton who was one of the local councillors on the Tourism Advisory Council grew out on his own and purchased land in the West Bay area in the area of Rum Point to try to make something out of this area that can be used in the tourist business, these people have been giving their time they have been giving their efforts and we must support people like this when we find them willing and able to help us. I would not close this section off without mentioning the special work that was done in the Savannah area by the

HON. JAMES M. BODDEN (MARITIME): young people of this district. Again, I think this speaks very good for what we have going in the Island today when we find that the teenagers are willing to get out and sacrifice the days and the evenings that they would have for their own to spend it in collecting beer bottles, chopping out the bush around corners and stuff like that; it is a tremendous effort on their part and I hope it will catch on for the rest of the Island.

We are also, Mr. President, using our North American staff to make a lot of direct calls on travel agents, service clubs and things of that nature, by doing that we are bringing tourism right into the union where people can afford to spend money for a vacation. We have also with the help particularly of Cayman Airways and Southern Airlines, they've been able to host a lot of familiarization trips into the Island with the travel agents from the North American continent as well as some from Europe. But there is one area, Mr. President, which we're attempting to break into and which we have not yet been able to do, and that is that we have a special programme to be aired on radio at least once a week, possibly twice in the near future, which will be a host of topics and you, tourism and the people. We are trying to bring into this programme the life styles of the tourists compared to the life styles of the Cayman people, but we need the support, Mr. President, of the radio staff and unfortunately up 'til this date we have not yet gotten it, but I am hoping that in the very near future we can have that programme on the air.

We have started, Mr. President, a training programme for people employed in the hotel trade as well as other sectors of the community, this has been able to accomplish a lot of things in the last couple of months considering that the time frame under which we worked was so restricted. This programme is being headed up by a local Caymanian who graduated from the Bahamas training school. I am proud to see that we have been able to have a young man who can head this programme up. I will agree that as the years go on he will probably need some additional training and God's willing I hope that we'll be in the position to be able to give it to him, but this has been needed for a long time. I do not have the exact figures with me but I think to date there has probably been some where in the neighbourhood five or six hundred people that have taken advantage of these courses since we started them. I am not about to tell anyone that this course is going to make an expert out of somebody by attending it because that's impossible, but it will go a long way in giving them a better idea of what their work really entails. This work is being helped along with the additional expenditure of Government with a contribution of eight dollars per room from the hotels. I will agree that this is a small contribution in regards to what is offered back to the employees, but from small acorns great trees grow.

In setting this programme up we have had a lot of assistance from the Bahamas training school. The President of that school came down on a couple of occasions and helped us set this up as well as he has promised to us from time to time several of his staff. In addition to this we have set up a voluntary contribution scholarship fund which is being administered through the Treasury of the Cayman Islands Government, this fund is set up hopefully to send Caymanians to study locally in the fields of business administration, accounting, teaching and so forth; this can be done through the International College of the Cayman Islands. I know in some sectors this is like mentioning Jim Bodden's name, but I feel that this school has done a tremendous amount of good in this country considering that it had nothing to work with, and I think it's about time that we get our hands out of the sand and realize that we must support something locally. This school can become a great school if we give it just a little bit of support, if we don't give it that support that can easily fail and then what would we have accomplished other than saying, well, there goes another thing into the dust. By having this done locally it keeps the money circulating locally, it means that we do not have to send our students abroad into the environment that one Member spoke about this morning. This is not saying Government anything, but it is trying to use the resources of the private sector and to get them to realize that they must do something for the country, and I am proud to tell you this as of now we have a commitment and we have the money

HON. JAMES M. BODDEN CONTINUING: for three four year scholarships and these were donated from American businesses. We have the promise of five more and I am hoping that by the end of the year God's willing we will have at least fifteen that we can put out the first of the year, this will mean a lot in the upgrading of the college family, it will mean a lot for the education of many of those youngsters that are not able to get an education otherwise. In addition to this during the year we were able to help one of our local persons go on a special two months course in the tourism field to Cornell University, that person is now back and is working part-time with the Department in the training programme. At the present time we have two students at the Bahamas training school, we have a labour officer being seconded to Trinidad under the U.N.I.D.O. set up to train a course there. We have just appointed another labour officer and I am hoping that sometime in the coming year that we will be able to put together a course that which will be good for the country.

In other words, Mr. President, you must pay some attention to labour or it is not to be going to mean its head one of these days and it's going to give all of us problems, so before that can happen we must have a suitable type of legislation which will cater and protect the good of the people who are working. This goes a long way in improving the living standards and avoids unemployment in the future. We are also trying to obtain more scholarships from some technical training schools in the United States to help us in training auto mechanics, electricians, plumbers and so forth, I will know more about that we're willing by next week.

Turning to the hotel side of the business, we have several new hotels being planned and many of you are probably aware the ground breaking for one of them took place last Saturday. Now, we are not going to get additional hotels if we are not able to keep those hotels filled with people from the outside world, so that is why it's very incumbent on us in this House to put forward an image that will assure the foreign person will always want to come to these Islands.

Getting back to some of the other subjects, Mr. President; during the last year we were able to equip the crash boat at the Airport with new motor, this was very much needed because the one had been in operation for several years. There is another thing needed at the Airport, Mr. President, and that is, a new fire station, what we have there is in a very dilapidated condition and in a very poor condition and as soon as there is funds available we must give consideration to doing something about that. We have attempted during the past year to re-pave the terminal facilities at the airport, what has been done and what is programmed to be done should cost in a neighbourhood of a hundred and twenty thousand dollars. I think it has been spent wisely, I think it is impossible at this point and time for us to think about erecting a grandoise terminal building costing five or six million dollars, so this was the cheapest way and the quickest way to get us something that was suitable to handle incoming and outgoing passengers. During the coming year it is projected that a small amount of money will be spent for airport lands here in Grand Cayman as well as some in Cayman Brac. The lengthening of the Airport at Cayman Brac should be happening sometimes early in the next year and that should really go a long way to boosting the economy of that island and probably it is in a position to compete with Grand Cayman.

I am also proud to say that the revenues that our airport here through the able assistance from the staff has increased tremendously. I do not have the exact figures on it but it is now getting into the position of being a revenue earner.

At this point, Mr. President, we come to the new industry incentives which were passed in the early part of 1977, this has brought several new industries into the country and it will increase training and employment of people in sectors where they were not in before. There are several provisions now being considered and once these should become implemented it will go a long way to cure the unemployment problem.

The Member for [illegible] a while ago on this subject in relation to [illegible]. This happens to be, Mr. President, something that I am very familiar with because I went to this workshop down, I went through the whole area of it. I studied it, I got the figures and I spent my own time at

HON. JAMES M. BODDEN CONTINUING: might to work out a feasibility study of this particular business. The problem does not lie where it is projected to be, the problem is not that simple, the problem is that this can be competitive business but the gentleman involved I don't think is trying to make it that way .....

MR. PRESIDENT: The tape is finished, perhaps this is a good time for us to adjourn for fifteen minutes.

HON. JAMES M. BODDEN: I only got a few more minutes if you don't mind ....

MR. PRESIDENT: Would the Honourable Member from Bodden Town like to continue?

HON. JAMES M. BODDEN: Mr. President, when I left off I was speaking on a very appropriate subject "eggs". I was trying to put forward to this House that we must not put the competitive spirit, and I believe that this concern if they were to approach the market in more of a competitive view more eggs would be sold and it would not be necessary to give them any further incentives. We must remember that this particular company not gets the benefit under agreements of every bit of duty being waived and if they cannot compete with American eggs where they have to pay a lot of high taxes and so forth and so on then something is wrong, and I'm willing you that it is wrong in the marketing side of it because the eggs can be produced at a competitive price and it can be sold here at a competitive price. But those of us who operate supermarkets will tell you that normally the eggs average out on the imported price about seventy-eight cents a dozen landed in our warehouse. It is impossible for us to pay ninety cents a dozen and then retail for a dollar fifteen, we must stop and think what the house wife wants, what she's capable of spending, and in almost protest something that of this nature that helps only a few people which will hurt the entire country because nearly every household in the Island eats eggs. The more likely holds true for beef, I would like to know that this Island was self-supporting as far as beef is concerned, with beef imported from the United States on the hoof will most probably in the neighbourhood of ninety eight cents a pound for U.S. choice, and what is obtained locally they're asking a dollar twenty-five in some cases you can get them down to a dollar fifteen on the hoof, and that is why that these things cannot be ignored because the price is going to shoot up and you're to be protecting something that is going to hurt the economy of this Island, it's going to hurt too many people.

So, Mr. President, we cannot get in a position to where we sort of subsidize these businesses, when we do that we enter on endless chain of protection and we will be like some of the other countries, when they put protection on in Jamaica years ago on minor blades the people flocked to Cayman to buy razor blades to carry them back into Jamaica. We cannot let things like this happen, Sir.

Getting on to another subject. This year we hope to be able to push forward on the ship registration, and this is something that should be of tremendous benefit to this territory. Also the oil transfer facility, we made a very bold move when we started that the first of the year and I think it is showing now that the royalty income can be very beneficial to Government plus what is spent in the local economy in Cayman Brac by the crews and the local people who are employed, this is the way that you try to get an economy going and in the future we hope that there will be even a lot more benefits to accrue from this as we get into the shore installation.

The Member in charge has outlined under education what has taken place, and therefore been some strides in that department this year. And in regards to schools I am pleased to know that Savannah will be expanded this coming year, the land has been bought for it and there is money appropriated in the Budget for 1978 to see that there is some more monies put in to that school. There is also money for the new prison and when this prison becomes a reality I hope that we will have a firm policy put together where the prisoners will be forced to work to help augment that venture. In addition to that I hope that this coming year we will be able to institute some type of rehabilitation scheme to help people who are in prison or will as

HON. JAMES H. SNOWDEN CONTINUING: to help people who are in danger, these are things that are very vital in a community such as this and we cannot tonight't too long.

I am very pleased Mr. President, that finally we are getting started on the Community Hall at Breakers, the land has been bought, and I understand from Mr. Hunt that shortly the building will start. In addition to this in our own district we have been able to get Cumber Drive and the Manse road paved, we have also gotten some work done on the public beach which was done by public spirited people. It is also pleasant for the coming year that we will have an expansion to the Police Station in West Bay and North Side, quite likely something that is very much needed particularly the North Side area. Pointing out this year, Mr. President, we did make some bold moves in regards to the Cayman Protection Law, but we must realize that this was necessary in order to protect the rights of those who have earned as well as those who acquired it by birth-right or heritage. The old system could not have adapted itself to continue much longer because there were too many loop-holes into it, and I think at this time we have been able to plug most of those.

Now that we have the controversial Development and Planning Law coming to an end, I will not speak much on that because the Member in charge I'm sure has quite a bit to say. But by doing that we were able to put a very controversial subject to bed and something which I think will go a long way to help in the economy of this Island. We are also budgeting for the Mosquito Research a new plane, that is going to cost a fair amount of money and I hope that most people will be satisfied and they will not be able to say that the mosquito department is a department that no attention is paid to.

Great strides are planned in the agriculture and fishery field, and again the Member in charge I think will be able to put forward the plan on that, but this is something very beneficial to the country but we must realize that when Union comes you on in the way that some people think they can go on by just looting out money and the people going and getting drunk or something and not even paying the money back; when we put out an agricultural policy it must be one that is fair, it must be one that can work.

This coming year I think the Government should pay particular attention to a conversation taken up a while ago as well as some type of social security scheme. This was talked about on platforms throughout the Island in 1972 and it should become a reality before 1980, and willing, if not by 1980 we may be faced with problems that most of us would not like to be facing.

We have implemented several minimum measures this year and we have tried to work with these to where it did not affect any particular area. We could not put on taxes on the financial services without putting them on the local people also, but the little that has been put on the local people we feel like they will accept, because take the milk poll tax of two dollars it cost you nearly that much to secure it and draw a receipt for it; when you increase that to ten dollars it's not a monumental fee, the same thing holds true for the increase in gas and diesel from five cents to eight cents, this means that the average driver in this Island will probably increase his driving only about thirty cents a week or not even a pack of cigarettes.

In regards to the increase in the work permits I can assure everyone that this was not made for particular people, this was made on a point straight across the board hoping that it can raise more revenue as well as giving people who genuinely need employment people for their jobs. I would point out one thing in this which has just come to my attention in the last couple of days, and that is some of the big companies in this Island who should be paying this fee themselves to Government are charging it back against their employees, I think this is very wrong and I think people like this, it should be brought to their attention, just because they have a person in sort of a bondage they should not slip the yoke on a little bit further.

We have implemented a small fee on boats, ten and twenty dollars, which again is not going to really hurt anyone. The cinema fee has been increased and if I was the percentage table that Kirkconnell used it would be quite a bit of percentage, but again this is very necessary

HON. JAMES M. BODDEN CONTINUING: because revenue has to be earned for the country and it has to be put in such a way that it cannot be proved back directly to the consumer.

Exchange control will be lifted, and this I think again is a very bold move and one that should have been made a long long time ago. In regards to the new currency I think it is fair for people to realize that there is no devaluation in saying that you have a new currency or people rushing off and taking their money out of the bank, when you come out with a new currency issue it only tends to strengthen the reserves that you have within your present currency, and that is what would be accomplished by doing this. Should we change the dollar on the par to the United States which is what was supposed to have happened when/ dollar was originally issued here, the only thing it would mean is that everybody would be issued approximately a dollar and twenty cents of the new currency for the dollar that he has in his hand now; it does not mean that the cost of living would go up, it does not mean the devaluation in your money it only means that you've got a different picture may be on it. And you know, Mr. President, at this time we would even consider putting your picture on it.

Mention was made of Cayman Airways, and I would only say at this point that, would Members be willing for we to go on our knees to Jamaica or to anyone else, because if we had not made a move that's what we would have been doing. The proof is right there in that brief case contained in about fifty pages and one of these days I will brighten Mr. Muirhead from Gad willing by putting it in print so that he can read it. This is not making a deficit on the 1977 revenue because probably only a small amount of this money will be spent in 1977, and I'm sure that it will not amount to the entire million and half dollars U.S. which is a guarantee by this Government, it's a guarantee which is to be repaid by earnings from the new company which in the same manner that Cayman Airways was able some years ago to pay off an obligation of over three quarters of a million dollars owed to Lacsa, it was to do it by earned revenue. I was planning and I was hoping that some of the Members would be able to take the complimentary first trip on this airplane. Government is not about to underwrite this, and I don't know where that point comes in, this is only merely a support in the form of a guarantee to get the company off of the feet.

This airport, Mr. President, and the tourism section of the community opened this country and it is more likely that the five million plus which has been spent on the Port would be more here than what it would be spending one and a half U.S. to promote a National Airline. I bring this point out, Mr. President, because once the Government has embarked on a project it should follow it completely and it should then join in unity just like we have done in the duck pond; who back there was not accepted by everybody in the start but yet it's an accomplished fact that we have a duck, it's an accomplished fact that it plays an important part in the economy and it's an accomplished fact that it has to be paid for. Before I wind up, Mr. President, I would like to say that there has been a lot of talk about what money Government has spent in regards to promotions in the Miss World contest and the Miss Cayman contest and so forth and so on. I can assure the Members of this House that the money spent on these projects was the amount that I mentioned a couple a days ago, and the rest of it has been done by the private sector,which is what I think the private sector should at all times be willing to do,is to play their part in a very dynamic country.

I wind up, Mr. President, by giving a little joke that I heard on a joke record a couple of days ago, and it was about this preacher giving the joke and it was at a funeral down in Mississippi, a man had died, minister performing the ceremony, four bearers were sitting around and there was the wife, and she was saying "Oh Lazarus, oh Lazarus speak to me", one of the four bearers piped up and he said "Aunt Lizzy, if he does that window over there is reserved for us not for you".

HON. T. M. McCOY: Mr. President, in taking advantage of the privilege of speaking from the floor for the first time I'm reminded of the occasion in Jamaica some years ago when a young solicitor was being admitted to practice as a bar in Jamaica, this was the time before fusion of the bar whereby you now have solicitors and barristers enjoying the same privilege, at that time solicitors could not practice in the high court, and this young solicitor who

HON. T.M. McCOY (CONTINUED): he was admitted was just about to leave and he was asked if he didn't have anything to say, and he thought he didn't, so the judge reminded him that he had better speak then because that would be the only opportunity he would have of addressing the Supreme Court in London. So thinking that this may be my only privilege of ever addressing the President from the floor of this Honourable House I take advantage of my opportunity if no more than to join others in paying tribute to you, to say that it has been a pleasure, it has been an honour and I have been very, very pleased to have served under you as an Acting Governor for the past two months. It is something which, as other Members have said, I've said no behind your back which is the important place to say it I suppose that you fill both with as great a dignity and with as much efficiency as one who had been in the office for years. I say this without any tell sound or flattery, it is from the heart. And I do hope that along with other Members who share this feeling that the day is not far hence when we will have a Caymanian filling the office of Governor or President of this House as long as that office remains and that you will be the one who will fill that on the first occasion that it presents itself.

In the Department or the portfolio in which I have been working for the past two months it's very little that I am able to speak about, I have not been there long enough to be acquainted with many of the problems but there is one that I think Members should be aware of, in fact I've heard it being discussed informally just a few days ago in the Common Room there, and that is the keeping or the problem that is now being experienced by people visiting the States unbeknown. As Members of this Honourable House know that the Cayman Islands/probably the only country in the world that enjoys this unique privilege whereby the Governor here can issue a document which may be examined by the Immigration Authorities in the United States and allow a Caymanian a holder of a Caymanian passport to enter the United States for business or for pleasure or for other matters. Recently there has been a development and this is causing some concern among people that - some may be now held up by the Immigration and some are actually being sent back as a result of their police records.

Now, the matter of police records in connection with visa entrance is nothing new, this has always been a condition of admission to the United States on a visa waiver. The understanding was, that an offence not involving moral turpitude would not be regarded as one debarring one from entering the States, by moral turpitude is understood in the American term that this relates to offences which are primarily against the person such as assault, robbery, murder and such things; offences against morality, if a person attempted suicide and this is on his record it may not be taken as anything against him, but these offences which are considered against moral turpitude are the ones that can really affect one entering the States. One may come to the office the other day to explain that he was convicted but he shouldn't come back with that police record, this was one which showed about seventeen years ago he along with some other school boys had been caught stealing crabfish on his way home, unfortunately he didn't even have the Juvenile Law otherwise he would not have been brought before the court, he would not have had a police record, but he was brought before the court along with these boys and they were bound over in the sum of five pounds and this is still appearing on his police record. And he was cautioned about that, he was advised to borrow the money from us at the time, but he was warned that a Police Officer might be present on another occasion and he might not be accepted, and you do have some - many young persons who have committed offences since, some that are more serious. The thing is Honourable Members, I think we in Cayman now have to recognize that we have to live up to this claim of ours to be law abiding citizens and young people must realise that they still to a great extent have to depend on the ability to go to the United States or will in connection with their country's living. It may be that they have business established here and had to go to the States to transact the business in connection with that and they need to enter the States; also the case will needs to go through as a man and they may not be allowed in to do now something which this Government can do at the moment, they must be issued their police records and whatever is on that record must go on their clearance that they must receive. All that can be done to try to avoid having offences on there predominantly those offences involving moral turpitude.

As I heard one explaining this morning, every offence

HON. E. M. McCOY CONTINUING: is a criminal offence even riding a bicycle without lamp; offences under British law are divided into two categories only, civil and criminal, so if it's not a civil offence it's a criminal offence and this is really having some effect on people but it's nothing that happens in this Government or in the office that has anything to do with anybody being debarred from entering the United States or them being cautioned there, they may be dismissed with the visas but they take their chances and if they are stopped it's nothing that can be done on that side.

Well, it's just one item - one other matter I would like to touch upon .....

MR. PRESIDENT: I must remind the Member that under Standing Order 10 we're supposed to break at 6:30 P.M. I realise that you're not going to get another opportunity to speak so if you'll make it very short.

HON. E.M. McCOY: Well, what I was going to speak about, Mr. President, was merely just for a matter of information and nothing very much, and that is on the matter of vehicles. The Honourable Member spoke a while ago about the cars of vehicles. I may remind Members although this may not cure the problem that the Honourable Member referred to but it would be of interest to them to know what the funding scheme which has been established and which this Honourable House was being advised of I think a year ago is in operation, and although it's not fully so, but it has been operating long enough to prove that it is a very useful operation one which will help to save Government a lot of money in the replacement and the repair of vehicles in that vehicles are being hired out by a central division to all users within the Government service and they pay what is an economic charge for this, and this is used against repairs, maintenance and replacement of the vehicles. And as a result of this central maintenance of vehicles Government vehicles are now being much better maintained than they have been in the past, and this will improve in the future.

Thank you, Mr. President.

ADJOURNMENT

MOVED BY: HON. E.M. McCOY

SECONDED BY: HON. P.G. JOHNSON

MR. PRESIDENT: Before I put the question I would like to thank those Members that have said good things about me, but I would like to say this, that had it not been for your co-operation I would not have had such an easy time. And I may also thank the Civil Servants with me that have worked 'till the last a little better than two months, that I have had their fullest co-operation. As you all know the Governor comes back tonight and he'll be sitting in this chair tomorrow morning; and again I would like to thank you all for your co-operation with me, and it goes to show when you work together what can be achieved.

QUESTION PUT: AGREED. AT 6:40 P.M. THE HOUSE ADJOURNED UNTIL WEDNESDAY MORNING THE 16TH NOVEMBER, 1977.

FOURTH MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 16TH NOVEMBER, 1977

FOURTH DAY

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, OBE. - PRESIDING

GOVERNMENT MEMBERS

HON. O.M. HUSTON, MBE., JP.	FIRST OFFICIAL MEMBER
HON. V.O. JOHNSON, OBE., JP.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M. BODDEN	MEMBER FOR TOURISM, AVIATION AND TRADE

ELECTED MEMBERS

MR. BALFOUR D. EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. JOHN CARLTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. KATHLEEN L. EVANS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE M. HOUSE, OBE.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. KEITH P. TIBBETTS, JP.	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR. CRADDOCK EBANKS, JP.	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN D. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ABSENT: HON. D.P. WARWICK, O.B.E.

ORDERS OF THE DAY

WEDNESDAY, 16TH NOVEMBER, 1977

1. QUESTIONS:

(1) MISS ANNIE H. DOLDEN TO ASK THE MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS:

WILL GOVERNMENT STATE,

(i) THE COST OF THE SOUTHERN EXTENSION TO THE PORT FACILITIES AS NOW BEING CARRIED OUT BY THE PUBLIC WORKS DEPARTMENT?

(ii) WHY HAVE NOT SUMMER AVENUE AND THE MAINE ROAD AT BODDAN TOWN BEEN PAVED AS UNDERSTOOD EARLIER THIS YEAR?

(iii) WILL STEPS BE TAKEN TO HAVE THIS WORK DONE BEFORE THE END OF THE YEAR?

2. PETITIONS:

(1) PETITION RE PRIVATE BILL (UNITED CHURCH INCORPORATION LAW).

3. CONTINUATION OF DEBATE ON FINANCIAL STATEMENT.

4. GOVERNMENT BUSINESS:

BILLS:

(1) GRAND COURT (AMENDMENT) LAW, 1977 - FIRST READING

(2) AGE OF MAJORITY LAW, 1977 - FIRST READING.

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WEDNESDAY, 19TH NOVEMBER, 1977

2.0 p.m.

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

QUESTIONS: MISS ANNIE K. BOSSOM OF CROWN TOWN, TO ASK THE HONOURABLE MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.

(1) Will Government state -

(a) The cost of the southern extension to the port facilities as now being carried out by the Public Works Department?

ANSWER: Mr. President, the answer is -

The cost of the southern extension to the port facility is approximately C$80,000 as at 31st October, 1977.

SUPPLEMENTARIES:

MR. CHARLOCK BEANS: Can the member say if the amount up to date is within keeping of the estimated cost?

HON. C.L. KIRKCONNELL: Mr. President, I would say yes, it is in keeping with what we estimated - there's $10,000 left as of the 31st of October. The work on the northern part of the mainland we have just put the blocks across that area which are arriving and we are not going to spend quite as much money on the northern section as we had anticipated, therefore we should have sufficient to carry out the southern extension improvements without additional funds.

MR. CHARLOCK BEANS: A further supplementary, Mr. President. Would this include the public facilities on this southern part of the dock that is being renovated or constructed?

HON. C.L. KIRKCONNELL: Mr. President, yes, it will include the remodeling of the little building and the wash-room facilities are all included in this sum.

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

(2) Why have not Dunbar Avenue and the Manse Road at Bodden Town been paved as finished surfaces this year? Will steps be taken to have this work done before the end of the year?

ANSWER: Paving of Dunbar Avenue and Manse Road at Bodden Town was programmed to be done in October, 1977. This work has now been completed.

MR. PRESIDENT: That concludes question time. The next item on the Order of the day is presentation of a Petition. The Honourable Member may, if he wishes, read out the text of the petition and if he wishes to clarify the contents can quote the Memorandum of Objects and Reasons to the Bill.

PETITION RE PRIVATE BILL (UNITED CHURCH INCORPORATION LAW)

HON. TRUMAN BODDEN: Mr. President, this is a petition and I am applying, at this stage, for leave to introduce the bill. I will read the Petition

IN THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS
NOVEMBER, 1977 SESSION

THE UNITED CHURCH INCORPORATION LAW
PETITION FOR LEAVE TO INTRODUCE BILL

Unto the Honourable Members of the Legislative Assembly of the Cayman Islands

THE HUMBLE PETITION of the United Church of Jamaica and Grand Cayman in the Cayman Islands by their duly authorised agent

RESPECTFULLY SHOWETH -

that your petitioners have caused the Bill of which a copy is hereunto annexed to be prepared for giving effect to the purposes set forth in the preamble of such Bill

That the rights of the said Bill cannot be affected without the authority of the Legislative Assembly.

WHEREOF YOUR PETITIONERS PRAY THAT YOUR HONOURABLE ASSEMBLY WILL GRANT LEAVE TO BRING IN THE SAID BILL

AND YOUR PETITIONERS, AS IN DUTY BOUND, WILL EVER PRAY, ETC.

FOR: THE UNITED CHURCH OF JAMAICA AND GRAND CAYMAN IN THE CAYMAN ISLANDS

(SGD) TRUMAN M. BODDEN

DATED 10th November, 1977.

Mr.President, I have complied with Standing Order 67 (7) in relation to the publication in the Gazette and the three successive publications in the newspaper. There was only one slight doubt in my mind and so far as that relates to a procedural problem, I would ask if the Standing Orders 14 and 17, which relate to form and contents of petitions and notice of petition which, I believe, does not apply, but in the event that it may apply, then I would ask for that to be waived.

Mr.President, I believe that the petition for a private bill is perhaps under this specific Standing Order, but I note in that that one part of that specifically states that I should have hand-written a certain part of it and as far as Standing Orders 14 and 17 may relate to this petition, I would be asking that they be waived it be a very minor requirement, I think, I don't really think it is applicable, but to clear any doubt on it....

MR. PRESIDENT: I would agree with the interpretation that I think that a petition affecting a private bill under Standing Order 67 is meant to be self-contained and that the other Standing Orders quoted refer to a different type of petition.

HON. TRUMAN BODDEN: If you so rule, Mr. Speaker,

MR. SPEAKER: I am prepared to give that ruling.

HON. TRUMAN BODDEN: Thank you very much, Sir, in which case, Mr. President, the bill itself, the Objects as you have quite rightly pointed, the Objects and Reasons, if I could just read those

> For many years residents of the Cayman Islands have associated and worshipped together as the Presbyterian Church of Jamaica in the Cayman Islands and more recently as the United Church of Jamaica and Grand Cayman in the Cayman Islands for the preaching teaching and promoting of the Gospel of Christ amongst the people of these Islands and for the purposes thereof have acquired real and personal property by means of funds furnished partly or wholly by such residents.
> The object of this Law is to create a corporate body in which may be vested such property real and personal situate in the Cayman Islands already acquired by or held in trust for or possessed, used, occupied or enjoyed by the said Church or held by the Jamaica Presbyterian Corporation or any other entity or which may after the passage of the Bill and its investment intended be acquired by the persons so associated and possessed of the powers to be conferred by the Law.

Very briefly, Mr. President, this is, I think, the third law, fourth of this nature which has been brought to this Honourable House - it is mainly to incorporate the Church here to hold unincorporated real estate property and to really tidy up and put in order the Church's property in these Islands. The first schedule which includes or sets out the specific properties has been carefully checked by our Ministers here, Rev. Banks and by the Land Registrar and by myself and while it is in diverse names it is property held by the Church, in fact both of it is properties on which either churches or a manse stands and it is really to put this into the corporation and to tidy this up. I would only be asking for leave to introduce this now, Mr. President, and I would hope that when the next sitting of the House, perhaps in another week or whenever that may be, then I could, at that stage, introduce the bill and have it passed at this sitting, Sir.

I have really nothing more on that, I would ask Members to support the petition for leave and also now, Mr. President, to support the prayer in this petition. Thank you.

MR. PRESIDENT: The question is that the provisions of a Private Bill entitled THE UNITED CHURCH INCORPORATION LAW be allowed to proceed. The motion is open for debate.

As there is no debate I put the question - Those in favour please say Aye.

MEMBERS: Aye.

MR. PRESIDENT: Those against no. The motion is carried, and I shall ask the Clerk to put the bill on the order of the day when the Assembly resumes business after the Finance Committee has considered the Appropriation Law.

We now continue the debate on the Financial Statement on the 1979 Estimates.

CONTINUATION OF DEBATE ON THE FINANCIAL STATEMENT.

MR. JOHN McLEAN: Mr. President, I take this opportunity to welcome you back from what I hope has been a very enjoyable vacation.

MR. JOHN MILLER (INTERVENING): I also congratulate the First Official member who has acted in your capacity as Speaker and has really and truly done a good job. He is, in my opinion, a fellow Caymanian to be very proud of.

I also wish to commend the Honourable Financial Secretary for delivering to us what I consider a very informative and comprehensive statement. It proves it has been delivered by a positive thinker.

I just wish to comment briefly on a few areas of this address and will start by saying that I am quite glad to know that within the last eight months, since the last Budget Session great strides have been made within the economy of these Islands.

Mr. President, one of the main highlights of our economy is tourism and I wish to give credit to the Member in charge of this portfolio because I feel the promotion of tourism in these Islands is due to his hard and dedicated work to make it possible. I do trust and hope that God's help will be given to him and he will be able to promote him even further.

I am also glad to know that within the past twelve months there has also been improvement within the financial industry. This, again, is a very important highlight of our economy and I am glad to know that confidence still exists in the present Government, as much as there are still banks and trust companies coming in to be licensed here.

Although, Mr. President, there are lots and lots of criticisms from radio and other outlets on the street, I am proud to say that I feel this Government is as good as has ever been in the Cayman Islands. I am proud to be a part of it and I do trust that this growth will continue.

Mr. President, I turn to the smaller Islands Cayman Brac and Little Cayman and I am really glad to know that something such as ship-to-shore will eventually come about. I do feel that was something that was needed - quite necessary - to promote the economy of those Islands and again, I do feel that the people of these Islands and of Grand Cayman are justly proud to know it came about.

Turning to new industries, again I am proud to know that there has been some signs of some coming in the Islands but, Mr. President, there is only one thing I would like to be quite clear on and that is that Government should make sure that in each of these new industries Caymanians will be assured of jobs. I do feel that it is good for the Islands and if this is done, it will even be better.

Ship Registration - again I feel this is a very good thing to come to these shores, once it is handled properly, no doubt in the years to come, it will be a great benefit once it is working properly. We hear of places like Venezuela which continually makes millions from ship registration and no doubt if it is properly set up there we will do likewise.

Mr. President, one portion here I disagree with what is said concerning the Airport but on the other hand I feel that the Honourable Fourth Member has clarified this yesterday in saying that it should be made clear this has been amended from 1970.

Turning briefly to Education, Mr. President, I feel confident in the Member with this portfolio and I do trust and hope that this will continually improve, although I do feel there is a good system in this line but there is still room for improvement.

MR. JOHN WILSON (CONTINUED) I do agree with what the Honourable Financial Secretary pointed out that one of the great weaknesses in the school is due to change of staff, including principal. I can imagine how the pupils at school are continually having to face new teachers, new principals, and more or less each one coming with a new thing or a new way of thinking, I should say, it is really frustrating to them. So I do trust and hope that in a very short time this will be clarified and we will be properly headed in our education.

The Health Department, Mr.President, I am now quite confident that this will continue to grow in the right direction knowing that the Department has lately been headed by a very qualified man, who is the Chief Medical Officer. I do feel that he will try and put straight things that have, over the years, been running in the wrong way.

Mr.President, briefly touching on Agriculture and Natural Resources, I do feel this has been going fair, but I would like to mention one thing which includes the fishing for turtle around these islands. I do feel this has been something that has been passed down from generation to generation and it has been brought to my attention lately that fishermen fishing in these waters for what I understand are not turtles that live around here, but turtles which occasionally pass in these waters from feeding grounds to other feeding grounds. I do feel Mr.President, that in the Fisheries Law (Law 1 of 1975) changes should be made and fishermen who nowadays depend on the sea for a livelihood should be able to fish when these times come around for turtle. I do not feel that there are many what is known as the green turtle in these waters, mostly it is loggar-head and the hawksbill and I do feel that they should have the opportunity to continue what has been done throughout the years.

Coming to Immigration, Mr.President, I feel that the increases which have been put forward are all in order, I do feel that the companies are mainly satisfied by being able to come to our Island and I do feel that they should make some return to Government. So I do trust and hope that this will be accepted by them, I do feel it has been accepted.

Mr.President, it was mentioned yesterday taxation is a bad word in these areas, but I do feel with the small amounts called the public is required to accept, especially those by petrol and the personal tax. As usual there will be a few who will criticise and in most cases we will find that these criticising are mainly the greatest benefit from Government and the only thing which they contribute to Government is at the first of the year when a small tax of $2.00 was paid. Mr.President, I feel like if this personal tax had been increased four times within the last ten years the public should step and think it could have passed the $10.00 by now, so again I feel it is a nominal figure and I do trust that even those who are a bit upset will agree shortly to this figure.

Now on the small boats, Mr.President, I do feel should be - you will find these companies certainly making large sums from these boats and I think it is quite clear here that the recommendation for small boats are not those used for commercial fishing but includes those for hire and charter. I think that once this has been stated clearly to the members of the public they will be willing to accept.

Again, Mr.President, face on the cinemas, I cannot see anyone coming to cinema grumbling about the fees which are put forward - I do feel they are in order and from one of their weekends I am quite certain this fee is a small portion as I should say if I had my way with it they should even be slightly higher.

Mr.President, this, more or less, concludes what I would like to say on the address and at this time I wish to thank Members of this honourable House for closely working with me

MR.JOHN MCLEAN (CONTINUING) and helping me to achieve certain things for my district within my first year here.

Mr.President, the greatest wealth any man can achieve in life is the enduring reward of serving his fellowmen and this is the wealth I am trying to achieve. Thank you.

MR.BENSON SMITH: Mr.President, first of all I would like to take this opportunity on behalf of the people of the Cayman Islands and especially the people of West Bay who I represent, to extend to you, Mr.President, and your family a hearty welcome back to these Islands and to this legislative assembly. I hope, Sir, that your holiday has been a pleasant one and we are very happy to have you back home this morning.

I also want to congratulate the Honourable Fifth Official Member for the way he conducted his duties as President of this Assembly in your absence.

The Honourable Financial Secretary began his speech by saying it was his pleasure to present the 1978 budget. It was also indeed a pleasure for us, on mild, to listen to his review of the year 1977 which is just about behind us. 1977 has been a good year and I would like at this time to congratulate the Honourable Financial Secretary on so vividly and so forcibly putting before this Assembly and the public all that this Government has achieved in the past year and what the expectations are for the coming year 1978.

Mr.President, a united Assembly with a united front for a united desire for the good of this little country and welfare each and everyone can overcome any difficulty that may come our way.

Today I wish to pledge my wholehearted support to this Legislature so that this may be a reality in the years ahead.

Mr.President, I must agree that political stability has been the success of these Islands, especially in the two major fields in our development, the tax haven and tourism. I must also add that if our success in these Islands is to continue this state of affairs must continue, political stability. We have had many good examples of this, Mr.President, in many other Islands in the Caribbean that have faltered on account of this.

I would not say, Sir, that these Islands have everything in common to offer as our neighbours, but I do think, Sir, that the two major things that we have to offer them is political stability and the friendliness of our Caymanian people. If this is borne upon, Mr.President, we will soon find that our success in these two fields will stay dominant.

It is very encouraging to know that thus far there have been increases in these areas but we have to think very carefully, very seriously, we have to bear in mind that if we become a reality that Cuba is opened up again, our tourist trade would, no doubt, have a bit of problem.

Mr.Financial Secretary has been said in this Chamber about tourism, some say there is too much money spent on advertising, etc. - I would like to say that in our modern age it pays to advertise and I must be one here and now I think it calls for more aggressive drawing of returns that media. This Department has to assume bolder than ever on advertising. This field is a very touchy one and it is with this in mind I believe, Mr.President, the Department has been trying to foresee the problem and I would with my limited knowledge there is no time to relax this media in this tourist trade because it can go quicker than it came and we should stress every means within this Government to keep this going.

MR.CAMERON SMITH(CONTINUING) It is also very interesting to note during the past year the steady growth in the number of banks and trust companies engaged in off-shore business and that confidence is still strong in our Government and these Islands continue to be regarded as the leading financial center. We need to uphold that confidence in the years ahead.

Mr.President, I am also happy to know that a comprehensive study on the proposal to establish a Port of entry in the Islands is now undergoing by the United Kingdom. Whenever this becomes a reality this would mean much to the people and for the economy of these Islands.

The year 1977 was designated by you, Mr. President as Education and Training Year, and I am pleased to know that during this year 1977 15 new students were awarded scholarships and that provision has been made in the 1978 budget for further scholarships. We should endeavour to increase these scholarships so that Cayman's boys and girls can be enrolled in institutions of higher learning so that they will be able to return and fill the needs of this community.

Another aspect I am more than pleased about during this year the smaller Islands of Cayman: Brac and Little Cayman have enjoyed a period of increased economic activity due to the whip-o-whip oil exploration off Little Cayman. We need to support this activity so that our Sister Islands can be provided with the many needs that face these Islands.

Last, but not least, Mr.President, I am very proud to know that this Government had the foresight to waive Customs Import Duties as an incentive to the establishment of new industries in the Cayman Islands. This has meant much to the economy of these Islands in 1977 and will prove to be much in 1978 and the years ahead.

Now, Mr.President, I don't want to take up any more time of this valuable House, many times you find that good things are found in small packages, so I could go on for hours however I might find myself repeating what I already said. So, Mr. President, I will conclude by saying that this Legislature has worked hard to make what it is and I would like to assure you and this Honourable House of my wholehearted support in whatever you undertake for the benefit of these Islands. I thank you very much, Mr. President.

HON.C.RAE MCLEAN: Mr.President, I welcome you back from your holiday, not only as President of this Legislative Assembly but as Governor of the Cayman Islands.

During your short holiday I was truly perturbed for your safety on your return but I am glad to see that that small faction of the community which tried to stir up people against you in saying, as they did in a public meeting at West Bay, that Caymanians should be at the airport to stop you from landing on your return. That small faction got no support and since that time they have gone to work with the Bar-maiden which appears to be the Recipient of Political Awards, having received one in 1972 and another in 1977 and hopefully if there are any awards from 1980 they will find employment for them too.

I was very alarmed, Sir, during your absence to hear from the same small faction that you Had, as they say in the political, 'did not tell the truth to the people of the Cayman Islands' when you made the announcement in your Throne Speech in March of this year about the United Nations visit. Such an accusation is a deliberate lie on the Queen's Representative who truthfully in the Throne Speech told of the coming Mission

HON. G. HAIG BODDEN (CONTINUING) Under the new Tax measure which will impose the increase that we are there seems to have been very little opposition throughout the Island, perhaps this is because motor cars are in such a luxuriant and sensible manner. The Petrol tax which dates back to 1900 and something or the early 1900s was increased from 8¢ to $10 which is really a 100% increase but the actual money involved is only 75¢ a month more. The increase on petrol is 3¢ per gallon and if Government had not put this on we probably would have had an increase from the oil companies. I am reliably informed from one of the large oil companies that the Cayman Islands in the last few years have received several increases in the price of petrol, not because we deserved an increase, and not because there was an increase on the world market, but because other Caribbean areas in which these multinational companies operate deserved an increase and rather than putting it on places like Jamaica, where petrol is exceptionally high, they opted it on to their loving neighbours on the Cayman Islands, but this is the way that multinational companies operate and what has happened is that there has been steady increases, the consumer has paid but he has paid the money to the oil companies; in this instance the extra $9 will go to the our Government.

There has been some criticism of the increase in the Work Permit fees - there was an editorial in the newspaper yesterday morning - two more in one week. What I believe can bear an increase of some nine and nine enough to impose labour, labour that in many cases that could be had right here at home, labour that could be had if they would spend a little money and a little time to train local people, they ought to be able to pay the price of importing labour when there is a certain amount of unemployment.

Now I know there are some cases where a suitable person cannot be found locally but there have been many cases where people have been brought in to fill jobs and when they come here these people had to learn from the local people under them and this may shake up some of those in high places in the commercial sector and let them make a look at training local people and only bringing in those people that they really need.

Another system used has been for some of these companies to advertise the job in such a manner that it cannot be filled locally and afterwards bringing in a person who has been picked in advance to fill the job. On the other hand the people who come here to work enjoy privileges which they do not enjoy in their own countries. Most of them, because of the fact that they have gone overseas, earn better salaries than they would at home and somebody has to pay the price. There is a price tag on everything and if you want to work in the Cayman Islands because you can better yourself then you have to pay the price.

For the first time a fee was been put on cinemas which was charged heretofore was just a nominal fee that I am sure did not cause the allowance paid to the members of the Cinema Board. I trust that these fees will remain unchanged for a long time because the cinemas do provide a certain amount of entertainment not everybody agrees with it, but on the other hand if everybody agreed you wouldn't need everybody, you would only need one person.

The other areas of increased taxation seem to have been well received and there is no need to mention them.

Turning to my own portfolio members will note that under capital expenditure provision is made for the purchase of a new aircraft for Mosquito spraying. This has become necessary

HON. J. MAIE BODDEN (AGRICULTURE) because the plane was in use but loved it's working life. I understand that it has done over 50 hours of performance on the engine and it would not be right for this Government to ask pilots to operate a plane that is considered unsafe. One must not argue the importance of adequate control.

The Government has made requests for another big item which had to be put off temporarily, although they have been given some smaller new equipment. That equipment has done a good job over the years and whether people may like the Head of Department or not, it is a fact that he knows his job.

The Member from Cayman Brac said that he would like to see more visits from the Agricultural Department and so would we, but it is very difficult to increase the budget for the Agricultural Department and this is one of the reasons why the visits have not been more frequent. It is true that the present holder of the post has made more visits to Cayman Brac in his short time with the Department than all his predecessors combined. So we have come a long way and I trust that the visits can be put on a regular basis.

What the Department is really looking for is a young man in Cayman Brac who could come here and work for about three months with the Department and get some training in crop spraying and other such jobs connected with agriculture, then he would move back to Cayman Brac and work on the advice and under the direction of the Department.

When I spoke at the Agricultural Show in February this year I told the farmers that they would be in for a hard time from the press because I had been put in charge of agriculture and my prognostications have come true - you have seen the vicious article backed up by the Government editorial, further consummated by Mr. Dixon Conolly's letter, all of them containing untrue statements, trying to give the farmers the impression that Government is against them.

Government is on the side of the farmer, that is why Government has provided for many years an agricultural department, that is why Government spends some money on agriculture, Government provides many services for the farmer, by providing people with expertise to advise the farmers; we have recently amended the Customs Law to allow us, free of duty, all items that might be used by the farmer. The Law, the Ordinance has been enacted so that certain items could be banned, however, before Government bans any particular item, it will have a long look at it and make sure that there is produced locally an item which is of good quality and within range of the pocketbook of the consumer.

It is my belief that the type of promotion which the Member advocates is what has ruined Jamaica and Cuba and Guyana - you have an item, you do not control the price of the locally produced item and the price goes up and the quality goes down and I do not want to be the part of an administration that increases the cost of any item to the majority of people in the Cayman Islands for the benefit of a few, even if that few are directly connected with the ill-powerful Member and I will not be intimidated by their utter lack of sensitivity to the needs of the majority of people in the Cayman Islands. I did not say as Mr. Conolly reported in his letter that if the farmers had to depend on me, by banning any items, they would be doomed. I made no such statement - that was a complete fabrication of his own ingenuity - what I did say to that Government cannot ban an item unless Government is satisfied that that item can be produced locally, of a high standard and of a price that is competitive with the local market, because we would be doing

HON. G. HAIG BODDEN (CONTINUING): an injustice to the former Members if we did this.

I am sorry that my speech seems to be more connected with the Non-Meeting than with the Budget Address, but apparently they have not themselves up to write Government's policies and this will not happen - the people of the Cayman Islands will decide who will write Government's policies. And one item of their extravagances is the article on Fisheries. All of you know that the Caribbean Development Bank prepared a fishery project to encompass Grand Cayman, Turks Islands and the Cayman Islands. The Government rightly agreed that they did not want to enter a scheme where Jamaica would be the chief purchaser of the product. Because you couldn't get five cents out of that country now, much less five dollars.

The Bank was asked to do a national scheme for the Cayman Islands and they completed a project which envisioned that this Government would put up over $100,000 in cash, as loan, as well as guarantee a substantial loan, something in the vicinity total of over half a million dollars. Government has not yet taken a decision on this and probably never will implement it in the fashion that it is set up. At the present time there is a Senior Officer from the FAO in the Cayman Islands looking over the situation and hopefully he may recommend to Government some participation in any scheme which would help the fishing industry. In an interview with him, it seems that he does not favour the huge scheme advocated by Caribbean Development Bank and proclaimed by the Non-Meeter.

I need not touch on the items mentioned by the Financial Secretary in his Budget address - these items speak for themselves - the ships' registration and the oil transfer in Little Cayman. I was recently in Cayman here and met a person who had known Cayman Brac in the days when the economy was booming and we are who saw its decline, I was really happy to see the activity taking place in these Islands now. The money is not in the small amounts which Government is collecting each month, the money is really in the donations that are provided in Cayman Brac and paid for by the people in the oil industry. Every super tanker that goes to Little Cayman leaves as much money in those Islands as a tourist ship that calls here for a day, and if you believe this is not true you can talk to those people who are directly concerned with it, people stay at the hotel, people hire taxis, people hire boats, ships buy supplies, literally thousands of dollars injected each month into the economy of these Islands and as one who had foreseen that project from its very early stages, I must say that I feel proud to be part of an administration which has had the guts and the courage to implement such a scheme.

Mr President, I need not touch on the other areas of my portfolio because we do have the more unglamorous portfolio - we have subjects that do not arouse much interest, but nevertheless the Land Registry and the Planning Department have done their fair share of work. I do not believe too much in all that planners say but I can see that it is very necessary and as long as I am in charge I will endeavour to see that planning continues the job that it has been doing and that it continues to in the interest of these Islands and I sincerely hope that on tomorrow the Most Honourable Minister responsible to Executive Council will have that the next three years will be as bright and as prosperous as the first year has been.

MR. PRESIDENT: Proceedings are resumed.

MR. DALMAIN EBANKS: Mr. President, I want to join in saying welcome back to the Islands with us. I am sure I am safe in saying that the majority of the Island is happy to have you back with us and this year past and gone we enjoyed working with you and I hope that as long as you are here, Sir, that this unity and work will carry on as it has been.

I now take the time also to congratulate our First Official Member, the Honourable Dennis Foster, for the very efficient job he has done in your absence, Sir. It makes me proud to know that we have a Caymanian, actually he is from Cayman Brac but I still count him as a Caymanian, that could carry out the job as Governor in this Island - it goes to show, Sir, that we Caymanians are able to do anything that we put our minds to.

Now, Sir, this session brings us to the winding up of our Financial Year 1977 and it is very pleasing to hear the report that we have steadily grown this year - finance and industries. The outlook for 1978, Sir, things are looking even better, we have the off shore, ship registration and other small industries that will also help the growth of our finance - and I am very happy and proud, Sir, to know that we have been able to pull our Islands through a bad recession and put it on the road of recovery.

I want to congratulate the Honourable Financial Secretary for the wonderful and efficient job he has done in this report. Again, I am proud to have a Caymanian that is able to fill that post.

Now, Sir, I don't want to take up too much time because most things have been said, but what I would like to say here now, Sir, is that although the majority of the Island is saying you have done a good job - I know it myself Sir - I have had some prominent business people come and say 'well, you know first going off we couldn't see you people running a government but now I'll tell you he said you fellows are doing a good job, you have the ball keep it rolling', and that is what we intend to do, Sir, with your help.

The criticisms that are being rendered us is something, I guess, we will have to take in its stride. But what I would like to say to those that are criticising in constructive criticism is alright, if you are going to criticise be able to come up with a solution that can solve the problem. Why criticise and still not be able to help? It does not make sense. So I would ask these people sir, since they claim that they love this Island and love this Island at heart instead of casting rumour and what not to join hands and hearts with us and help us build this Island so it will be a better and happier Island.

Speaking on the tax measures that have been presented I do not think that there will be too much said about it if it is needed, but as I see it again, Sir, the outlook for the coming years things look more profitable. I hope that in the near future that we will be able to reduce some taxation in some areas that will make the people more happy.

With that, Sir, I think I will close. Again, I say we are glad to have you back with us and I hope that for the time that you will be with us that we will be able to carry on a wonderful job with God's help we intend to make this Island what it has been, always a happy peace loving Island. Thank you, Sir.

MRS. EDNA ESBEY: Mr. President, first of all I would like to say I hope you have had an enjoyable holiday and we welcome you back here. We hope that the rest of your stay with us will be as enjoyable as the past has been.

MRS. ESTHER SHANKS (CONTINUING): I would also like to congratulate the First Official Member for a job well done. And to congratulate the Financial Secretary on his Budget Address. It is indeed a comprehensive one and an encouraging one. All is not perfect but on this premise we hope that we will even see more pleasing looking Budget Addresses.

We realize, Sir, that a lot of hard work has been put into the process of being in the House. Members of Executive Council and Members on this side of the House has worked very good together and we hope that the unity that now exists will continue. We have had our hard times but there are nothing so great that we did not unite and try to thrash it out. We hope that in the future this unity will continue and that we will build a place that at the end of our four years we will feel that we have done something for the good of our country.

Now, Sir, a few people might be very upset about the increase in taxes but like has been said here this morning, we must get money to run our country - money must come from somewhere and if we have to raise tax to better our educational system, to better our hospitals, to improve our roads then we will have to do it; because people want to see this Island progress and at the same time must be willing to put something into it.

It made me happy just the other night to sit at a graduation ceremony to see more young people come out with certificates. Some not as successful as we would have liked them to have been but we can only say that they are not all academic minded students. I feel that at this time there is great need in the educational field that we must have an academic school and put those students prepared to also join the world without having to hang their heads.

It has been a very encouraging year, I would say, and as we go on in the years to come, like I have said, I hope that we will have more encouraging things. We have achieved a lot in this year and I can only say that I hope these achievements will bring us much courage.

Sometimes as a young Member of this House I have become very disappointed in getting knocks from the outside but as I look at those that have been here a long time I realize that they have gotten a lot more knocks than I have gotten just in one year. This helps to encourage me to go on and fight to build my country.

The news media has done a good job in some places - and I do not intend as I do not knock anyone or try not to - but sometimes I really wonder what they are trying to do when they make certain statements. Just a few days ago I was at a function and the editor of one of the news medias was at that function and he said that Members of the House can play up to the gallery but he will play up to the crowds. This statement really bothered me and I said I wonder what he was trying to prove. I will not elaborate on that I hope that he will have a change of mind and a change of heart and if there is anyone in this House who plays up to the gallery I would ask that they think it over and to myself with whatever they say.

Another thing that keeps bothering me is statements made by people coming into our country. I have a lot of dealing with the public being in the type of business I am in, and just the other day a salesman from Miami said to me, "Mrs. Shanks if I were an investor coming to your country and read your news media and I was coming here with $10 million to invest I would take the next plane out.". These kind of things worries me realize, and I did put the question to one of the editors of one of the news media in our country I said to him just the other day why don't you compare your magazine for 1977 with the magazines that you have published in 1975 and 1976 and I am certain that you will see that you have set yourself up as an opposition against the present Government. He said back to me that he had gotten the same treatment from Members of this House. And I can only

MRS. ESTHER EVANS (CONTINUED): ink today that Members of this House could - if they do this - I for one do not set myself up against any news media and I would like to work in harmony with anyone for the betterment of my country and I can only ask that other Members do the same.

With these few words, Sir, I thank you very much.

MR. PRESIDENT: Are there any other speakers who wish to add comment on this debate? If not I shall ask the Honourable Financial Secretary to reply if he so chooses.

HON. V.G. JOHNSON: Mr. President, I would like first of all to also extend to you Mr. President my words of welcome back to the Cayman Islands, you and Mrs. Russell, after what I hope you have had an enjoyable vacation. I am sure that you are returning feeling fit to continue your important role that you play in this country. During your absence I think I can say that there was peace and there was quietness, all these prevailed which speaks very well for those you left in charge., the officers who was administering the affairs of this Government, the Executive Council, the Legislative Assembly and the Civil Service.

I would like to thank Members also for their very kind remarks on my behalf in the preparation of the Address. Every year in recent time that I become involved in the preparation of the Budget Address I always say that this is the last one, I have also said so this year.

Mr. President, the first speaker to debate the Budget Address spoke of an incident in the Customs Department, and I want on behalf of the Customs Department to extend to the Member my apologies for what happened. It is unfortunate that under the present Customs Law there is no provision under which exemption can be given to a resident returning to the Island with customs goods, so officers in the Customs Department usually examine these for duty purposes. I know that the department has exercised a certain amount of discretion from time to time with regards to returning residents and it is unfortunate that this particular case should have happened.

However, I can see the need for an amendment to the Customs Law if it is the wish of the Legislative Assembly to do so to make some specific provision for certain exemptions of Customs goods by returning residents, the amount and all the other details of it will need to be examined carefully. However, I would just mention here that we have given exemptions in other countries but you know the Cayman Islands has to depend largely on import duty; it forms at the present time approximately 60% of the total government income. In other countries there are other forms of taxation, income tax, excise property tax and all the rest of it from which those governments earn their income. They are not dependent on import duty they can very well grant exemptions, here we have to be very careful in granting these exemptions because it will affect government's income from this source, however as I said it is a matter that we would go into and I am sure that there are merits in amending the Customs Law to provide for this.

Mr. President, I should also say here that the Members on the Government Bench did a good job in explaining many of the areas which were queried by Members of the other side and it leaves but very little for me to do in the way of explanation or clarification of any areas of the Budget Address. In fact the Member for Bodden yesterday took the wind off to relate to the House the principles of economy and gave quite an interesting talk on the subject to back up the principles on which the Budget Address was written.

I would also like to clarify the point dealing with the resolution which was adopted by this Legislative Assembly earlier in the meeting concerning Cayman Airways and the loan of

HON. V.C. JOHNSON (CONTINUING): $1,500,000 which will be backed by a government guarantee. Now this loan of up to a sum of a million and a half dollars would be raised by the new company, not by government, by the new company. Any sum of money raised under that arrangement would be backed by a government guarantee. Any such sum of money backed by a government guarantee would immediately become a contingent liability of this government, it would not be a default, it would just simply be a contingent liability, something that you could be liable for. So until such time, Mr. President, there is no obligation on the part of this government. The approval of the resolution was to allow the new company to enter in to loan negotiation for a sum up to that amount and government would give the guarantee when and if necessary.

Mr. President, some reference was made to the fact that large sums of money had been spent on the port and so there is no reason why money could not be spent on the national airline as well, and I quite agree with that statement and the analogy is also good. However, you know there is a subtle difference between the two projects, of course, the expenditure on the Port for instance remains to an end, it would not be so with the airline. The Port remains firm, the airline flies. So there are quite a few differences between the two, but nevertheless there are all occasions which the government offers and if there is need to spend money to maintain and to sustain them then it is the responsibility of the Legislative Assembly to do so.

Another matter which was debated, Mr. President, was the land or burial problem for Queen Mary persons. This has always been a subject debated in government and for some reason or the other I have never been a supporter of the idea of planting a tree on imported goods for the simple reason that it is good to encourage local produce and it is good to know that the island can produce, and that we can become dependent on foreign imports, but it is usual that in the Cayman Islands we find single endeavours and there is usually a danger in placing a hand on foreign imports, because if at any time there is any difficulty on for us the local industry is removed immediately the island will suffer.

Another point in not a Member supported that for competition purposes it was not in the best interest to place an embargo against foreign importation and a case was cited in the matter of importation of eggs, and this is quite so. I think competition must be allowed to flow freely in the islands. What is important is the marketing of local produce as was mentioned. I support this quite strongly and this is what local producers must seek to do. I believe, Mr. President, that local produce is as good as any imported produce where we need to strengthen is the marketing aids of it to show to the public that it is as good as what is imported and that the price is as competitive also.

Mr. President, in the portfolios, Communications and Works and Tourism, Aviation and Trade, the Members mentioned their activities and made the reasons for no mention made of these in the Budget Address.

Mr. President, all Members spoke on quite a number of matters was made of Erskoine Control and I am glad that the Members supported the construction of Hinkenson Control. Of course, this will be dealt with during the course of 1976. Since the Legislative Assembly has now agreed on this matter I can only hope it will be put forward and at a convenient time during the year the exercise of suspension will be undertaken and that it will be implemented without delay.

I know that the new taxes that have been recommended are not going to be accepted by everybody, but I think in a while the public has given a great deal of sympathizing with the need for the introduction of these new measures. I hope, Mr. President, that

HON. V.G. JOHNSON (CONTINUING): it will not place any undue hardship on any individuals. The matter of the Pensions Tax has been increased from $8.00 to $10.00 that is less than a dollar a month per person who is eligible to pay the tax. Apart from that was the only other tax that has arisen to hand where local people are concerned is the increase on petrol - increased from 5¢ to 6¢ per gallon. I am not too sure what the retailers will be doing with prices, that is to say what will be passed on to the consumer, but I imagine that if the government is recouping 3¢ per gallon on petrol that in my mind a reasonable increase per gallon to the public would be 5¢ or even 6¢ would be reasonable, but I am not too sure what the new prices will be. This is one of the unfortunate ills about our present system of taxation, when these taxes are levied there is no control after that where the consumer is concerned and as the dealers are at liberty to fix their own prices on the mark up which they desire. But we can only appeal, Mr. President, to the public in general and to the dealers that they should deal justly and equitable with the public and consumers where these tax measures are concerned and not to profiteer too greatly on the deal.

Mr. President, with these few remarks I would now move that the Appropriation (1978) Bill, 1977 and the Draft Estimates of Revenue and Expenditure be referred to the standing Finance Committee of the Legislative Assembly for examination and to report back to the Legislative Assembly the findings of the Committee on this Bill.

MR. PRESIDENT: Well, we take the question on the Second Reading first.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Unless any Member wishes to dissent from the Financial Secretary's motion that the Bill be referred to the Finance Committee I think that under Standing Orders it does stand automatically committed to Finance Committee after the passage of the Second Reading of the Bill. So the Financial Secretary will set a time for the meeting of the Finance Committee at the conclusion of this meeting.

We proceed now to Government Business, there are two Bills set down for First Reading.

THE GRAND COURT (AMENDMENT) BILL, 1977

CLERK: The Grand Court (Amendment) Bill, 1977.

MR. PRESIDENT: A Bill intituled the Grand Court (Amendment) Law, 1977 is deemed to have been read the first time and is set down for the second reading at a later stage.

THE AGE OF MAJORITY LAW, 1977

CLERK: The Age of Majority Law, 1977.

MR. PRESIDENT: A Bill intituled the Age of Majority Law, 1977 is deemed to have been read a first time and is duly set down for the Second Reading at a later stage.

ADJOURNMENT

HON. O.T. PUTEN: Mr. President, I would like to move the adjournment of this House to a date to be notified on the completion of the Finance Committee.

HON. V.J. JOHNSON: Mr. President, I would like to amend the motion. Before I sit, Mr. President, I would like to invite Members of the Finance Committee to a meeting to begin tomorrow morning at 10 o'clock in the Committee Room here in the Legislative Assembly Building.

QUESTION PUT: AGREED. SENATE ADJOURNED AT 12.35 p.m. TO A DAY TO BE NOTIFIED BY THE CLERK AT THE CONCLUSION OF THE PROCEEDINGS IN FINANCE COMMITTEE.

FOURTH MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 5th December, 1977

FIFTY SIX

PRAYERS WERE:

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

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., J.P.	FIRST OFFICIAL MEMBER
HON. G.H.HAMILTON, CBE.	SECOND OFFICIAL MEMBER
HON.V.G.JOHNSON, CBE.,JP.	THIRD OFFICIAL MEMBER
HON. INGRAM M.BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. J. HAIG BODDEN	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.
HON.(MRS) D. McKEOWN	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION
HON. JAMES M.RYAN	MEMBER FOR TOURISM, AVIATION AND TRADE.

ELECTED MEMBERS

MR. JOHN DARWIN WATT	ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	ELECTED MEMBER FOR THE EASTERN ELECTORAL DISTRICT OF WEST BAY
MISS ANNIE M.BODDEN, OBE.	THIRD ELECTED MEMBER FOR THE SOUTH EASTERN DISTRICT OF GEORGE TOWN
MR. CRADDOCK MANNIN, J.P.	MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE.
MR. JOHN B. McLEAN	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ABSENT: MR. OSMOND O. ERNEST
MRS. KENNETH E.TIBBETTS
MRS.ESTHERLEEN L.EBANKS

MISS ADVOCATE.
MISS ADVOCATE
NO PROXY

ORDER OF THE DAY

FOURTH MEETING AND BUDGET SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 5TH DECEMBER, 1977

FIFTH DAY

1. PRESENTATION OF REPORT OF THE STANDING FINANCE COMMITTEE - BY HON.P.G.JOHNSON,OBE., CHAIRMAN

2. QUESTIONS TO MEMBERS:-

MISS ANGIE M.BODDEN OF GEORGE TOWN, TO ASK THE HONOURABLE FINANCIAL SECRETARY

Will Government state:

(a) what is the total amount of revenue collected from 2nd January, 1977 to 31st October, 1977?

(b) Is there any possible due to Government and outstanding from any source over & period of twelve and up to the 31st of October, 1977? If the answer is 'yes', will Government state the amount outstanding and under what heads of revenue and will Government endeavour to collect payments forthwith?

3. OTHER BUSINESS:-

SENIOR MEMBERS' MOTION NO.2 - TO BE MOVED BY MR.CRADDOCK SCOTT, SECONDED BY MR. JOHN McLEAN - SPEED LIMITS.

4. GOVERNMENT BUSINESS:-

(1) BILLS

(a) Appropriation (1978) Law, 1977 - THIRD READING
(b) The Development and Planning (Amendment) (No.2) Law, 1977 - REPORT AND THIRD READING.
(c) The Postal Law, 1977 - REPORT AND THIRD READING
(d) The Local Companies (Control) Law - REPORT AND THIRD READING.
(e) Age of Majority Law, 1977 - SECOND AND THIRD READINGS.
(f) The Ground Rents (Amendment) Law, 1977 - SECOND AND THIRD READINGS.
(g) The Builders Holidays (Amendment) Law, 1977 - FIRST, SECOND AND THIRD READINGS (Suspension of Standing Orders).
(h) The Broadcasting Law, 1977 - FIRST, SECOND AND THIRD READINGS.
(i) The United Church (Incorporation) Law 1977, SECOND AND THIRD READINGS.

(2) MOTIONS

Government Motion No.1 (originally numbered 7) Appointments to Labour Disputes Boards - to be moved by Hon.James M.Bodden seconded by Hon. Truman M.Bodden

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MONDAY, 6TH DECEMBER, 1977

10:00 A.M.

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

FINANCE COMMITTEE - REPORT TO BE LAID ON THE TABLE BY HON. V.C. JOHNSON, DEP. MP.

HON. V.C. JOHNSON: Mr. President, I beg to present the Report of the Standing Finance Committee which dealt with the Draft Estimates of Revenue and Expenditure for 1978 as well as the Appropriation, (1978) Law, 1977.

Mr. President, the Committee met on five occasions on the 19th, 26th, 27th and 30th of November and on the 1st of December. At the opening of the meeting there was a motion put forward by a Member that the estimates be approved en block except for the head of Personnel and Management Services which should be left with the token vote of one dollar. The Member, Mr. President, contended that there was little purpose of sitting in Finance Committee to discuss the estimates. As far as he was concerned the estimates were fairly well prepared and perhaps conveyed the wishes of Government. But matters that were recommended at the previous budget session in the Finance Committee were not perhaps dealt with as they should; they were perhaps ignored or not properly implemented, and therefore there was little purpose of sitting in Finance Committee to deal with details of the estimates. He was persuaded, however, to withdraw the motion and that the Governor would be requested to sit in at some time to discuss these matters since they largely dealt with establishment matters; that is Civil Service matters. The Governor intimated that he would meet Members in an informal session, after Finance Committee this was done and many of these matters were discussed with him.

The Committee apart from that, Mr. President, went on to discuss the business matters before it. The Report which has been circulated to Members indicates that a number of Heads of Department were summoned to the Committee to explain certain areas of operation within their department and to give account of certain expenditures.

On the whole, Mr. President, I would say that the Finance Committee was conducted in a very pleasant atmosphere. There were no increases or decreases of the provisions recommended in the estimates. The only amendment made to the Appropriation (1978) Law, 1977 was distribution of new services into the various heads of expenditure. The Committee, however, made certain recommendations which I will be communicating to you as Governor in due course, Sir. The amendments which I mentioned a while ago to the heads under the Appropriation Law are as follows: under head 7. Police and Prison, the figure $1,981,388 is replaced by the figure $1,987,070. Head 8. Finance & Development, the figure $1,574,207 replaced by the figure $1,526,801. Head 10. Judicial Department, the figure $153,317 replaced by the figure $152,321. Head 13. Education Department, the figure $1,972,835 is replaced by the figure $2,006,635. Under head 14. Personal Health Services, the figure $1,348,873 is replaced by the figure $1,280,588. The head 15. Social Services - Probation and Welfare, the figure $35,617 is replaced by the figure $40,867. Head 17. Department of Agriculture, the figure $123,904 is replaced by the figure $134,214. Head 18. Lands and Survey Department, the figure $82,897 is replaced by the figure $84,681. Head 22. Civil Aviation Department, the figure $88,978 is replaced by the figure $89,066. Head 24. Department of Tourism, the figure $81,029 is replaced by the figure $87,574. And lastly the head 25. District Administration, the figure $84,293 is replaced by the figure $19,057. Mr. President, as I said before there were no increases or decreases in the recommendations under the estimates and so the total sum of the Appropriation (1978) Law, 1977 remains the same figure, $2,784,068.

Mr. President, I move that the Report of the Standing Finance Committee and the Appropriation (1978) Law, 1977 be adopted.

QUESTION PUT: AGREED. THE COMMITTEE'S REPORT WAS ADOPTED.

MR. PRESIDENT: The Ayes have it. The Report accordingly lies on the Table and the Bill is now fit for a third reading in due course. We move next to questions.

QUESTIONS:-

MISS ANNIE R. PORTER CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE FINANCIAL SECRETARY

Will Government state -

(a) what is the total amount of revenue collected from 2nd January, 1977 to 31st October, 1977

ANSWER

The total amount of revenue collected from 2nd January to 31st October, 1977 excluding collections by Cayman Brac for the month of October is CI$10,780,396.02

(b) Is there any revenue due to Government and outstanding from any source over a period of years and up to the 31st October, 1977?

ANSWER

Yes.

(c) If the answer is 'Yes', will Government state the amounts outstanding, and under what heads of revenue, and will Government inform payments forthwith?

ANSWER:

It is not possible to state accurately the amount of revenue outstanding as the accounting system is not set up in a manner to provide figures for amounts receivable. It is, however, known that amounts are outstanding in respect of Medical Fees, Personal Tax, Garbage Fees and Customs Duty. In respect of the latter, payment is secured against a deposit paid by the importer which is in excess of the estimated duty. For other fees the Medical Department and the Treasury are now actively preparing notices to the debtors outstanding settlement.

MR. PRESIDENT: If there are no supplementaries we can move on to the next item on the Order of the Day which is a Private Motion.

PRIVATE MEMBER'S MOTION NO.2 AMENDMENT TO THE TRAFFIC LAW - SPEED LIMITS

MR. TRUMAN BODDEN: Mr. President, I'd like to introduce a motion standing in my name for an amendment to the Motor Vehicle or the Traffic Law for an amendment to the speed limit. Mr. President, I don't know if it's necessary for me to read this motion as Members had it in their possession for some weeks, but briefly, Mr. President for introducing the motion with the growth in traffic and the distance with many working people in the Island today this twenty-five mile speed limit seems to be a detriment, they are back to the working class of people that are travelling from one end of the Island to the other.

I suppose it's sort of a wrong time to ask an amendment to this, coming the holiday season but I don't expect if it's accepted by the House that it would reach the stage that it would be passed during the holidays.

MR. CHADDOCK EBANKS CONTINUING: Mr. President, a lot of the vehicles that are in use on the roads today are automatic, high-powered vehicles and to the best of my knowledge those automobile vehicles only start shifting out from low gear to high after reaching between twenty-five and thirty miles an hour. So in the light of that it is very, I would term, destructive to such motor vehicles, besides that heavy equipment such as trucks, buses hauling long distances, it's very destructive to these types of vehicles because they are labouring under the most strenuous condition at twenty-five miles an hour. By driving into town practically every day, I have to drive something between two and a half and eleven miles under the twenty-five miles an hour speed limit and that's boring, and further more as I said it's somewhat destructive to heavy equipment because it means that you cannot drive in a normal low gear you got to be shifting to second, or third or something another to cope with some of this, and it shouldn't be. And I think we have explored this twenty-five mile speed limit in various sections of the island long enough and I feel that some consideration should be given, that it be increased from twenty-five at least to thirty.

I've had the opportunity of owning a few new vehicles and under the warranty of guarantee you're not supposed to drive a new vehicle such as a truck, bus and those types in the first five hundred miles under thirty-five miles an hour, between that and forty-five miles. After the first five hundred miles you can in between drop to thirty and up to forty-five, occasionally to fifty and after the first thousand miles they recommend that you should maintain a forty to fifty mile speed where that's possible. So in the first place then when one gets such a type of vehicle here and got to lag on a twenty-five mile road for hours it just creates a set back to the vehicle. And I am trusting, Mr. President, that Members will give due consideration to this. I suppose they feel that increasing the speed limit won't do us much good with the traffic violations that we have with some motorists, but if it's increased to thirty, Mr. President, it can't encourage them to do any different from what they have been doing because when you go into the court and listen where John Brown is prosecuted for doing sixty, sixty-five and seventy on the twenty-five mile zone then I mean it's just plain, straightforward, he doesn't have any respect for the roads, nor other people using it or the speed limit or anything else. So those people must be dealt with, but I don't see why the majority of people - good, clean law abiding motorists should have to continue to live under this any longer, it should be some increase to it in my way of thinking. Because you're driving along at fifty, you come to the twenty-five, you just actually stop, you don't know what to try to do or where to try to go from there - it creates a lot of traffic hazards and jams on the road because one might be trying to maintain this and you get a traffic flow of a dozen or more cars that it makes it difficult and I feel that even an increase of five miles would enable people that are travelling long distances to be more comfortable in driving into work and out, which thirty is a much better driving speed than twenty-five - twenty-five is just, I don't know what, it shouldn't exist and I don't know if it is any other country in the world that twenty-five mile driving speed limit exists in, I don't know. And I trust that Members will look into this and I would like the recommendation, Mr. President, that this motion be put to a Select Committee of the House to deal with it in due course that it might be presented to the House then on the next sitting to deal with it then in detail. So at this time, Mr. President, I will leave it at this and get the feelings of other Members before I close this debate.

MR. JOSH P. HOLLIS: Mr. President, I beg to second the motion.

MR. PRESIDENT: The item of the motion is in the hands of Members and it has been moved that the motion be referred to a Select Committee and that the Select Committee report at the next meeting of the House. The motion is opened for debate.

HON. CHARLES I. KIRKCONNELL: Mr. President, I agree with the motion in certain respects, Sir, but I do think that the Traffic Department should be consulted and their views aired before we pass any law increasing the speed limit from twenty-five to thirty.

The area I particularly have in mind, Sir, is the area in Town. We have to be guided by expert advice and I would recommend, Sir, when we have the Select Committee that the Traffic Department be included in that Committee.

MISS ANNIE F. DODDEN: Mr. President, I suppose I'm unique in many ways and more so when it comes to a car. I cannot learn to drive, but I feel, Sir, with a man like the Honourable Member from North Side making such a motion and he being a driver for so long a time that he would not bring anything in this House that would be against the public interest.

I realize, Sir, that a lot of these people around here think my way of thinking does not mean too much because from the twenty-five. And it was, Sir, when we made the fifty many years ago that was on the recommendation of a former President of this House who found it impossible to go forty-five on the West Bay road and I'm very sure that that extra five miles was not responsible in any way for damages on the road. I therefore, Sir, will support the motion and since it has been recommended that it go to a Select Committee I feel that in that Committee it can be threshed out exactly what would help us.

QUESTION PUT: AGREED. REFERRED TO THE FOLLOWING SELECT COMMITTEE OF SEVEN MEMBERS - QUORUM 5 MEMBERS.

MR. CHALDOCK SKANKS: Mr. President, I just thought of maybe Members from the House rather than the whole House but if it's the desire I wouldn't.....

MR. PRESIDENT: Well, if there's no dissent perhaps we might aim for a Select Committee of about seven which is probably adequate to this. Can I have nominations please?

MISS ANNIE M. MOORE: Mr. President, I would beg to nominate the mover of this resolution as a member of that Committee, Sir.

MR. JOHN S. McLEAN: Mr. President, I beg to second that.

MR. PRESIDENT: Sorry, I didn't..... did the Honourable Member nominate somebody else or second that proposal?

MR. JOHN A McLEAN: Mr. President, I would second it, the nomination.

MR. PRESIDENT: You second the nomination?

MR. JOHN A. McLEAN: Yes.

MR. PRESIDENT: Thank you.

HON. JAMES M. MOORE: I move John McLean as a member of the Committee.

MR. GEORGE C. SMITH: I second that motion.

MR. CHALDOCK SKANKS: Mr. President, I move that Mr. Garston Smith be a member of the Committee.

MISS ANNIE F. DODDEN: Mr. President, I beg to second that nomination, Sir.

HON. JAMES M. MOUDEN: I move the Attorney General as a Member of this Committee, Sir.

MR. JOHN A. McLEAN: Mr. President, I second it.

MR. CHADDOCK EBANKS: Mr. President, I move that the Third Member of Executive Council be a Member of the Committee.

HON. JAMES M. MOUDEN: I second it.
I move Miss Annie Budden as a member of that Committee.

MR. C. MARTIN SMITH: I beg to second that, Mr. President.

MR. PRESIDENT: I think that makes six members.

HON. JAMES M. BUDDEN: In addition I think that we should select a representative from the Area, the Hon'ble Nineteen Members from the Area.

MR. CHADDOCK EBANKS: I second that, Mr. President.

MR. PRESIDENT: Well, that gives seven nominations. I'll mention them by name rather than by their electoral districts. We have Mr. Chaddock Ebanks, Mr. John McLean, Mr. Gordon Smith, Miss Annie Budden, Capt. Charles Kirkconnell, the Attorney General, Mr. Hewlett and lastly Capt. Keith Tibbetts. If there are no other nominations I'll put the question that these people be appointed as members of the Select Committee.

QUESTION PUT: AGREED.

MR. PRESIDENT: I will nominate Captain Charles Kirkconnell as Chairman of the Committee.

HON. G. HAIG BODDEN: Mr. President, just before we move off the suggestion was made that somebody from the Traffic Department should be a member of the Committee or a depot be called in by the Committee. I don't know if you want to appoint the traffic officer on.....

MR. PRESIDENT: I thought that the Honourable Member had in mind that he would be consulted during the Committee's deliberation, but it would be the members themselves who decided the policy.

HON. G. HAIG BODDEN: I only.....

HON. CHARLES D. KIRKCONNELL: Mr. President, that is correct, Sir.

MR. CRADDOCK EBANKS: Yes, Mr. President, that's what I intended to do - to co-opt the Traffic Department.

HON. D.H. FOSTER: Mr. President, what about a quorum, Sir?

MR. PRESIDENT: Has the Honourable Member a number in mind?

HON. D.H. FOSTER: I would say about five, Sir.

MR. PRESIDENT: Is that acceptable?
Being no dissenting voice I will declare five to be the number of the quorum for the Committee.
We'll move on to Bills and there are three Bills are down for second and third reading.

APPROPRIATION (1970) LAW, 1977

THIRD READING

HON. V.C. JOHNSON: Mr. President, I move that a Bill entitled The Appropriation (1970) Law, 1977 be given a third reading and passed.

HON. D.R. FOSTER: Mr. President, I second it.

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

THE DEVELOPMENT AND PLANNING (AMENDMENT) (NO.2) LAW, 1977

HON. G. HAIG SOOKDEO: Mr. President, I have to report that a Bill entitled The Development and Planning (Amendment) (No.2) Law, 1977 was considered by a committee of the whole House and passed without any amendment.

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

THIRD READING

HON. G. HAIG SOOKDEO: Mr. President, I move the third reading of a Bill entitled The Development and Planning (Amendment) (No.2) Law, 1977.

MR. PRESIDENT: I think we need a seconder to be on the Hansard Minutes.

HON. CHARLES L. KIRKCONNELL: I second that, Sir.

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

THE POSTAL LAW, 1977

HON. CHARLES L. KIRKCONNELL: Mr. President, I have to report that a Bill entitled The Postal Law, 1977 was considered by a committee of the whole House and passed without amendment.

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

THIRD READING

HON. CHARLES L. KIRKCONNELL: Mr. President, I move that a Bill entitled The Postal Law, 1977 be given a third reading and passed.

HON. G. HAIG SOOKDEO: I second.

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

MR. PRESIDENT: We'll proceed next with The Local Companies (Control) (Amendment) Law, 1977.

THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1977

HON. TRUMAN K. HUSBAND: Mr. President, I have to report that a Bill entitled The Local Companies (Control) (Amendment) Law, 1977 was considered by a committee of the whole House and passed with the following amendments. In paragraph (a) of paragraph (a) of section 2 that was amended by deleting that section and inserting "therefor" a statement that the effective control of the Company is not without directly or indirectly or by reason of any qualification or devise vested in or permitted to passed to persons other than as specifically shown in the return of shareholdings".

MR. PRESIDENT: The Bill is accordingly read now for the third reading.

THIRD READING

HON. THOMAS K. KIGUEN: Mr. President, I move that a Bill entitled The Local Companies (Control) (Amendment) Law, 1977 be given a third reading and passed.

HON. C. BAII SINDEN: I second it.

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

THE AGE OF MAJORITY LAW, 1977
SECOND READING

CLERK: THE AGE OF MAJORITY LAW, 1977.

HON. C.K. MUNICH: Mr. President, Sir, I rise to move that the Bill entitled The Age of Majority Law, 1977 be now read a second time.

Most systems of Law draw the distinction based on age between persons who are regarded as being of full, legal competence and those who are not. For most purposes our Law as it stands at present regards persons who have attained the age of twenty-one years as being of full age.

In recent times, Mr. President, Sir, in common law countries such as ours there have been changing views on the question of the age at which a person attains legal majority. The tendency has been for a lower age to be thought appropriate. The reasons for these changes in ideas are many and complex but undoubtedly they include such factors as rising, living and educational standards, the demands of industrialised societies and the effects of mass communications. What we do say in recent years in the United Kingdom, Canada, Australia, New Zealand, Malaysia, Ghana, Tanzania, in Trinidad and Tobago and in other Commonwealth countries that legislatures have seen fit to reduce the age of the legal majority below the previous level of twenty-one years.

As you know, Mr. President, Sir, the Members of this Honourable House at the sittings which took place in July of this year decided that a Select Committee should be appointed for the purpose of examining the law of these Islands on the question and in a report, which I had the privilege to lay on the table of this Honourable House earlier in these sittings, that Committee made a number of firm recommendations for the amendment of our law. The Bill now before the House, Sir, is designed to give effect to the recommendations in that report. Broadly speaking, Sir, the report favours the reduction of the age of majority and its chief recommendation is that as a matter of general law the age of majority be reduced to one of eighteen years. If this recommendation is adopted, Sir, a person after attaining the age of eighteen years will be able, freely, to enter into contracts in his own rights, he will be able to obtain loan finance, acquire goods on hire purchase arrangements and so on. The Bill, Sir, also provides for a number of specific amendments to particular laws; these if enacted will among other things enable persons age eighteen years to make valid wills, drive public service vehicles, drink liquor in licensed premises and so on. On the other hand, Sir, the Bill contains provisions increasing from seventeen to eighteen years of age, the age at which persons will in future be permitted to acquire shotguns and air powered weapons and it also contains provisions preserving the rights of young adults who although over the age of eighteen years have entitlements to parental and other support. The Bill, Sir, subject to important and necessary exceptions recognises the fact that persons in our society mature earlier than in years gone by and I would ask my Honourable fellow Members to give it their favourable consideration.

Mr. President, I beg to move that the Bill entitled The Age of Majority Bill, 1977 be now read the second time.

REP. E.E. EGGEN: Mr. President, I second ...

QUESTION PROPOUNDED - UNANIMOUS CONSENT.

MR. CHARLES THANEN: Mr. President, I followed on this committee and tried to play the part I felt that I was justified to play in the committee and I think I reached the stage in dealing with the different age groups to agree in principle, if not to the full extent, except to the one that I feel within myself from public knowledge or what I see from day to day that giving the eighteen years a free privilege to enter in and out I could not give my support to that one group.

Mr. President, I feel that the morals of our country are fallingfast enough and while I have not been convinced in any way that it will help our youth. I know a lot of the arguments have been over the years, not even in the last few weeks, if you can go to bed you can vote but you didn't vote till the last election. I heard two fathers in a conversation a few weeks ago, one of them stressing the question - if a man can vote why can't he drink, until after a little while I picked it up, I said to the young chap because he is a young father, stressing this I said how long since the eighteen have been allowed to vote, he don't know, I said it's only been since the last election, that was the first privilege that eighteen had the opportunity to vote. Well if he can vote he should drink, and the way he reasoned it. We have one boy about three years old, another about eighteen months, so as far as I'm concerned he has already turned his two boys loose that when they get to the age of eighteen he will tell them this is your hobby, start drinking.

Mr. President, I don't feel like being long on stepping out on this because that's my views on principle and I don't think as I said that it can do our country the best of good. Thank you.

MISS ANNIE M. HODGES: Mr. President, I quite agree that at the age of eighteen some boys and some girls are quite matured; they have been forced by circumstances to take a man or woman's place in their home, but on the average an eighteen year old person is not really qualified even to have his own thoughts set in his head permanently. I'm sixty-nine now but I'm born eighteen and I know that when I attained the age of twenty-five I had some more knowledge then I had at the age of eighteen, although I had to get out on my own from the age of nineteen. Well if you are getting out at the age of eighteen for a good purpose I am one hundred percent to support it, but when we are legislating I call it the destruction of our youth, that the day after you're eighteen, or may be the same day you can walk in a bar room and be associated with drunks because drunks are the people who go to the bar room. In olden days when you were a drunkard you were almost an outcast but now unless you are a drunkard it appears you have not much chance to get in the social world. I feel, Sir, that when we legislate to allow eighteen year old boys to drink that we are doing a great injustice to the younger generation.

I may be one of those persons not long ago a man was complaining because his eighteen year old boy could not be allowed to drink. If he had been a good christian upright he would have been very happy that there is such a law in existence. And I feel, Sir, today that we would be doing a great injustice to say we are going to discard this twenty one years and put eighteen year old boys in a condition where they can drink, steal, commit murder because a drunkard, man or woman will do anything and half the time they say they're not aware of what they're doing. I don't know because I've never tasted alcohol in my life so I wouldn't know what of it is true, but I do know this that drunkards are responsible for a lot of these road accidents and all kind of things that do not tend to uplift our community.

Another thing that I disagree with, Sir, is that this getting married at the age below twenty-one. In every other civilized country that I'm aware of until very recently you had to be twenty-one years of age before you could be married without your parents consent or your guardian, somebody.

MISS ANNIE H. DONOVAN DOMINGUEZ: Well it's almost a sin now, Mr. President, for anybody to go and get married because the marriages never seem to last last overnight. All you can hear is broken homes, heartache disturbing wives, wives deserting husbands, getting divorced and then the next stage is something they call a shack-up, whatever shack-up is I don't know, but I find, Sir, that if they can marry-in and don't know what they're doing nowadays when they're eighteen, what would they do. And to me when family life breaks down,which is happening in the Cayman Islands today it is the beginning of the end,and I feel when we are legislating here that any eighteen year old, boy or girl, can go forward and have somebody mumble a few words over them and call them married while in the sight of the law perhaps they're married but in the sight of God I wonder. I am against that, Mr. President, and I feel that we should let it be known that we consider the age of twenty-one the age of majority for getting married.

Now I have received a statement from the Ministerial Association of Cayman and a part of it reads "the Ministerial Association of Cayman have studied the age of majority reports tabled at the present sitting of the Legislative Assembly. The Association views with grave concern the proposed lowering of the age at which a person can be sold intoxicating liquor by a license dealer from twenty-one years to eighteen years. The Association strongly recommends that the age of twenty-one years as now existing in section 23 of the Liquor Licensing Law be maintained. The Association notes that this matter would not be out of line with the general accepted acceptance of the general age of eighteen be the age of majority. I've already made with regard to section X of the Liquor Licensing Law where the age of twenty-one should be recommended to be maintained for the grant of license to sell liquor and in the Adoption Law where the age of twenty-one is set as the minimum age for adopting a child other than a relation. Well I find today that/the churches are really doing their duty they would get up and preach against sin and as far as I'm concerned the drinking of liquor is just as dangerous and perhaps may be more so because it's more easily spirited than using of dope, hard drugs. Mr. President, I feel here that we as Legislators , and some of us are professing Christians, that we would be disregarding the command of God when we allow eighteen year olds to go in bar rooms and drink and the. Remember the good book says "drink is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise", and another passage in Proverbs says that liquor at the end it bites like a serpent and I see so many cases of that, so many good boys of the Grand Cayman Island today who could be of outstanding asset to the community have destroyed themselves by liquor drinking. And even and so is the fair sex seem to have adopted that method also, and I strongly recommend to all those present on this House that if we are trying to uplift our country, not only financially, but morally, spiritually and every other way that we do not allow eighteen year olds to go in a bar room and drink liquor as we have in , that's a good thing for them so to do. Thank you, Sir.

MR. JOHN McLEAN: Mr. President, first of all I would like to say I wonder if by changing the age from twenty-one to eighteen will that stop somebody from drinking or will it start it; I don't think that this is really going to make any difference because, Mr. President, if parents for one do not carry out their duty we could put the age group to fifty and it would make no difference.

A Member also spoke concerning getting married at eighteen, Mr. President, I wonder if it is not better for couples to come together in marriage than for them to really and truly shack-up as has been said. It only makes one think if a couple intends to live together no doubt they will be faced or our community will be faced with children out of marriage; and to me, Mr. President, this is a greater disgrace than if the Law allowed somebody to gracefully get married at the age of eighteen. I see nothing wrong with it I support this motion,in certain respects I feel it's a good one and I do not think that Members should really press on the one speaking of liquor because before this age is down to the age of eighteen

MR. JOHN B. McLEAN: ...it made no difference, the kid once still drank the liquor and no doubt like I've said this will continue.

Another example was calling on people at the age of eighteen or more, Mr. President, I also feel that an very important but I am of the understanding this was only within the last election and given this to a could forget but it's very important to the people who are madly and truly called upon for this cause. And again I do not think that somebody should be called and considered a grown/up who age for a certain thing and turned down for the other. I think we ought to set this at one age or the other and I do consider the one before who knows a suitable one. Thank you.

MR. LORIMER D. SMITH: Mr. President, I unhesitatingly wholeheartedly support this Bill before this house. If I recall correctly there is somewhere in that good book that is mentioned something to the effect that one should not, think not in vain.

I don't think that the issue here today should be merely one of whether an individual is a number of years, be/eighteen, nineteen or twenty, but one where each individual within himself should know how much alcoholic beverages he should consume. Much has been said and I'm sure some more will be said about this age, but it's been brought to my attention that recently two young individuals have been notified of prosecution for attempting or obtaining alcoholic beverages under the age of twenty-one years old and according to our present laws these persons, if prosecuted, will be recorded as being criminals and I'm going to ask this House today if any Member in here will take it upon his head that these persons be branded as criminals for the rest of their lives just because they attempted to obtain alcoholic beverages under the age of twenty-one.

The other point I wish to comment on, Sir, is the fact that an individual will be allowed to marry without consent at the age of eighteen. I see in this community today children that we can use the word girls thirteen, fourteen, fifteen, sixteen years old pregnant and I see no reason why if they can do the necessary act to come out of marriage why they can't go through the ceremony and be respectfully married in the eyes of the community. I thank you, Sir.

MR. PRESIDENT: If no one else wishes to speak I'll ask the Honourable mover if he wishes to reply.

HON. E.R. LEDRICK: Only to thank my Honourable colleagues, the Elected Official Member for Hamilton, Sir, and my other colleagues for their observations on the Bill, they've done their duty in expressing the concern they feel that certain changes they see in the society and I express them for that. In the same time, Sir, I feel that looked at as a whole the Bill will represent a valuable step forward in the history of these islands and I would accordingly move the motion, Sir.

QUESTION PUT: AGREED. HON. GLEN A. SWAN AND HON. (MR. CRADDOCK EDWARD ADAIROE.)

MR. PRESIDENT: The Bill is accordingly set down for the consideration stage if Members agree we might go through the committee second readings first and take the committee stages of the four Bills together.

THE UNION LABOR (AMENDMENT) LAW, 1977

WITHOUT AMENDMENT

CLERK: THE UNION LABOR (AMENDMENT) LAW, 1977.

MR. PRESIDENT: The Bill has been read the first time and is set down for second reading.

SECOND READING

HON. D.E. EWERTON: Mr. President, Sir, I beg to move that the Bill entitled "The Grand Court (Amendment) Law, 1977 be now read the second time. The Bill, Sir, is a simple one and I feel sure that Honourable Members will have already found it/ self explanatory. The brevity of the Bill, however must not be allowed to belittle the importance. It represents the legislative steps necessary to give full recognition in our laws to the change made in the title of the post of the highest judicial officer in these Islands. His office previously/ simply Judge of the Grand Court was some little time ago renamed Chief Justice of the Cayman Islands and Judge of the Grand Court, the new title has been in use administratively since then and this Bill makes, as I have said, so make the necessary alterations to our laws.

The remaining of the post, Sir, brought the title used in these Islands into line with that used by Commonwealth countries generally, and by our neighbours in the Caribbean in particular. The change came too, Sir, at an appropriate time. The retiring head of the judicature who has served these Islands so faithfully and well was for his last few months in office/ our first Chief Justice, and his worthy successor will begin his term of office in a few days time, will be sworned in as Chief Justice of the Cayman Islands and Judge of the Grand Court.

Mr. President, Sir, I commend this Bill to all Honourable Members and ask for their support in procuring its enactment.

I beg to move that a Bill entitled "The Grand Court (Amendment) Law, 1977" be now read a Second Time.

SECONDED BY HON. D.E. FOSTER.

MR. PRESIDENT: The question is, that a Bill / entitled The Grand Court (Amendment) Law, 1977" be read the Second Time. The motion is open for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The Bill is accordingly set down for the committee stage which will be taken later in this meeting.

THE PUBLIC HOLIDAYS (AMENDMENT) LAW, 1977

FIRST READING

CLERK: The Public Holidays (Amendment) Law, 1977.

MR. PRESIDENT: The Bill is deemed to have been read a First Time and is set down for a Second Reading.

SECOND READING

CLERK: The Public Holidays (Amendment) Law, 1977.

HON. D.E. FOSTER: Mr. President, I move the Second Reading of a Bill entitled "The Public Holidays (Amendment) Law, 1977".

Mr. President, prior to this year the third Monday in May was known as Commonwealth Day and then latterly as Tree Planting Day, and earlier this year we were notified that it was agreed amongst Commonwealth Governments that this date - this holiday known as Commonwealth Day would be moved forward to the 14th March, but it would no longer be a holiday. So in order to save the holiday and in order to recognise a day when our Islands were discovered we decided that it would be better to retain the third Monday in May and to call it "Discovery Day".

Mr. President, Sir, this is a very short Amendment to this Law - you see much to it really, except that Members should be proud that we will now have a holiday for the day that we were discovered. And I ask Members for their support on this Bill, Sir.

MR. PRESIDENT: The question is, shall a Bill entitled "The Public Holidays (Amendment) Law, 1977" be read the Second Time. The motion is open for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: This might be a suitable time to suspend proceedings for fifteen minutes.

MR. PRESIDENT: Please be seated.
We'll proceed next with the Broadcasting Authority Bill, 1977.

BROADCASTING LAW, 1977

FIRST READING

CLERK: THE BROADCASTING LAW, 1977.

MR. PRESIDENT: The Bill is deemed to have been read the first time and is set down for the second reading.

SECOND READING

CLERK: THE BROADCASTING LAW, 1977.

HON. E.H. FOSTER: Mr. President, I move the second reading of a Bill entitled The Broadcasting Law, 1977.

Mr. President, Members will recall that at the last sitting of this Legislature there was a resolution or a debate and then a resolution passed on television, and at this stage the House was promised that at the next sitting legislation would be put forward and this is the result of that, Sir.

The law is important because the time for the applications for the establishment of television is now up and I think the applications are all in and we must therefore have the machinery to deal with these applications after a permit has been granted to the successful applicant. If you didn't have this legislation you would not be able to control the operations once you have given them a permit. The law is a good one, Sir, but it's also a work of hard one because it has many stiff controls into it, but this is what you need if you're to exercise control over such a vital thing as television. Members have heard me express my opinion that these things can be dangerous or that television can be dangerous but this law, Sir, will make it so that we can control it if it becomes necessary.

Mr. President, I recommend the Law and I ask for the support of the Members on it, Sir.

QUESTION PROPOSED:- DEBATE ENSUED.

HON. IRVING W. DODDEN: Mr. President, I think it was Benjamin Franklin who said that with the guarantee of free speech we wish we had a way to guarantee the quality. This Law, Mr. President, while it relates to broadcasting and television, I would hope would follow very much along those lines.

The law itself is one which will provide for the licensing and will also set up a broadcasting authority which will have jurisdiction over or control over the programming and various matters and ensuring especially that the law as well as the regulations are followed. The law itself, at least in relation to the controversial areas, been taken from legislation in the United Kingdom which has stood the test of time and there is considerable wisdom in the regulatory part of this law. The law itself dealing with what can be a very dangerous weapon in the wrong hands or with the wrong entities that are carrying it out is naturally one which this Government and this law will endeavour to ensure that the quality and the programming which comes out of it is one which is in the interest of the people and which is beneficial to the community. This is probably one of the most serious, most, should I say, important type of law that one has within a community because it has been recognized throughout societies that the media for the dissemination of information is one which has to be very carefully looked at.

HON. HUMAN H. HOLDEN (CONTINUING): Two very contrasting statements, Mr. President was that on the well known one of Napoleon, Hansard and what lay stress on is the latter part of it, and the first part but I preface it with that; he said " a journalist is a grumbler, a censurer, a giver-advice, a regent of sovereigns, a tutor of nations". "Four hostile newspapers are more to be feared than a thousand bayonets ". Contrasting with that, Mr. President, is the other extreme by Hagbolin when he said "journalism is not a profession but a vocation, our newspaper is our party, our ideal, our soul and our banner which will/be^84 the victory". All I'm trying to stress there wishout adopting this, Mr. President is that we have to be very careful with the broadcasting how to ensure that what comes out of the programmes whether through television or out of a radio station is what is in the interest of this country. In the wrong hands it can destroy as well it can destroy us very quickly.

The sections which have been enjoined out of the television ban of the United Kingdom which has recently been remodelled is set out in the duties of the licensees and I think that it is very important that we stress to whatever licenses are granted, a franchise or a license that we intend that they must follow the duties which are laid down for them of which the first one is to include nothing which offends good taste or decency or is likely to encourage or incite to crime or lead to disorder or to be offensive to public feelings. Also with it I think is a very wise provision that in paragraph (d) of section 13 that they must ensure that they include no discussions or debates where persons holding more extreme opinions or put forward arguments of a political character which are not properly balanced by other opinions and arguments. Along with this, Mr. President, the regulatory body, I would hope as I feel sure will endeavour to see that their job and the duties hereunder and the enjoinment regulations which arise will be /which will be in the interest of the people as a whole. I would like to see in the regulation and I'd like to put this to the Assembly, provision similar as have set out in the Independent Broadcasting Authority Act of '73 which consolidates a number of earlier acts and it also deals broadcasting and television programming. It sets out specifically, Mr. President, the duties of the Authority in relation to advertising, to programmes and that is section 12 and that along with section 14 which relates to newspaper shareholdings in programme companies and deals largely with persons who are disqualified from contracting with the Independent Authority or I think it's referred to over there, sets out guide-lines which have been known down through the times in the United Kingdom and which ensure that there can never be a stranglehold on the dissemination of news within a country by diffusion or the joining up of hands of the different arms of the different branches of the different media. It also puts a duty, Mr. President, on the Broadcasting Authority to ensure, and this here would probably be under regulations made under the Act, that the programmes which are broadcast and therefore even by/whether/ they be such that they are in the interest of the public and in fact includes what I think are very important controls such like. Television quizzes, for instance a Dixon, is one which will be going into homes and will be coming to people rather than people going to it. The law itself, I think provides many of the necessary controls but as I mentioned earlier when we /such a steps of going into the regulations that these other aspects, especially in relation to children, in relation to an independent from other media will be incorporated in it. Mr. President, I was attempting to find the specific section that related to children or to journalism but I don't seem to be able to find it at this stage.

Moving on that, Mr. President, is what I have voiced many times in this Assembly and which I will continue to voice is that any method or any means or organisation or entities or device which tends towards radicals or militant movements or organisation or towards communism an attempt to secrete/with/in this/ society I will oppose up to the hilt as long as I remain in this house and whether I'm in here or not. Why I'm saying this is because that history has shown us as Australians and many of his similar countenances throughout the ages is that it is assumed this society through the dissemination in one form or another whether this is through/ verbally through written matter it is

HON. NORMAN M. BODDEN CONTINUING: elected into society in this way and that is why I think it is important to ensure that whatever is done that this is never given an opportunity to move or to get roots within this society. I will do everything lawful to crush any movement or any method or anything else which attempts or even thinks of infecting this into this society. And I want that made abundantly clear to the people of these Islands.

Mr. President, as to qualities of the suitability or the individual in whose hands we will put either a franchise or licensing rights under this law I think that there are certain qualities and certain checks must be made to ensure that as far as possible it is only we begin with the right people. Anyone expressed my views on the continuance of any type of media or method by which the public receives information I'd like to say that I think that the shareholders, directors, beneficial owners of a licensee should be of good character, financially independent, fully skilled, both from the civil, criminal, political and other aspects that - and this regardless of whether, Mr. President, these things will apply, whether they're Caymanians or not Caymanians because I think this goes to the roots of the decision on who should be the licensee under this and they should not now should any of them be connected with or have been connected with any communist country or any country which in substance adheres to the principles or the practices of communism regardless of whatever form it is said in or whatever name it may be clothed with. Further that the character and other checks that are made on these people should ensure that they have never been connected with or been related to anything dealing with the furtherance any militant or radical movement or group or any groups which lead towards this. Further that the history of these persons should be that they have shown a sense of sensitivity and fairness in relation to any matters that they have been in prior to this, whether in relation to the business side of a news media or whether merely connected with it and that this sensitivity to sensitivity and prominence to news and to information going to the public in this law has become which you would look back on their lives and say that they have been in the habit of following in the footsteps of these principles. Further, Mr. Presidents, these persons or that entity should be in a situation that they cannot be by any artifice or device subjected to control which are not directly within the precincts or within the control of the entity to which the licence is granted.

I believe, Mr. President, that television is something which the country as a whole would like, it has its defects with it. I accept this, but as a whole I believe that if it is well controlled, if the principles laid down in our draft Bill and laid down in the United Kingdom over the past decades are followed, if it is limited from the possibility of a linking up of control between different branches of the media, if we bear in mind that the programmes must be so geared that children of a tender age will see these and many times see them without what is now called the Watershed Guidance principle, because many times a child can turn on a television when no one is there and they could well see programmes which parents may not realise are either on or that they are looking at at the time. Then if the programmes are clean and if they are not offending against the good taste or decency or set out in section 12 then I believe that it will enhance these Islands.

In winding up, Mr. President, I would like to stress that within a law of this sort/it very hard to legislate positively to control conduct and that is why it is extremely important that when the licence is given it is given to the right people. And I would not hesitate at any time to bring either by this House amendments or to request you, Mr. President, in your/capacity as the Governor in Council to pass regulations which will ensure that the licence under this will adhere to producing programmes which are of the highest quality or of the best taste and which will enhance the society, which will not be detrimental to it and which will be an asset to this country. I thank you, Sir.

MR. CRADDOCK (DAVIS): Mr. President, I'll make just a few brief remarks on this proposal bill.

We all are aware that we've just recently opened a broadcasting station in the Island and I don't quite know at this stage of the game if it's established getting off the ground from its response yet.

Mr. President, I am not attempting to say that television would affect me, but this is certainly one more of the avenues that will help drop our, what we call, our good clean standing morals down. If it was possible to be completely controlled by Government and or persons to where we would get what we term the best there wouldn't appear for one of these television finances to continue because he say he's not selling his programmes, in other word's what he's selling is not worthwhile, it is not just money.

Now, I feel, Mr. President, at this stage we must be careful how we go into these things. I know a lot of people are saying there's no hurt in it, no harm in it, it'll keep the family together, we'll see what we want to see but when it's a half a dozen members in one family and each member want to see a different show it's pretty hard to regulate that. I was reading an article not too long ago where a man was saying that instead of a T.V. holding his family together it separated them. It was about five in the family and every member of the family had a T.V. in his own apartment or in his own room so when the T.V. shows were on everyone was watching his own and no family relationship existed among, only a T.V. relationship. I think, Mr. President, that's exactly what would happen to my own parents in this Island as well. If I was the good control of children by parents I might have been able to think a little bit different but when I don't see that material outside and neither should them it's not possible for them to control these things as they might say now they can and they will. And while much slower than and because of somebody talked down the street here and says a church service is going on on the corner of the street down there, possibly nobody would be interested to going to see what it is all about. But if they say it is a fight going on then people would just be knocking one another down to get down there to see it, to get in it, so find out what it's all come about because it's something that is not good. I think we've experimented enough now, I think we got enough on for one time with the movies even though you see it in the house and hear it over the radio as Reverend Skidmore, and whether it's good from whatever it is it from whether it's not, but it's a lot of our youth going a lot of these premises when they shouldn't be seeing them and it isn't doing them any good. They're running away from home hitch-hiking, gone where all might, parents don't know where they're at and many of them don't bother. It came to my attention not so long ago, a few weeks ago that some parents say that their boy and another hitch-hiking to get to the movies and I observed them on the road and wouldn't pick them up, they thought it was a disgrace, yes I thought it was a disgrace too for them to be on the road hiking their way to West Bay to see a movie that probably they shouldn't be seeing and I can tell any parent that while is one driver on the road don't intend to pick up any boy or girl hitch-hiking, that applies to adults too I think because you're getting to the stage now what a lot of things can happen to you if you pick up somebody hiking their way. You might pick up a fellow and he might draw his knife on you when he gets in.

Mr. President, I can't support, I'm not saying I'm not for the Bill, I'm supporting the Bill that we have a Bill to control if it should come about, but how far it is going to control this I don't know either as I said. But I'm going to make absolutely clear at this stage I cannot in the light that we have just established a Broadcasting Station and the amount of money that Government has spent on this Broadcasting Station for us to realize that at some future date or some I don't think I would be doing an injustice to this country and this Government and it is an attempt to bring improvement to the people as we now with a Broadcasting Station and for the establishing of a Broadcasting Station or Stations in this Island I could not give my support to that, Mr. President because there would be little hopes in my opinion then of our Broadcasting Station gaining any revenue worth talking about, and besides as I said to further, first introduction of the movies,

MR. CHAIRMAN ESQUIRE CONTINUING: of the young people I cannot give them any support. I thank you, Sir.

MISS ANNIE A. JORDAN: Mr. President, while I personally have promised myself that should television ever be introduced in the Cayman Islands then I would travel quickly to a cave, well it would not suffice me whatever they show because I have been young and now I'm old and I can say that I've tried to live a straightforward life. But on the other hand if it be introduced and given subsidiary powers then no more control over their children it could be very dangerous to a young child. But it won't be such since that the minister was on I understand became an Evangelistic Inn and which says that any picture which is of an obscene nature should not be shown but when a test is made they say this law is no good. So consequently as I understand, I do not know because I do not go to the movies, there are pictures being shown that are really out of order in every respect. I read only this weekend about certain movie scene as children being used to show all of these terrible scenes - one is some Linda somebody I think she starred and then she was twelve years old and now at the age of seventeen she has, as they call it now-a-days, I don't know what they mean by it, shacked up with some man and living the life she wants to live and her parents have no control whatsoever over her. Now I'm very sure that the minds of people now seem to be so weak that television coming into the right pictures are not shown it will a further decrease also in our moral way of living.

I personally cannot agree that it should deal with this law on such a short notice; this is the first time I've seen it yet. Now I'm very sure a copy was sent to me which I did not receive, so I'm not blaming the Clerk or anybody in this Assembly for my not having it. But there are certain portions how responsible of how good the law might be which I could never agree to and one is in section(4) "All questions coming on ballot at a meeting of the Authority shall be decided by a majority of the members present and voting thereon at the meeting, and, in the case of an equality of votes, the person presiding shall have a second or casting vote in addition to his original vote". This Committee or Authority shall be comprised, I think I've read about three members, well I would not agree that that should be right / Sir, further I cannot agree that there should not be some appeal to some higher tribunal than the Governor in Council because whatever they might say, if they have rights they should be able to take their complaints as high as it can go that they can afford. I feel that that would not be right in our legislating a law which will handicap and trouble anybody.

Further I see here a section what says - "The Authority shall inform the licensee concerned of the decision to revoke his license and shall not be required to give any reason for such decision". Now that is one part it might be fine but I cannot agree with it. I feel that any person who commits any crime they should at least be told what they're being charged for, and in the case if they have licenses and they are revoked I feel it is fairness that that person or personal company, be that as it may, should have a knowledge of what this revocation is all about. I could not agree with that. And I also mentioned this decision under the section "shall revoke a license shall not be the subject or appeal to, or question by/any court but an appeal against such a decision shall lie to the Governor whose decision shall be final" I cannot agree with this, I do not think that it might / fight in any law, not this particular one, but in any law. As I said, Sir, I have personally nothing against television but there are lots of complaints from the churches. In this very memorandum which I have just made "the association understands that the Cayman Islands/Government shortly to introduce legislation regarding the introduction of television in the Colony. The association decides to make known to Government its concern over the possible adverse effects which may result in so many ways from television and makes the following observations and recommendations that a careful study be made by Government through the Education Council and the Education Department to assess the effect on education as it is well known that television distract students from their studies and the result is retardation in the

MISS J.M.H. MORGAN CONTINUING: education of our youths. The Association is also concerned at the danger of television producing a future way of life and future standards of living. That at a period/ as this when the people of the Cayman Islands are finding financial stress, their investing in television sets and trying to be get themselves in social and material positions to their position". Now I disagree with that,Sir, we cannot legislate what people should do or should not do with their money and I cannot agree with that. The next paragraph says "that if Government should permit television to continue a franchise Government should exercise great care in seeing that the company to which the franchise is granted is financially sound and capable of meeting all its obligations to its subscribers of the general public. The Government should permit television, there should be strong control over it to ensure that only programmes of the highest moral and social standards be allowed and that an advisory committee made up of members of the community including representatives of the church be set up to make certain these standards are met, this would be to ensure that the showing of violence and crime including murder and rape, illegal practices in the use of narcotics, homosexuality, drunkenness adultery or sex and many other illegal and / which would be applicable. In the course of the discussion / cable of television / that we consider the good and Government should. It is respectfully / suggested that members before / voting whether the introduction will be a benefit or a harm to the people of the Cayman Islands". well that is the view of some of the churches and I could not agree with this paragraph which said that it would be an added burden. It appears to me now, Sir, that most people are living beyond their means. I hear Mr. Pandohie - you can get money from a certain bank to buy anything you want, and now, even television they want or no any, and if people want to indulge to borrow money to get what they want I don't think really any of us should try to prohibit that, but on the other hand anything that will be a detriment to the youth of our Island I say should be prohibited. Now I do not know to whom this recommendation / Franchise would be given but I feel, as has been expressed that they should be of good character and / people / one of good character they have something there that tells them what is right and what is wrong, money is not everything. / But of people who have the most money are the most unhappy people you could find and it is not a question of those who will be able to buy it because according to the broadcast which I hear everybody can get a loan to buy one. But I feel that we should have proper control to see that all of these criminal scenes, this illegal manner in which people live nowadays, all of that should not be into our Island being shown as the right way of life.

/ do not feel we should deal with this now. I would respectfully say, Sir, that it should be referred to a Select Committee who should carefully go into this law and weigh all the good and bad that might come from legislation and give in a report which we shall be able to deal with at a later stage when we have brought more/ about and learn exactly what we are doing. Thank you, Sir.

MR. PRESIDENT: If there are no other speakers I'll now call upon the Honourable Member on reply if he wishes.

HON. D.A. MCTAGGART: Mr. President, we have heard what Members had to say. We appreciate the words of caution they have uttered and I am sure, Sir, them will be borne in mind. I can't really say that I would agree to it going to a Select Committee however, that seems fine and I don't just know how things will work with the applications. But nevertheless, Sir, I would like to thank the Members that have spoken for their comments made on the Bill and careful note will be taken of them, Sir.

QUESTION PUT, AGREED, BILL GIVEN A SECOND READING.

THE UNITED CHURCH INCORPORATION LAW,

FIRST READING
SECOND READING

CLERK: THE UNITED CHURCH INCORPORATION LAW,

HON. IRVING M. HOUSE: Mr. President, the United Church..... Sorry to you deem it to be read a first time or do I have to move it?

MR. PRESIDENT: I should have interjected when the Clerk read the title to say that the Bill had been deemed to have been read the first time and to sit down for the second reading.

HON. THOMAS M. BOLDEN: I wasn't certain, Sir, eh,

CLERK: THE UNITED CHURCH INCORPORATION LAW, 1977.

HON. THOMAS M. BOLDEN: Mr. President, the procedure laid down in Standing Order 62 on Private Bills has been complied with. At this stage I have very little more to add to this Bill. It is mainly to set up a perpetual limited liability corporation for the churches generally. I would however like to propose certain amendments under Standing Order 62 (2) and if I could move through these. I'm sorry I should really move a notice of the Standing Order to read this a second time, Sir. I see it should be read second reading at the next ordinary sitting under 62 (2) on page 20. So, Sir, under Standing Order 62 I move the suspension of Standing Order 62 (2) to allow the second reading of this Bill.

MR. PRESIDENT: The question is that Standing Order 62 (2) be suspended to allow us to proceed with the second reading at this meeting.

The procedure for Private Bills is somewhat different from that for Ordinary Bills and unless Members can any objection we might follow the normal procedure on this Bill as it doesn't seem to be so far to be controversial.

QUESTION PUT: AGREED. STANDING ORDER 62 (2) SUSPENDED.

MR. PRESIDENT: The Ayes have it. The Member may proceed.

HON. THOMAS M. BOLDEN: Mr. President, in moving the second reading I would ask to propose two/three amendments; they're largely only grammatical or clerical errors in the printing of it.

Section 5 the penultimate line, where it says "members of the Corporation shall Let" just to turn that into "not". No in the line before the last, section 4 to alter the word "Let" to "not", And in..... I'm sorry.....

HON. D.F. PORTER: Mr. President, shouldn't this be done at the committee stage, Sir? The amendments, shouldn't this be done when we're in committee stage?

MR. PRESIDENT: I think this could be done, the actual typist corrections unless they're matters affecting the principle of the Bill. I think the Member could hold his fire and produce these in committee.

HON. THOMAS M. BOLDEN: Well, Mr. President, that would be good, I prefer to do it there. I was not certain on the estimates as they said the previous day propose any such amendments. That would be good, Sir. I have really nothing more to say on it than what I have mentioned at the last sitting and I would ask Members to support it.

QUESTION PUT: AGREED BILL GIVEN A SECOND READING.

MR. PRESIDING: Under Standing Order 82 (a) after a Private Bill has been read the second time it should stand referred to a Select Committee. Now I'm open to guidance from Members. If they so wished I think we could suspend the Standing Order and take the Bill on the floor of the House in the committee stage in the ordinary way otherwise I can see some delay.

HON. GERALD M. DOBSON: Mr. President, I would like to move that under Standing Order 44, Standing Order 82 (a) be suspended to allow this Bill to be taken in the ordinary way at the committee stage. ordinary way for public Bills that is at the committee stage.

QUESTION PUT: AGREED. STANDING ORDER 82 (a) SUSPENDED.

MR. PRESIDENT: I think this might be a suitable time to suspend and we can resume at two thirty this afternoon to consider the various Bills in committee.

I would like to mention that another item which should be on the order paper has not yet appeared and if it's no objection from Members I would have that put down in addendum to the order paper so that we could also deal with that this afternoon. I think Members are aware of the business that is involved.

So I'll suspend proceedings until two thirty this afternoon.

HOUSE SUSPENDED AT 12:40 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed. The Assembly will now move into committee on the four Bills on which we've completed up to the Second Reading stage this morning.

The Assembly is in Committee. We'll start with the Age of Majority Law, 1977.

THE AGE OF MAJORITY LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AGE OF MAJORITY REDUCED TO 18 YEARS, ETC.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 19 OF THE ADOPTION OF CHILDREN LAW, 1966.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. MAINTENANCE FOR CHILDREN UNDER GUARDIANSHIP AND CUSTODY OF CHILDREN LAW (REVISED) MAY CONTINUE TO AGE OF 21.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. MAINTENANCE FOR WARDS OF COURT.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF THE FIREARMS REGULATIONS (REVISED).

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 20 OF LIQUOR LICENSING LAW, 1974 (NO. II OF 1974).

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. PROVISIONS RELATING TO WILLS AND INTESTACY.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. PERSONS UNDER FULL AGE MAY BE DESCRIBED AS MINORS INSTEAD OF AS INFANTS.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. TIME AT WHICH A PERSON ATTAINS A PARTICULAR AGE.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: FIRST SCHEDULE.

QUESTION PUT: AGREED. FIRST SCHEDULE PASSED.

CLERK: SECOND SCHEDULE. CLAUSE 1. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 1 OF THE SECOND SCHEDULE PASSED.

CLERK: CLAUSE 2. FUNDS IN COURT.

QUESTION PUT: AGREED. CLAUSE 2 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 3. WARDSHIP ORDERS.

QUESTION PUT: AGREED. CLAUSE 3 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 4. ADOPTION ORDERS.

QUESTION PUT: AGREED. CLAUSE 4 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 5. POWER OF TRUSTEES TO APPLY INCOME FOR MAINTENANCE OF MINOR.

QUESTION PUT: AGREED. CLAUSE 5 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 6. POWERS OF PERSONAL REPRESENTATIVES DURING MINORITY OF BENEFICIARY.

QUESTION PUT: AGREED. CLAUSE 6 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 7. ACCUMULATION PERIOD.

QUESTION PUT: AGREED. CLAUSE 7 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 8. LIMITATION OF ACTIONS.

QUESTION PUT: AGREED. CLAUSE 8 OF SECOND SCHEDULE PASSED.

CLERK: CLAUSE 9. STATUTORY PROVISIONS INCORPORATED IN DEEDS, WILLS, ETC.

QUESTION PUT: AGREED. CLAUSE 9 OF SECOND SCHEDULE PASSED.

CLERK: A LAW TO AMEND THE LAW RELATING TO THE AGE OF MAJORITY AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That completes examination of this particular Bill. The next Bill is a Bill to amend the Grand Court Law "The Grand Court (Amendment) Law, 1977".

THE GRAND COURT (AMENDMENT) LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. LAW 9 OF 1976 AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE GRAND COURT LAW.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes examination of The Grand Court (Amendment) Law, 1977. Next we turn to The Public Holidays (Amendment) Law, 1977.

THE PUBLIC HOLIDAYS (AMENDMENT) LAW, 1977

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. PUBLIC HOLIDAYS LAW (REVISED) AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE PUBLIC HOLIDAYS LAW (REVISED).

QUESTION PUT: AGREED. TEE TITLE PASSED.

MR. CHAIRMAN: The next Bill is the Broadcasting Law, 1977.

THE BROADCASTING LAW, 1977

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. ESTABLISHMENT OF THE BROADCASTING AUTHORITY.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. COMPOSITION OF THE AUTHORITY.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. MEETINGS AND PROCEEDINGS OF THE AUTHORITY.

MISS ANNIE E. BODDEN: Mr. Chairman, I feel Sir, that section 5 (3) "The quorum at any meeting of the Authority shall be three members present", I feel that that is a bit small, Sir. And then going on to sub-section (4) "All questions coming or arising before a meeting of the Authority shall be decided by a majority of the members present and voting thereon at the meeting, and, in the case of an equality of votes, the person presiding shall have a second or casting vote in addition to his original vote". I feel, Sir, that that person should only have - the original one should be cast aside and he should have a second vote if there is a tie to be broken, but I do not feel that he should have two votes. It could be very prejudiced if there are only three people in that meeting, and of course if he has two votes that would make all the difference. I think it would be more equitable if he had just one casting vote. I know all the other Laws that we have dealt with chiefly, the Chairman has just that one casting vote, and I think that the same thing should apply to this Law, Sir.

MR. CHADDOCK EDWARDS: Mr. Chairman, I agree with but because as has just been said, all of our Laws and committees that deals with these or the different things from time to time, all of them only got - the Chairman only has one vote and I cannot support this motion giving the Chairman the authority or the privilege to carry two votes. I think it's very unfair and I would term it undemocratic, because it could be very bias, so it should be reduced to one vote.

HON. D.H. FOSTER: Mr. Chairman, the Board consists of four members, if only two shows up we can't have a meeting, if three shows up you'll have a quorum but you can't have a tie, and if all four are there all he can use is his casting vote. Let me say, he has to have some .....

MR. CHADDOCK EDWARDS: Mr. Chairman, why then have the provision for the second vote in the Bill there? If he can't use it don't have it in there.

MISS ANNIE E. BODDEN: I'm not agreeing with that, four members only? No, Sir.

HON. W.H. MANSON: You've got to remember that the Chairman is one of the four members, it could be split in two there and then he would need a

HON. D.H. FOSTER CONTINUING: casting vote.

MR. CHAIRMAN FRANKS: That's enough vote for him too.

MISS ANNIE E. BODDEN: Mr. Chairman, on so important a Bill as this is said to be, I do not know why there are only four members on that Board of Authority. I mean, on the other Boards that are less important there are more members, and I final Sir, I could never agree for the Chairman to have two votes. I will never agree to that. I don't know if it means adding another member or what, but in all the other Boards that I have served on the Chairman has one vote and that is the casting vote.

HON. JAMES M. BODDEN: Mr. Chairman, may be it could be remedied if in section 4 we did put in five members and then when we come to section 5 sub-section 4, and delete "the person presiding shall have a second or casting vote" and say, "shall have a casting vote" and strike out "in addition to his original vote" may be that would remedy it Sir.

HON. D.H. FOSTER: I have no strong feelings, Mr. Chairman.

MR. CHAIRMAN: Since the suggestion is that Clause 4 (1) would be altered to provide for five members which would reduce the likelihood of a tie, and that the remaining sub-clauses would stay unaltered.

MISS ANNIE E. BODDEN: Mr. Chairman, I feel that the Chairman should not have but one single vote and we should make it emphatically clear that he has one vote and one vote alone, because if he has two votes anything can happen.

HON. JAMES M. HUGHES: Mr. Chairman, on section 5 sub-section 4 if we made that read "All questions coming or arising before a meeting of the Authority shall be decided by a majority of the members present and voting thereon at the meeting, and, in the case of an equality of votes, the person presiding shall have a casting vote" and strike out "second or" and strike out "in addition to his original vote", and then I think it would be similar to what we have in most of the other Laws, Sir.

MISS ANNIE E. BODDEN: Mr. Chairman, could we get a ruling from the Second Official Member on this? I mean, as I understand a Chairman has a casting vote without specifically stating so in the law. Is it necessary to state that specifically in the law, and with the taking out of "in addition to his original vote" make it emphatically clear that he had just that one vote; that's what I'd like to see, Sir.

HON. DAVID H. HARWICK: I think it's better if we spell it out specifically as I have seen done in other laws here, that the Chairman does not have an original vote but that in the event of a tie he then have a casting vote. I think this would be more satisfactory and it would put beyond argument any question about what his voting powers were.

MR. CHAIRMAN: That seems to find general favour, perhaps the Attorney-General could suggest the definitive amendments.

HON. DAVID H. HARWICK: I'll draw up some wording and then I'll move it formally if you like, Mr. Chairman, so that it goes into the records clearly. We'll dispose of Clause 4 and then when Clause 5 is called I'll formally move a wording which I think might meet the occasion.

MR. CHAIRMAN: Increasing membership to five from four, that's Clause 4 as amended, I'll put the question on that.

QUESTION PUT: AGREED. CLAUSE 4 AS AMENDED PASSED.

MR. CHAIRMAN: Well, Clause 5 is apparently already been called so we can take any debate on proposals to the amendment.

HON. DAVID R. BARRICK: Mr. Chairman, Sir, I would like to move that sub-section (4) of section 5 be amended by deleting all the words after the word "meeting" in line three thereof and adding the following words "save that the person presiding shall not have an original vote, but in the case of an equality of votes he shall have a casting vote".

MR. CHAIRMAN: The proposal is to delete all the words after "meeting" in Clause 5 (4) and substitute the words "save that the person presiding shall not have an original vote, but in the case of an equality of votes he shall have a casting vote".

I'll put the question that Clause 5 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED PASSED.

CLERK: CLAUSE 6. PECUNIARY INTEREST OF MEMBERS TO BE DISCLOSED.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. REMUNERATION OF MEMBERS.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. ACTS, ETC., OF THE AUTHORITY NOT TO BE INVALIDATED BY REASON OF VACANCIES.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. SECRETARY AND OTHER OFFICERS OF THE AUTHORITY.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. APPLICATION FOR, AND GRANTING OF LICENCES UNDER THIS LAW.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. SUSPENSION AND REVOCATION OF LICENCES.

QUESTION PROPOSED:

MISS ANNIE R. BODDEN: Mr. Chairman, in sub-section 2, I feel that the Authority should inform the licensee concerned of any decision to revoke his licence." But this section says that he should not be given the reason. I feel that afterall if we deny a person having a license granted that we should be able to make some reason why we have decided not to give him the license, otherwise he could institute anything and it would be left very vague as to the reason if he's not of good character, if he's affiliated with any communistic moves or anything that would cause our Islands to disturbance in any way. I feel that he should not have a license or the company as the case may be, but when they're denied I feel that it should be stated why that license has not been favourably received by the Authority.

HON. D.F. FOSTER: Mr. Chairman, under sub-section (2) he is given that opportunity but not in (4). In other words in sub-section (2), it says, "Before revoking any license under sub-section (1), the Authority shall give the licensee concerned notice in writing of its intention to do so specifying the grounds on which it proposes to revoke the license and shall afford the licensee an opportunity of submitting to the Authority within one month, or such longer time as it may specify, a written statement of objections to the revocation of the license which the Authority shall take into account before reaching its decision". So, he's given that opportunity before the Board reaches a decision; now after they have reached the decision Sir, which is must have the reason why "the Authority shall inform the licensee concerned of any decision to revoke his license but shall not be required to give any reasons for such decision". Certainly if they have done something wrong and they give them notice and ask

HON. D.H. FOSTER CONTINUING: them to give a written statement or whatever it be, they must know about it, what the onus is.

MISS ANNIE H. BODDEN: Mr. Chairman, I do agree that that paragraph Sir, is what has been read, but then number(6)seven on to say, "The Authority shall inform the licensee concerned of any decision to revoke his license but shall not be required to give any reasons for such decision". And the following paragraph, that there is not even an appeal, which says, "A decision under this section to revoke a license shall not be the subject of any appeal to, or question by, any court but an appeal against such a decision shall lie to the Governor whose decision shall be final". Well, I cannot agree Sir, that a person should be blocked if they feel that they have not been rightly dealt with they could by means of course, but I think they should have the opportunity to take it to a higher court to have their case aired in a court of law. I don't know if any other Members will agree but that is my feeling on the subject, Sir.

I'm sure this is going to be a very controversial issue at the best.

MR. CRADDOCK BANKS: Mr. Chairman, I feel myself that any individual that has been judged or tried or committed should be given some reason why he's not being granted a license or a license suspended as the case may be, not just tell him it's suspended and push him off the island without giving him some reason why. I don't think it's quite fair whether Government has found the party concerned considered to be a criminal or what, he should be told, this is the reason. So, I couldn't support the Authority as is presently either Sir. I mean, let's be fair, let's be fair to whoever is going to deal with them, if he's black tell him he's black, if he's white tell him he's white don't mess up something and say, well we don't want your services anymore we're not going to allow you to operate, I don't think that's being fair to anyone that you're dealing with.

HON. D.H. FOSTER: The position here Sir, it is probably only one person you're dealing with because if you grant you'll only grant one licensee for something like television, and if you don't have the strength to control it, as we've said earlier on we must have the strength to control it, and now you're taking away the strength.

MISS ANNIE H. BODDEN: Mr. Chairman, while I agree that, perhaps, in the outset there will be one person, I'm sure that person has been decided on long ago, and I feel in fairness to whoever gets this franchise, license or anything you feel like calling it, if they are doing something wrong they should be told, it's not fair or just or equitable, just because whoever it may be makes a mistake, and he's not told what his mistake is, he is not given the privilege of airing his grievance in a court of law; I mean this is a very important issue, and we do not want it said like we have so many other laws, it hasn't got the power to do so and so or it is too stringent as the case may be, let us be fair about this thing.

HON. D.H. FOSTER: Mr. Chairman, the licensee Sir, in subsection (3) is given that opportunity, definitely given that opportunity is - they're given notice in writing of the intentions and they have a chance, an opportunity of submitting to the Authority within a month or such given time, so the Lady Member cannot say that they're not given an opportunity Sir, and for her benefit no decision has been made on as to who that licensee will ...

MISS ANNIE H. BODDEN: I did not say it had been, I said, I suppose it had, I didn't say it had been.

MR. CRADDOCK BANKS: Mr. Chairman, that's true that is what is here - you are giving someone notice - you are giving him a month to present to the authority whatever you request of him. But in the end if they are disqualified then you can't give them a reason why they are disqualified from holding a license. It is the best thing that - we have argued this

MR. CHADDOCK EGGERS (CONTINUING): many a time dealing with Bills - it is the last thing that we ought to attempt to do is to deprive any individual from going to the full extent of reaching the higher courts, supreme courts or whatever court they want to take it to - deprive them of the right not to do this if they want to jeopardize themselves. When you tell an individual or any of our people that this is the final decision in this room, I don't think it is fair, Mr. Chairman - to deprive people of the right to go to the extent that they might want to ought to be in any law.

HON. H.H. FOSTER: But, Mr. Chairman, we are giving the franchise, Sir, so we must put ourselves in the position to take it away if it needs to be taken away. It is us giving in the first instance - and if you give a bunch of reasons, Sir, why these things then they are subject to dispute - they are going to dispute them certainly they're going to dispute every fact that you give, and then you'll take away all the power ....

MR. CHAIRMAN SPANKS: Mr. Chairman, I'm not trying to say that you shouldn't have the reason to suspend, but after you suspend or you come to the conclusion that he or she must be suspended, their license must be suspended, tell them the reasons you robbed the bank or you killed somebody or you've done something and that's the reason why we're suspending your license; that's all I'm saying.

MISS ANNIE H. MOORE: Mr. Chairman, I don't pride myself to be such a scholar of the law but I do know that there is much a thing as equity and British justice, and I feel today if I have a license, if I'm selling liquor or I'm doing what for any be, running a taxi or what and my license is taken away from me - I'm told,yes, there is a complaint against me and I have a right to correct it or something, but then I pay in the report or I do not as the case may be, and then that license is revoked and I'm not told why it's revoked, how it's revoked or anything, I do not think that is fair. And then, if I could take it to some court of law and have an appeal on the matter, but this thing says, "A decision under this section to revoke a license shall not be the subject of any appeal to, or question by, any court but an appeal against such a decision shall lie to the Governor whose decision shall be final".

HON. C. GAIL BOOTH: Mr. Chairman, there is a difference here between a judicial decision and an executive decision. If it was a case where, say a man had committed larceny, I feel that there must always be an appeal to a higher court because the man's liberty is at stake, he's committing an offence would always be on his record. But when we make a judicial decision this is an executive or administrative decision where somebody was granted a franchise and the franchise must ofcourse be taken away, and certainly if no court can compel the body to grant the license I don't see how any court would have the authority to reject the revocation of that license. I am all for appeals against judicial decisions, but when it is my mind a different light, and I would say if the court doesn't have the authority to compel the body to issue the license in the first place they shouldn't have the authority to restore the license if the license has been revoked.

MISS LOUIS J. DODDS: Mr. Chairman, sorry ... go ahead.

HON. TIMOTHY M. DOOLEY: Mr. Chairman, on this I want to endorse what Mr. Hickey has said. There is a difference between a judicial decision and an executive or an administration decision, and as has been said at one stage never the twain shall meet, one follows the law, the other one follows in many instances what is good for the people, not necessarily what is under the law. The right to revoke - a very good example of this, suppose an hon'l a new Grand Court Judge in here or Magistrate's Court or whichever court was dealing with it, and the decision on the deliberations was that revoking was not in the public interest of this country, but it may have been in the public interest of his own country; and then you would have a decision which would be a judicial one, but may not meet the specific needs of the occasion or

HON. TRUMAN M. BODDEN CONTINUING: administrative decision. And this, as is, many other subjects such as Immigration and Planning, and nationality, the question of training, these are all executive acts and it is impossible Sir, to put them in the hands of a court of law unless you're going to lay down many new rules, and I am afraid the rules that you would have to lay down for it are impossible because they change from time to time as the different public interest or the society evolves.

And I would very strongly oppose moving an executive act into the hands of the court, because the courts are courts of law, and as we will see probably a little bit later on legal decisions are very much different from administrative. I mean they stick to very hard and fast rules, they follow the Law and they follow the literal meaning of it Sir, and I would very much oppose shunting this from this specific way, Sir.

MISS ANNIE E. BODDEN: Mr. Chairman, I have no special interest in it except that I like to see justice administered. Now, I do not recall in the Commandment how if it's any license suspended under that if there is any appeal to any court from that. I do not specifically recall; but this is a very controversial subject - there are I suppose seventy-five percent of the inhabitants of the Cayman Islands do not want television, there are about twenty-five who do.

Now, if I as an investor or whatever I might go to the expense, get a franchise or license or the case may be to operate and I start - now I'm not catering for one human being except just mine. I have no friends when it comes to this Legislative Assembly, I don't even friend Annie Huldah Bodden, if I'm wrong I'm wrong, that is my policy. I haven't got anybody that I want to get job or television for or anything; I am saying this, that this is a very controversial subject and I feel it's going to be a lot of repercussion over it, and I say we should not let the investor - because I suppose it will have to be foreign investors come here to have such a thing going, I suppose television must be uneconomic, I do not know; and I feel that if they have had the concession, franchise, call it anything you wish, to operate and without too much pronunciation - because we have seen it before, they have their license suspended. I feel that they should be given a reason and they should be able to take it to the court. We have heard the most petty things before the Judge in the court and ruling taken out of him the appellant have got a suspension of the previous sentence, he might not, but I say let us have the thing, don't let us try to confine it. I have no particular feeling on it regarding any publications, any radio, anything, but I feel that we should not use our authority to hinder any progress in the Cayman Islands good or bad.

HON. O.B. FOSTER: Mr. Chairman, hopefully this law will be passed before any franchise is awarded to anybody. So, they know the game and the law under which they are getting the franchise, and if they know this before they get it it will keep them straight, Sir, it will keep them in line, they don't take any chance for this to happen. If when the law is enacted and it doesn't suit them they can withdraw their application, and they say, well, I don't want to be guided under a Law like that.

MR. CHAIRMAN: I think the arguments have been put fairly clearly by those for the amendments and those against it, so I think I'll put the question at this stage. It's Clause 11.

QUESTION PUT: AGREED. CLAUSE 11 STOOD. (MISS ANNIE E. BODDEN AND MR. CRADDOCK BANKS - AGAINST).

CLERK: CLAUSE 12. OFFICE OF LICENSEES.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. POWER OF AUTHORITY TO OBTAIN INFORMATION.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14. MATTER BROADCAST TO BE IN ENGLISH LANGUAGE, ETC.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. CONTROL MAY CAUSE CERTAIN ANNOUNCEMENTS, ETC., TO BE BROADCAST.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16. DUTY OF AUTHORITY TO MAKE ANNUAL REPORT.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17. FINAL.

QUESTION PROPOSED:

MISS ANNIE H. BODDEN: Mr. Chairman, this seventeen Clause would that any offence committed under this Law - have to be taken before a court of law or would that fine be imposed just automatically? Isn't there a stipulation in this Law that anyone found guilty he would be liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year or both? There are procedures right there to take a certain part of it to the courts of law.

HON. D.H. FOSTER: That's right, Mr. Chairman, but if the person has broken the law, like any other law, once it's a law.

MISS ANNIE H. BODDEN: Oh, well. You can twist anything anyhow you want it, if you want to see.

QUESTION PUT: AGREED. CLAUSE 17 PASSED. (MISS ANNIE H. BODDEN - AGAINST).

CLERK: CLAUSE 18. REGULATIONS.

QUESTION PROPOSED:

HON. HERMAN M. BODDEN: Mr. Chairman, I would just want to mention that under that I would hope as I've mentioned a bit earlier to be able - or I would hope it's wide enough that we could make regulations similar to the ones under the Independent Broadcasting Authority Law of the United Kingdom. I believe it is - I would just like to check that with the Attorney-General; it appears to me wide enough.

HON. DAVID D. DAWSON: I don't know that I can answer that question off hand Sir, without reading the television Law again, some years since I saw it.

HON. HERMAN M. BODDEN: I will then assume, I agree it's a bit difficult to/ have that to the Attorney-General without perhaps letting him - giving him some notice.

QUESTION PUT: AGREED. CLAUSE 18 PASSED.

CLERK: CLAUSE 19. SAVINGS.

QUESTION PUT: AGREED. CLAUSE 19 PASSED.

CLERK: A LAW TO ESTABLISH A PUBLIC AUTHORITY CALLED THE BROADCASTING AUTHORITY, TO PROVIDE FOR THE LICENSING AND CONTROL OF BROADCASTING TO THE PUBLIC BY RADIO AND TELEVISION STATIONS AND SUBSCRIPTION SYSTEMS AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on this particular Bill, The Broadcasting Law, 1977.

MR. CHAIRMAN: Now we've agreed to take in full committee of the House the committee stage of The United Church Incorporation Law.

THE UNITED CHURCH INCORPORATION LAW, 1977.

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. DEFINITIONS.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. CONSTITUTION OF NEW CORPORATE.

QUESTION PROPOSED;

HON. TRUMAN M. BODDEN: Mr. Chairman, I wonder if you would please give me a minute, I'm sorry to be late, I'm just trying to find my copy because I think there is an amendment to either section 3 or 5 that I wanted, if I may just have a minute please. I have it Sir, I'm sorry about that.

MR. CHAIRMAN: We're on Clause 3 at present.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. POWERS TO REMOVE MEMBERS.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. APPOINTMENT OF SUCCESSORS.

QUESTION PROPOSED;

HON. TRUMAN M. BODDEN: Mr. Chairman, I'd ask that in the line before the last the word "not" be altered to "not" Sir. It should not read "the Corporation shall not be held to effect". It's just a printing error, Sir.

MR. CHAIRMAN: I'll put the question that Clause 5 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED AS AMENDED.

CLERK: CLAUSE 6. NON LIABILITY OF MEMBERS.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. SEAL.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. POWER TO MAKE RULES.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. TEMPORARY PROVISIONS.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. CHURCH PROPERTY VESTED IN CORPORATION.

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. Chairman, in the third line the word "Registrar" should be "register", it's right to the end of the third line, and in the sixth line similarly "registrar" should be "register".

MR. CHAIRMAN: If there is no objection to these amendments which are clerical only, I'll put the question that Clause 10 be amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10 AS AMENDED PASSED.

CLERK: CLAUSE 11. POWERS OF CORPORATION.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12. RIGHTS UPON WHICH PROPERTY HELD.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13. TRANSFER OF OTHER UNIQUE PROPERTY.

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. Chairman, the penultimate line the word "of" should be the word "by", also "authorized a vote of the grand Lodge".

MR. CHAIRMAN: The question is that Clause 12 with that small amendment do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12 PASSED AS AMENDED.

CLERK: CLAUSE 14. POWER TO APPOINT ATTORNEYS.

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. Chairman, just one minor thing. In paragraph (b) after the word "powers" there should be a semi-colon";" which appears very obliquely on mine, I don't know if it's in on your copy and the Clerk's copy, Sir.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15. POWER TO DISPOSE PROPERTY.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16. APPLICATION OF PROVISION OF PROPERTY.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17. EXECUTION OF DEEDS.

QUESTION PUT: AGREED. CLAUSE 17 PASSED.

CLERK: CLAUSE 18. REFERENCE OF QUESTIONS AND DISPUTES TO COUNCIL.

QUESTION PUT: AGREED. CLAUSE 18 PASSED.

CLERK: CLAUSE 19. EVIDENCE OF ACTS.

QUESTION PUT: AGREED. CLAUSE 19 PASSED.

CLERK: CLAUSE 20. RESERVATION OF RIGHTS.

QUESTION PUT: AGREED. CLAUSE 20 PASSED.

CLERK: FIRST SCHEDULE.

QUESTION PUT: AGREED. THE FIRST SCHEDULE PASSED.

CLERK: SECOND SCHEDULE.

QUESTION PUT: AGREED. THE SECOND SCHEDULE PASSED.

CLERK: THE PREAMBLE.

QUESTION PUT: AGREED. THE PREAMBLE PASSED.

MR. CHAIRMAN: That concludes examination of the Bill entitled "The United Church Incorporation Law, 1977", and proceedings in committee on the Bills that have already been placed before the House, the Assembly will now resume.

HOUSE RESUMES

MR. PRESIDENT: Proceedings are resumed. I think we might like the reports and the third readings on these Bills before the suspension.

THE AGE OF MAJORITY LAW, 1977

REPORT THEREON

HON. DAVID H. DAWWICK: Mr. President, Sir, I have to report that a Bill entitled "The Age of Majority Law, 1977" was considered clause by clause by a committee of the whole House and was passed without amendment.

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

SUSPENSION OF STANDING ORDER 47

HON. DAVID H. DAWWICK: Mr. President, Sir, I beg to move the suspension of Standing Order 47 in order that the Third Reading of the Bill might take place today, Sir.

MR. PRESIDENT: I think we might take that on a general motion covering all Bills that were dealt with this afternoon, and I'll put the question on that, that Standing Order should be suspended.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THE GRAND COURT (AMENDMENT) LAW, 1977

REPORT THEREON

HON. DAVID H. DAWWICK: Mr. President, Sir, I have to report that a Bill entitled "The Grand Court (Amendment) Law, 1977" was considered by a committee of the whole House clause by clause and that it was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for a Third Reading. We'll take the report stage of the Public Holidays Bill next.

THE PUBLIC HOLIDAYS (AMENDMENT) LAW, 1977

REPORT THEREON

HON. W.M. FOSTER: Mr. President, I have to report that a Bill entitled "The Public Holidays (Amendment) Law, 1977" was considered by a committee of the whole House and passed without amendments.

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

THE BROADCASTING LAW, 1977

REPORT THEREON

HON. D.H. FOSTER: Mr. President, I have to report that a Bill entitled "The Broadcasting Law, 1977" was considered by a committee of the whole House and passed with the following amendments. In Clause 4 the fifth word "five" was substituted for the word "four" and in Clause 5 sub-clause (4) after the word "meeting" in the third line everything thereafter to be struck out and the following added, "save that the person presiding shall not have an original vote but in the case of an equality of votes he shall have a casting vote".

MR. PRESIDENT: This Bill is accordingly set down for a third Reading.

THE UNITED CHURCH INCORPORATION LAW, 1977

REPORT THEREON

HON. TRUMAN M. BODDEN: Mr. President, I have to report that a Bill entitled "The United Church Incorporation Law, 1977" was considered by a committee of the whole House and passed with an amendment to the penultimate line of Section 5 by altering the word "but" to the word "not"; by altering the word "Registrar" to "register" in line nine and line six of Section 7; and by altering the word "of" to the word "or" in Section 18; and the insertion of a semi-colon ";" between the word "personal" and the word "and" in Section 18 (b).

MR. PRESIDENT: The Bill is accordingly set down for the Third Reading. Before we go on to the Third Readings, perhaps I'd better clarify that only the Public Holidays (Amendment) Law, 1977, the Broadcasting Law, 1977 and the United Church Incorporation Law, 1977 requires suspension of Standing Orders, because the other two Bills have already been read for the first time on another day. So I'll take it that the approval of the Assembly extends particularly to those three Bills.

HON. D.H. FOSTER: To make it very clear, Sir, we can just ask for the suspension as we come to them now.

MR. PRESIDENT: We can proceed with the Third Readings on these five Bills.

THE AGE OF MAJORITY LAW, 1977

THIRD READING

HON. DAVID K. HARWICK: Mr. President, Sir, I beg to move that a Bill entitled "The Age of Majority Law, 1977" be now read a Third Time and passed.

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

THE GRAND COURT (AMENDMENT) LAW, 1977

THIRD READING

HON. DAVID K. HARWICK: Mr. President, Sir, I beg to move that a Bill entitled "The Grand Court (Amendment) Law, 1977" be now read a Third time and passed.

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

THE PUBLIC HOLIDAYS (AMENDMENT) LAW, 1977

THIRD READING

HON. D.E. FOSTER: Mr. President, I beg to move Sir, that a Bill entitled "The Public Holidays (Amendment) Law, 1977" be given a Third Reading and Passed.

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

SUSPENSION OF STANDING ORDER 47

HON. D.E. FOSTER: Mr. President, before going to this next one Sir, you'd better let me move the suspension of Standing Order 47 for these two bills to be given a Third Reading today and passed, Sir. You just put that question and then we'll be safe, Sir.

MR. PRESIDENT: Well, for clarity I'll put the question that Standing Order 47 be suspended so that the Third Readings can be taken today.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THE BROADCASTING LAW, 1977

THIRD READING

HON. D.E. FOSTER: Mr. President, I beg to move Sir, that a Bill entitled "The Broadcasting Law, 1977" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED. (MISS ANNIE H. BODDEN ABSTAINED).

THE UNITED CHURCH INCORPORATION LAW, 1977

THIRD READING

HON. TRUMAN M. BODDEN: Mr. President, I beg to move that a Bill entitled "The United Church Incorporation Law, 1977" be given a Third Reading and passed.

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

MR. PRESIDENT: That leaves us with one further Bill to consider which has been circulated; and Motions by the Honourable James M. Bodden on Liquor Licensing Boards, but perhaps this is a suitable time to suspend for fifteen minutes.

We have one Bill left, a Bill to amend the Cayman-ian Protection Law.

SUSPENSION OF STANDING ORDER 46

HON. D.E. FOSTER: Mr. President, I'd like to move the suspension of Standing Order No. 46 so as to allow the introduction of a Bill entitled "The Cayman-ian Protection (Amendment)(No.3) Law, 1977".

MR. PRESIDENT: The question is, that Standing Order 46 be suspended to allow us to proceed with this remaining Bill at today's sitting.

QUESTION PUT: AGREED. STANDING ORDER 46 SUSPENDED.

MR. PRESIDENT: Leave is accordingly given to introduce the Bill.

THE CAYMANIAN PROTECTION (AMENDMENT) (NO.2) LAW, 1977.

FIRST READING

CLERK: The Caymanian Protection (Amendment) (No.3) Law, 1977.

MR. PRESIDENT: The Bill be deemed to have been read a First Time and be set down for Second Reading.

SECOND READING

CLERK: The Caymanian Protection (Amendment) (No.3) Law, 1977.

HON. D.H. FOSTER: Mr. President, I move the Second Reading of a Bill entitled "The Caymanian Protection (Amendment) (No.3) Law, 1977".

Mr. President, this short amending Law seeks to clarify certain provisions of the principal Law and to grant a right of appeal from the declarations made by the Grand Court.

Mr. President, this Bill is short but it is very necessary that we should put this through at this stage otherwise we could have quite a number of problems in the future, and it's unfortunate necessary that we should have the support of everybody on this Bill, Sir.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE D. DONALDSON: Mr. President, while I agree with this Law - I should say in principle - this is exactly what I have been trying to say before, that any decision made there should be a higher Court to which we can take our complaints and have them aired. And when I so said in that last Bill that we had before me, what was not important, why do they not important? That's what I would like to know. In 1971 we passed that Law, and I will say very candidly and truthfully Sir, that we had certain differences at the Committee stage concerning this said Caymanian protection Law. We fought certain issues and as usual the vote was in the minority, and there were no appeals whatsoever.

Now, after the years we have found it necessary to take this step to amend the Law and take it to the Grand Court. Now, I mean to say, it's no doubt in my mind as to the reason, and I am very sure the public will know the reason. And I feel that Court is a final one that does not work both ways, and one of these days we might find ourselves that we wish we hadn't made this amendment. While I agree that there are certain laws that need amending - as I've heard the Honourable very old man from East End - and I do not mean Warren Conolly - and, many many years ago, long before I was in the House that before the ink dries on the laws that are passed they have to be amended.

Now, this Law have borne the wage of time and has worked up to this date, and now just one incident has arose this; and while I agree that we need to be very cautious and careful with all our Laws I feel that those Laws should be unquestionable, and while I agree with it in principle like I've said, I most heartedly disagree that in all cases all persons injured or otherwise should have the avenues of they have the money to take any complaint which they have it to Stipendiary Court, from there to the Grand Court and if necessary to the Jamaica Court of Appeal. Last Thursday I think it was or Wednesday I had to appear before the Court on a certain matter in Chambers, and while we were waiting there some people were all against the Jamaica Court of Appeal, one gentleman was on for me to say, "You're going on with the Constitution just to get Jamaica Court of Appeal taken out of it". Another gentleman who was there said, "If you want justice you'll get it from the Jamaica Court of Appeal, as I have proven in many years of my life".

Well, I feel, Sir, that while I agree as I've said, in principle to this Law I further disagree that all Laws should not have the same concession. Thank you.

HON. TRUMAN M. BODDEN: Mr. President, this Law is one which seeks to clear up an area of the law which the Court of Appeal has muddied on two occasions, Sir. The first of those that I wanted to deal with in that case in

SEN. EDWARD M. DORSETT CONTINUING: the Court of Appeal they were both in relation to the James David McDonald case, two of the Judges, the President and another Judge, Mr. Smith and Mr. Ethan gave a majority decision and Mr. Graham Perkins dissented, and in the number 2 case, on this specific point of law Mr. Ethan and Mr. Darby were of a majority though not on the fact, and Mr. Graham Perkins dissented on that point of law.

There have been diverse decisions, Mr. President, from the Grand Court from time to time and what is now sought Sir, is to, once and for all attempt to make certain and stable the law in this very important area and to do so by rectifying the Law in that - should apply so that decisions made hereafter the Grand Court would have no doubt as to what the specific law was.

And the other matter, Mr. President, is that at present this section relating to appeals has been lifted or in fact the whole Law came out of this previously law, and so that law the appeals go to the Governor in Council, and it was put in here without the right of appeal at all into a Court. And by the way of passing and with respect to what the Member for George Town has mentioned, this type of act in the United Kingdom under the British Nationality Acts as far as I can remember is regarded as an executive one; questions of immigration, deportation and ancillary matters. It is not going to affect the declarations which have already been made, those rights that have been vested, but it will make clear once and for all an area of Law which has been in and out of the Grand Court and Court of Appeal so many times that the books of decisions are now getting quite enormous, they are quite heavy.

The Law as I understood it to have been passed in 1972, and as I think has been borne out informally by the Member who was here when it was passed, was that Section 15 should be a reconciliatory section to save the provisions under the old Immigration Law, and it should not be one in which a person who was here to say, a day or two months or a year - could just come in, and because he intended to live here he would become a Caymanian as of right and be given all of the rights which go with that as if he were born a Caymanian. I think, Sir, that we recently have gone that far except occasionally in the situation where a person is without a nationality or without a country - no, I mean in the case of refugees, to make the Law so simple that if a person just came to the Island for a short period of time, few days, couple of months, that because he says, "I intend to live here, I intend to make my home here" immediately as of right and automatically he is endowed with in this instance a status or as it is dealt with abroad a nationality. This is really only going to do what was understood at least in the minds of some of the first instance Courts, and once and for all put beyond doubt that if a person is claiming to be domicile here that he should have been domicile for the purposes of section 15 (a) and (b) of the old Law or section 16 (1) (a) and (b) of the revised Law, to have been domiciled in accordance with the section 2(1) of the Immigration Restriction British Subjects, and in that case there must be residence for two years and that residence must be without a condition and it must not be temporary.

In relation to the Appeal, this as I mentioned in other Laws is normally into - in fact in Bermuda I think it's into the Chief Secretary or the Colonial Secretary or he is called there, and in that case there is the appeal into the Executive Council, so there are normally appeals up to the Governor. All we are doing here is to extend the appeal up the Courts to higher Courts so that a first instance decision is not in itself final and binding, and the appeal Sir, will extend to for declarations made after - today and after and will not affect those declarations made before.

Mr. President, this was like all nationality laws, it is a difficult one, it always causes problems from the interpretation point of view, and I believe that this would help to clarify that. I want to make very clear that the - at least my approach to Immigration has always been that we are happy and we will carefully and cautiously admit persons to the Islands either on permits or grant them nationality if it is in interest of the country, and that we should do substantially the weeding out on the entry in rather than attempting to correct this at a later stage. And this

HON. SIVAKAR M. BODDEN CONTINUED: has been borne out by the policies of attempting to clear off the applications for status which had backed up some fifteen or sixteen years under the old quota, and with the granting now of the longer work permit I believe will add that stability.

I am all for seeing people coming in, but I am very against seeing anybody if they attempt to come in through loose areas or loopholes never of the law. And it is mainly, Mr. President, to clarify this one area that I support this Law and I would hope that the Members will also support this. Thank you.

MR. PRESIDENT: If there are not other speakers would the Honourable mover wish to reply? I'll put the question that a Bill entitled "The Caymanian Protection (Amendment) (No.3) Law, 1977" be read the Second Time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think it's just time before half past four when I'm willing to interrupt business to take the committee stage. The Assembly will move into committee.

THE CAYMANIAN PROTECTION (AMENDMENT) (NO.3) LAW, 1977.

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. THE TITLE PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. SECTION 16 AMENDED.

QUESTION PROPOSED:

HON. ANNIE R. BODDEN: Mr. Chairman, I am going to say that in the last part, "and in relation to any declaration made after the 6th day of December, 1977" I thought the word "both" the applicant and the Crown might have a right of appeal therefrom". ..... (INAUDIBLE) .....

HON. T.M. FOSTER: No objection, Sir.

MR. CHAIRMAN: Insert the word "both" after "1977". I'll put the question that Clause 4 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE CAYMANIAN PROTECTION LAW, 1971 AND THE CAYMANIAN PROTECTION LAW (REVISED).

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. Chairman, could I just ask to delete "The Caymanian Protection Law, 1971 and" - seems to have been a repetition.

MR. CHAIRMAN: The Title would now read "A Law to amend the Caymanian Protection Law (Revised)". I'll put the question, the Title as amended.

QUESTION PUT: AGREED. THE TITLE PASSED AS AMENDED.

MR. CHAIRMAN: Now concludes proceedings in committee on this Bill. The Assembly will now resume.

HOUSE RESUMED

THE CAYMANIAN PROTECTION (AMENDMENT) (NO. 8) LAW, 1977

REPORT STAGE

HON. D.H. FOSTER: Mr. President, I have to report that a Bill entitled "The Caymanian Protection (Amendment) (No.3) Law, 1977" was considered by a committee of the whole House and passed with the following amendments:- In the Title the words "The Caymanian Protection Law, 1971 and" to be deleted, and in Section 4 a colon(:) after the word "revised" in the second line and the word "provided" substituted for "made" and the words "in this subsection" added between the words "nothing" and "shall"; and in subsection (4) after the "1977" the word "both" added.

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

SUSPENSION OF STANDING ORDER 47

HON. D.H. FOSTER: Mr. President, I move the suspension of Standing Order 47 to allow this Bill to be given a Third Reading and passed at this sitting and, Sir.

MR. PRESIDENT: The question is, that the Standing Order requiring to one having / three stages of a Bill in one day be suspended to allow the Third Reading to be taken now.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

HON. D.H. FOSTER: Mr. President, I move that a Bill entitled "The Caymanian Protection (Amendment) (No.3) Law, 1977" be given a Third Reading and passed.

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

MR. PRESIDENT: That concludes proceedings on the Bills. As there is only one small item remaining, which is a motion standing in the name of the Honourable Member for Tourism, Aviation and Trade I'll proposed to suspend the discussion which I'm permitted under Standing Order 10 to defer the moment

MR. PRESIDENT CONTINUING: of interruption to allow us to complete business before the House rises.

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

The motion has been circulated, and it is asking that the membership of the Liquor Licensing Board for Sister Islands remain as it was for the past year with the three members from the Legislative Assembly, Mr. Craddock Ebanks who will be Deputy Chairman, Miss Annie M. Bodden and Mr. Gaston Smith. On the Liquor Licensing Board for the Islands the District Commissioner Mr. Carlos Watson is provided for in the Law, and the Law calls for the Legislature to name two other members; and I am proposing a little bit of a change in what has been circulated, and that the name of Capt. Charles D. McKeownall" will be deleted and in place of that will be "Mr. Dillon McKeownall", and the other member being Capt. Keith M. Tibbetts, Legislative Assembly Member.

MR. PRESIDENT: Well, the motion is as circulated with these two amendments of membership for the Lesser Islands. The motion is open for debate.

MISS ANNIE M. BODDEN: Mr. President, I had wanted never to go back on the Liquor Licensing Board, but I suppose I shall try my best to see if I can endure it. But, Mr. President, as far as I know you have the authority to nominate a member to sit at these meetings. Well, I would say, for the past year that the members who have been elected by this House has carried on - that member, if there was a nomination has never attended to any meetings that I am aware of, and it makes it sometimes rather difficult, Sir.

QUESTION PUT: AGREED, GOVERNMENT MOTION NO. 18 AS AMENDED WAS PASSED.

MR. PRESIDENT: That completes today's business.

ADJOURNMENT

MOVED BY: HON. J.H. FOSTER

QUESTION PROPOSED. DEBATE ENSUED.

MISS ANNIE M. BODDEN: Mr. President, before we adjourn this meeting, I suppose it will be the last one for this year 1977, I would like to wish for you Sir, a very pleasant holiday season as well as that of your family. And I feel, Sir, that we have ended I would say, one year of serving in this House and we have not done too badly, the only thing is, I feel that more unity could prevail in as much as sometimes things get rather oppressive in this House.

I feel if we are to work together for the good of the Cayman Islands that we should follow the good old rule "Peace on earth good will towards man" but if we do not have that good will towards each other our labour here is in vain. I am imploring the Members, for God's sake in this most solemn year of our lives and season that we try to understand each other, get bitterness and hatred and malice out of our Constitution and don't take it a delight to insult the other brethren, Let us all work together in harmony for the good of the Cayman Islands. We are not here to serve self, we are here to do what good we can to make our Islands a better place, a place where we can live in peace and good will. Thank you, Sir.

HON. V.G. JAMES: Mr. President, I would like to take this opportunity to express my gratitude and grateful thanks to all Members of this Honourable House for their cooperation and their guidance to me in conducting the business of this Budget Session.

We have, Mr. President, dealt with the country's largest budget on this occasion, and I would say, that it's a Budget that did not include any large projects therefore the Session could by no means be looked upon as a less important session than any other budget Session. It was important, the expenditure was big and therefore it drew very keen attention by all Members

HON. V.G. JOHNSON CONTINUING: in dealing with the business.

I would say that the members interest was at all times quite sensitive and reassuring, and because of their close co-operation the business of the Session ended much earlier than in the past Budget Sessions, and for this I am very grateful to all Members. I would like also, Mr. President, to extend to both you, your wife and family and to all Members of the Legislative Assembly, very best wishes for the coming season.

HON. THOMAS M. KOUNEY: Mr. President, I'm going to be a good politician and be brief. On behalf of the Elected Members I want to wish yourself and your family and all the other Members and the Clerk, and everyone's family a very merry Christmas and a prosperous new year, Sir. Thank you.

MR. SPEAKER: Before I put the question, I'd simply like to congratulate first of all the Financial Secretary for piloting yet another Budget through the House and without his expertise I think we would find it much more difficult. I would also like to express my thanks to the Honourable Chief Secretary for the services which he has rendered during my absence on leave, and congratulate him too on presiding over the House with such dignity at the beginning of this Session.

I'll take the opportunity too to thank the Clerk and her staff for their attention to the House during the year, and I also reciprocate the Christmas wishes which have been extended to myself and my family and wish the same for you and your families for Christmas '77 and for 1978.

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 4:40 P.M. SINE DIE.

MR. SPEAKER: The Assembly stands adjourned, sine die, which probably means our next meeting about to begin during March. The Clerk has drawn attention to one thing and that is that the business of the House after this meeting is nullified, in other words if we have a Select Committee it won't be able to report back to the House unless we have another short meeting before prorogation. So, what I'll propound is that the Select Committee appointed this morning goes ahead as usual with its business and the day before the House is prorogued we take a very short meeting which probably only - the meeting may only last for an hour simply to report the Select Committee's business back to the House, after that the proceedings will then carry on in the new Session.

HON. THOMAS M. KOUNEY: Mr. President, I'd just like to mention that I also have one Select Committee as well, and I'll do the same with that at the same time Sir.

MR. PRESIDENT: Well, the Assembly is now adjourned.